



Study notes for Polity topic Fundamental Rights and Duties, DPSPs

Today, we will talk about Fundamental rights, fundamental duties and Directive Principles of State policy(DPSPs). Let's study then.

Firstly, fundamental rights are guaranteed to all persons without discrimination. They uphold the equality of all individuals, the dignity of individuals, the larger public interest and unity of nation. It is one of the most important topics, questions from which are asked every year or the other. Originally, the constitution provided for sever Fundamental rights, viz.

1. **Right to equality (Articles 14 – 18)**
2. **Right to freedom (Articles 19 – 22)**
3. **Right Against Exploitation (Articles 20 – 24)**
4. **Right to freedom of Religion (Articles 25 – 28)**
5. **Cultural and Educational rights (Articles 29 – 30)**
6. **Right to Constitutional Remedies (Article 32)**

However, the **right to property was deleted** from the list of Fundamental Rights by the 44th Amendment Act, 1978. It is made a legal right under Article 300-A in Part XII of the Constitution. The following table lists out the fundamental rights comprehensively:

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Category	Consists of
Right to Equality (Articles 14– 18)	<ol style="list-style-type: none"> Equality before law and equal protection of law (Article 14) Prohibition on discrimination on grounds of religion, race, caste, sex or place of birth (Article 15) Equality of Opportunity in matters of public employment (Article 16) Abolition of Untouchability and prohibition of its practice (Article 17) Abolition of titles except military and academic (Article 18)
Right to Freedom (Articles(19 – 22)	<ol style="list-style-type: none"> Protection of six rights regarding freedom of: (Article 19) <ul style="list-style-type: none"> Speech and expression Assembly Association Movement Residence Profession Protection in respect of conviction for offences (Article 20) Protection of life and personal liberty (Article 21) Right to elementary education (Article 21A) Protection against arrest and detention in certain cases (Article 22)
Right against exploitation (Articles 23 - 24)	<ol style="list-style-type: none"> Prohibition of traffic in human beings and forced labour (Article 23) Prohibition of employment of children in factories (Article 24)
Right to freedom of Religion (Articles 25 – 28)	<ol style="list-style-type: none"> Freedom of conscience, free profession, practice and propagation of religion (Article 25) Freedom to manage religious affairs (Article 26) Freedom from payment of taxes for promotion of any religion (Article 27) Freedom from attending religious instruction or worship in certain educational institutions (Article 28)
Cultural and Educational Rights (Articles 29,30)	<ol style="list-style-type: none"> Protection of language, script and culture of minorities (Article 29) Right of minorities to establish and administer educational institutions (Article 30)
	a) Right to move Supreme Court for the enforcement of Fundamental

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Further, certain fundamental rights are available to all people irrespective of their citizenship and there are certain others available only to citizens of India. Fundamental Rights available just to the citizens of India are: Articles 15, 16, 19, 29 and 30. Provisions for reservation in educational institutions for EWS and OBC categories are present in Article 15 whereas provisions for reservation in public employment in Article 16.

Fundamental duties

The Government is planning to assign its different Ministries with the task of spreading awareness about Fundamental duties among people. The idea of Fundamental Duties is inspired from the Constitution of Russia. These were incorporated in Part IV-A of the Constitution by the 42nd Constitutional Amendment Act, 1976 on the recommendations of the **Swaran Singh Committee**. As per the first amendment done in 1976 they were 10 in number, one more duty was added through the 86th Constitutional Amendment Act, 2002. All the eleven duties are listed in Article 51-A of the Constitution (the sole Article in Part-IV-A).

The fundamental duties serve as a reminder to citizens that while enjoying their rights, they have also to be quite conscious of duties they owe to their country, their society and to their fellow-citizens. However, like the Directive Principles, the duties are also **non-justiciable** in nature.

The following is the list of fundamental duties:

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 that inspired the 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 and to renounce practices derogatory to the dignity of women;
6. To value and preserve the rich heritage of the country's composite culture;
7. To protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures; To develop scientific temper, humanism and the spirit of inquiry and reform;
8. To safeguard public property and to abjure violence;
9. 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; and
10. To provide opportunities for education to his child or ward between the age of six and fourteen years (added by the 86th Constitutional Amendment Act, 2002).

Directive Principles of State Policy

DPSPs consists of all the ideals which the State should follow and keep in mind while formulating policies and enacting laws for the country. It is derived from the Irish Constitution and articles 36 – 51 contain the provisions related to Directive Principles of State Policy. They too are non-justiciable like fundamental duties. The Directive Principles are classified on the basis of their ideological source and objectives. These are **Directive Principles based on Socialistic**

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Article 38: The State shall strive to promote the welfare of the people by securing and protecting a social order by ensuring social, economic and political justice and by minimising inequalities in income, status, facilities and opportunities

Articles 39: The State shall in particular, direct its policies towards securing:

1. Right to an adequate means of livelihood to all the citizens.
2. The ownership and control of material resources shall be organised in a manner to serve the common good.
3. The State shall avoid concentration of wealth in a few hands.
4. Equal pay for equal work for both men and women.
5. The protection of the strength and health of the workers.
6. Childhood and youth shall not be exploited.

Article 41: To secure the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disability.

Article 42: The State shall make provisions for securing just and humane conditions of work and for maternity relief.

Article 43: The State shall endeavour to secure to all workers a living wage and a decent standard of life. **Article 43A:** The State shall take steps to secure the participation of workers in the management of industries.

Article 47: To raise the level of nutrition and the standard of living of people and to improve public health.

Directives based on Gandhian Principles:

Article 40: The State shall take steps to organise village panchayats as units of Self Government

Article 43: The State shall endeavour to promote cottage industries on an individual or cooperative basis in rural areas.

Article 43B: To promote voluntary formation, autonomous functioning, democratic control and professional management of cooperative societies.

Article 46: The State shall promote educational and economic interests of the weaker sections of the people particularly that of the Scheduled Castes (SCs), Scheduled Tribes (STs) and other weaker sections.

Article 47: The State shall take steps to improve public health and prohibit consumption of intoxicating drinks and drugs that are injurious to health.

Article 48: To prohibit the slaughter of cows, calves and other milch and draught cattle and to improve their breeds.

Directives based on Liberal-Intellectual Principles:

Article 44: The State shall endeavour to secure for the citizen a Uniform Civil Code through the territory of India.

Article 45: To provide early childhood care and education for all children until they complete the age of six years.



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Article 48: To organise agriculture and animal husbandry on modern and scientific lines.

Article 48A: To protect and improve the environment and to safeguard the forests and wildlife of the country.

Article 49: The State shall protect every monument or place of artistic or historic interest.

Article 50: The State shall take steps to separate judiciary from the executive in the public services of the State.

Article 51: It declares that to establish international peace and security the State shall endeavour to: a) Maintain just and honourable relations with the nations b) Foster respect for international law and treaty obligations Encourage settlement of international disputes by arbitration.

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