



# **SNS COLLEGE OF ENGINEERING**

Kurumbapalayam (Po), Coimbatore – 641 107

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## **DEPARTMENT OF ARTIFICIAL INTELLIGENCE AND DATA SCIENCE**

**COURSE NAME : 23MCT002 INDIAN CONSTITUTION**

**I YEAR /II SEMESTER**

**Unit I – CONSTITUTION FRAMEWORK**

**Topic : Fundamental Duties**

**SNSCE/ AI&DS/ AP / Dr . N. ABIRAMI**



# FUNDAMENTAL DUTIES



- The original constitution did not provide for the fundamental duties of the citizens.
- Fundamental Duties were added to our Constitution by the 42nd Amendment Act of 1976 on the recommendation of the Swaran Singh Committee.
- It lays down a list of ten Fundamental Duties for all citizens of India.
- Later, the 86th Constitutional Amendment Act of 2002 added one more fundamental duty.



# FUNDAMENTAL DUTIES



- Later, the 86th Constitutional Amendment Act of 2002 added one more fundamental duty.
- While the rights are given as guarantees to the people, the duties are obligations that every citizen is expected to perform.
- However, like the Directive Principles of State Policy, the duties are also non-justiciable in nature.
- There is a total of 11 Fundamental duties altogether.



# INDIAN SECULARISM



- The Constitution of India stands for a secular state.
- Hence, it does not uphold any particular religion as the official religion of the Indian State.
- The distinguishing features of a secular democracy contemplated by the Constitution of India are:



# INDIAN SECULARISM

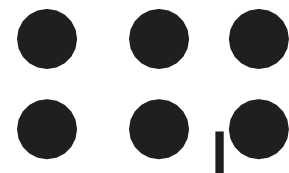


- The State will not identify itself with or be controlled by any religion.
- While the State guarantees to everyone the right to profess whatever religion one chooses to follow (which includes also the right to be an antagonist or an atheist), it will not accord preferential treatment to any of them.
- No discrimination will be shown by the State against any person on account of his religion or faith.



# INDIAN SECULARISM

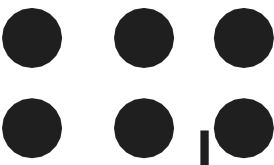
•The right of every citizen, subject to any general condition, to enter any office under the state will be equal to that of the fellow citizens. Political equality which entitles any Indian citizen to seek the highest office under the State is the heart and soul of secularism as envisaged by Constitution. The conception aims to establish a secular state. This does not mean that the State in India is anti-religious. The western concept of secularism connotes a complete separation between religion and the state (negative concept of secularism). But, the Indian constitution embodies the positive concept of secularism, i.e., giving equal respect to all religions or protecting all religions equally.





# INDIAN SECULARISM

Moreover, the Constitution has also abolished the old system of communal representation. However, it provides for the temporary reservation of seats for the scheduled castes and scheduled tribes to ensure adequate representation to them.





# UNIVERSAL ADULT FRANCHISE



- Indian democracy functions on the basis of 'one person one vote'.
- Every citizen of India who is 18 years of age or above is entitled to vote in the elections irrespective of caste, sex, race, religion or status.
- The Indian Constitution establishes political equality in India through the method of universal adult franchise.





# SINGLE CITIZENSHIP



- In a federal state usually, the citizens enjoy double citizenship as is the case in the USA.
- In India, there is only single citizenship.
- It means that every Indian is a citizen of India, irrespective of the place of his/her residence or place of birth.



# SINGLE CITIZENSHIP



- He/she is not a citizen of the Constituent State like Jharkhand, Uttaranchal or Chattisgarh to which he/she may belong but remains a citizen of India.
- All the citizens of India can secure employment anywhere in the country and enjoy all the rights equally in all the parts of India.
- The Constitution makers deliberately opted for single citizenship to eliminate regionalism and other disintegrating tendencies.
- Single citizenship has undoubtedly forged a sense of unity among the people of India.



# INDEPENDENT BODIES



- The Indian constitution not only provides for the legislative, executive and judicial organs of the government (Central and state) but also establishes certain independent bodies.
- They are envisaged by the Constitution as the bulwarks of the democratic system of Government in India.



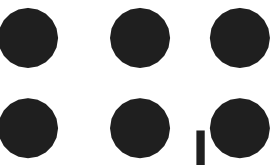
# INDEPENDENT BODIES



- The Constitution makers also foresaw that there could be situations when the government could not be run as in ordinary times.
- To cope with such situations, the Constitution elaborates on emergency provisions.
- There are three types of emergency.



# EMERGENCY PROVISIONS

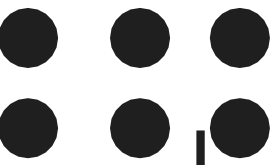


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# EMERGENCY PROVISIONS

- Emergency caused by war, external aggression or armed rebellion  
[Article 352]
- Emergency arising out of the failure of constitutional machinery in states  
[Article 356 & 365]
- Financial emergency [Article 360]. The rationality behind the incorporation of these provisions is to safeguard the sovereignty, unity, integrity and security of the country, the democratic political system and the Constitution. During an emergency, the central government becomes all-powerful and the states go into total control of the centre. This kind of transformation of the political system from federal (during normal times) to unitary (during emergency) is a unique feature of the Indian Constitution.





# THREE-TIER GOVERNMENT



- Originally, the Indian Constitution provided for a dual polity and contained provisions with regard to the organisation and powers of the Centre and the States.
- Later, the 73rd and 74th Constitutional Amendment Acts (1992) have added a third-tier of government (that is, Local Government), which is not found in any other Constitution of the world.
- The 73rd Amendment Act of 1992 gave constitutional recognition to the panchayats (rural local governments) by adding a new Part IX and a new schedule 11 to the Constitution.



# THREE-TIER GOVERNMENT



- Similarly, the 74th Amendment Act of 1992 gave constitutional recognition to the municipalities (urban local government) by adding a new Part IX-A and a new schedule 12 to the Constitution. 18. Co- operative Societies
- The 97th Constitutional Amendment Act of 2011 gave a constitutional status and protection of cooperative societies.
- In this context, it made the following three changes in the Constitution:





# THREE-TIER GOVERNMENT



- It made the right to form cooperative societies a fundamental right (Article 19).
- It included a new Directive Principles of State Policy on the promotion of cooperative societies (Article 43-B).
- It added a new Part IX-B in the Constitution which is entitled “The Cooperative Societies” [Articles 243-ZH to 243-ZT]. The new Part IX-B contains various provisions to ensure that the cooperative societies in the country function in a democratic, professional, autonomous and economically sound manner.



# THREE-TIER GOVERNMENT



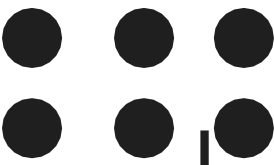
It empowers the Parliament in respect of multi-state cooperative societies and the state legislatures in respect of other cooperative societies to make the appropriate law. Philosophy of Constitution

- On January 22, 1947, the Constituent Assembly adopted the Objectives Resolution drafted by Jawaharlal Nehru. The Objectives Resolution contained the fundamental propositions of the Constitution and set forth the political ideas that should guide its deliberations. The main principles of the resolution were:
  - That India is to be an independent, sovereign republic.



# THREE-TIER GOVERNMENT

- That it is to be a democratic union with an equal level of self-government in all the constituent parts.
- That all power and the authority of the Union Government and governments of the constituent parts are derived from the people.
- That the constitution must strive to obtain and guarantee to the people justice-based upon social, economic and political equality, of opportunity and equality before the law.





# THREE-TIER GOVERNMENT



- That there should be freedom of thought, expression, belief, faith, worship, vocation, association and action;
- That the constitution must provide just rights for minorities, and people from backward and tribal areas, etc. so that they can be equal participants of social, economic and political justice; and
- To frame a constitution that should secure for India, a due place in the community of nations. . The philosophy of a Constitution consists of the ideals for which the constitution stands and the policies that the Constitution enjoins upon the rulers of the Community to follow.



# THREE-TIER GOVERNMENT

- The Constitution of India reflects the impact of our ideology in the following spheres: (i) Secularism: Secularism is the hallmark of the Indian Constitution. People professing different religions have the freedom of religious worship of their own choice. All religions have been treated alike. The fact appreciated in India was that all religions love humanity and uphold the truth. All the social reformers and political leaders of modern Indian have advocated religious tolerance, religious freedom and equal respect for all religions.

