UNIT 13  INDIAN CONSTITUTION AND DEMOCRATIC POLITICS

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13.1 INTRODUCTION

You must have read about the Indian constitution. This unit will acquaint you with details about the Constitution of India along with the fundamental rights, duties and directive principles as enshrined in it. The Part III of the Indian Constitution provides six fundamental rights which are guaranteed to all Indian citizens. These rights are basic in the sense that without these, no one can live in a democratic manner. Democracy cannot work if the people do not have these rights. By providing fundamental rights and remedies against their infringement, the Constitution of India prevents the government from becoming despotic. In addition, this unit will introduce you to fundamental duties. These duties are enshrined in Part IV of the Constitution. These are some responsibilities or obligations of the citizens to perform for peace and prosperity of our country. It is very important that we need to be aware not only of our rights but also our duties so as to achieve the goals of national development. The teacher has a crucial and vital role in this context. As a prospective teacher, you must know and understand the ways and means of acquainting the school students with the essential components and dimensions of the Indian Constitution. The present unit will throw light on different teaching-learning strategies, activities and assessment procedures that can be implemented for making students aware of the Indian Constitution and its various aspects.

13.2 OBJECTIVES

After going through this unit, you will be able to:

• explain the values enshrined in the Indian Constitution;
• classify Directive Principles of State Policy mentioned in the Indian Constitution;
• describe Fundamental Rights guaranteed by the Indian Constitution;
• differentiate between Fundamental Rights and Directive Principles
• enumerate fundamental duties as enlisted in the Indian Constitution;
• formulate learning objectives for the contents of the unit;
• organize suitable teaching-learning activities to teach the contents; and
• prepare assessment questions to evaluate students’ performance.

13.3 THE INDIAN CONSTITUTION

The document containing laws and rules which determine and describe the form of the government, the relationship between the citizens and the government, is called a Constitution. A constitution is the basic fundamental law of a State. It lays down the objectives of the State which it has to achieve. It also provides for the constitutional framework that is, various structures and organs of the governments at different levels. In addition, it describes the rights and duties of the citizens. It is, therefore, considered to be the basis for the governance of the country both in terms of goals and objectives as also their structures and functions.

The Constitution of India is a historic socio-legal document embracing the aspirations of the people belonging to a multifaceted heterogeneous society. The Indian Constitution’s commitment to structures informed by justice, liberty and dignity of the individual are reflected in the Preamble. The Preamble says:

“WE, THE PEOPLE OF INDIA, have solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens: JUSTICE, social, economic and political; LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and of opportunity; and to promote among them all FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation; IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HERE BY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.”

The Preamble, in brief, explains the objectives of the Constitution in two ways: one, about the structure of the governance and the other, about the ideals to be achieved in independent India. It is because of this, the Preamble is considered to be the key of the Constitution.

13.3.1 Values Enshrined in Indian Constitution: The Vision

The Constitution of any country serves several purposes. It lays down certain ideals that form the basis of the kind of society that we aspire to live in. A country is usually made up of different communities of people who share certain beliefs, but may not necessarily agree on all issues. A Constitution helps serve as a set of principles, rules and procedures on which there is a consensus. These form the basis according to which the people want the country to be governed and the society to move on. This includes not only an agreement on the type of government but also on certain ideals that the country should uphold. The Indian Constitution has certain core values that constitute its spirit and are expressed in various articles and provisions. The vision of the Indian Constitution is clearly reflected in its Preamble. This vision reflects the values enshrined in our Indian
Constitution. But do you know what is the meaning of the word, ‘value’? You may immediately say that truth, non-violence, peace, cooperation, honesty, respect and kindness are values, and you may continue to count many such values. In fact, in a layman’s understanding, value is that which is very essential or ‘worth having and observing’ for the existence of human society as an entity. The Indian Constitution contains all such values, the values that are the universal, human and democratic. The values expressed in the Preamble are expressed as objectives of the Constitution. These are: sovereignty, socialism, secularism, democracy, republican character of Indian State, justice, equity, liberty, equality, fraternity, human dignity and the unity and integrity of the nation. A brief description of the values enshrined in our Constitution is provided here:

i) **Sovereignty:** As we saw, the Preamble declares India “a sovereign socialist secular democratic republic”. Being sovereign means having complete political freedom and being the supreme authority. It implies that India is internally all powerful and externally free. It is free to determine for itself without any external interference (either by any country or individual) and nobody is there within to challenge its authority. This feature of sovereignty gives us the dignity of existence as a nation in the international community. Though the Constitution does not specify where the sovereign authority lies but a mention of ‘We the People of India’ in the Preamble clearly indicates that sovereignty rests with the people of India. This means that the constitutional authorities and organs of government derive their power only from the people.

ii) **Socialism:** The word socialist was not there in the Preamble of the Constitution in its original form. In 1976, the 42nd Amendment to the Constitution incorporated ‘Socialist’ and ‘Secular’, in the Preamble. The word ‘Socialism’ had been used in the context of economic planning. It signifies major role in the economy. It also means commitment to attain ideals like removal of inequalities, provision of minimum basic necessities to all, equal pay for equal work.

iii) **Secularism:** In the context of secularism in India, it is said that ‘India is neither religious, nor irreligious nor anti-religious.’ Now what does this imply? It implies that in India there will be no ‘State’ religion – the ‘State’ will not support any particular religion out of public funds. This has two implications, a) every individual is free to believe in, and practice, any religion he/she belongs to, and, b) State will not discriminate against any individual or group on the basis of religion.

iv) **Democratic Republic:** The Preamble reflects democracy as a value. As a form of government, it derives its authority from the will of the people. The people elect the rulers of the country and the elected representatives remain accountable to the people. The people of India elect them to be part of the government at different levels by a system of universal adult franchise, popularly known as ‘one man one vote’. Democracy contributes to stability, continuous progress in the society and it secures peaceful political change. It allows dissent and encourages tolerance. And more importantly, it is based on the principles of rule of law, inalienable rights of citizens, independence of judiciary, free and fair elections and freedom of the press. Democracy is generally known as government of the people, by the people and for the
people. The Preamble also declares India as a Republic. It means that the head of the State is elected and he/she is not a hereditary ruler as in case of the British Monarch. This value strengthens and substantiates democracy where every citizen of India is equally eligible to be elected as the Head of the State. Political equality is the chief message of this provision.

v) **Justice:** Justice promises to give people what they are entitled to in terms of basic rights to food, clothing, housing, participation in the decision making and living with dignity as human beings. The Preamble covers all these dimensions of justice – social, economic and political. “Social justice” has been defined in a variety of ways. Amongst them, they incorporate concepts of basic rights, the realisation of human potential, social benefit, an equitable distribution of resources, equal opportunities and obligations, security, and freedom from discrimination. Social justice means equal rights for all, regardless of gender, race, class, ethnicity, citizenship, religion, age or sexual orientation. It implies equal rights for women and girls in workplaces, homes and public life. It implies economic justice – which means governments must take active steps to alleviate poverty and redress past injustices. Economic justice really forms a part of social justice. It seeks the equitable distribution of natural and intellectual wealth so that everyone is able to gain a fair share.

vi) **Equity:** Equity derives its spirit from the concept of social justice. It represents a belief that there are some things which people should have, that there are basic needs that should be fulfilled, that burdens and rewards should not be spread too divergently across the community, and that policy should be directed with impartiality, fairness and justice towards these ends. It is generally agreed that equity implies a need for fairness (not necessarily equality) in the distribution of gains and losses, and the entitlement of everyone to an acceptable quality and standard of living. The Universal Declaration of Human Rights, 1948 states that the ‘recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world’. Social equity refers to a set of standards which apply to our personal and social relationships with other individuals and/or groups. These standards consist of a bundle of rights and duties which apply to members of certain “deprived or disadvantaged sections” in society. These disadvantaged sections are defined by the Constitution and classified on the basis of caste, religion, creed, gender (sex), age and disability. These groups have been designated as deprived or disadvantaged because of certain injustices which have occurred against the members of these groups in the past and present. Social equity is the means used to help to redress these injuries. The term also covers the protection of certain fundamental rights which we all enjoy as citizens of a free society.

vii) **Equality:** Equality is considered to be the essence of modern democratic ideology. The Constitution makers placed the ideals of equality in a place of pride in the Preamble. All kinds of inequality based on the concept of rulers and the ruled or on the basis of caste and gender, were to be eliminated. All citizens of India should be treated equally and extended equal protection of law without any discrimination based on caste, creed, birth, religion, sex etc. Similarly equality of opportunities implies that regardless of the socio-
economic situations into which one is born, he/she will have the same chance as everybody else to develop his/her talents and choose means of livelihood.

viii) Liberty: The Preamble prescribes liberty of thought, expression, belief, faith and worship as one of the core values. These have to be assured to every member of all the communities. It has been done so, because the ideals of democracy cannot be attained without the presence of certain minimal rights which are essential for a free and civilized existence of individuals. Though freedom from want has not been guaranteed in the fundamental rights, certain directives to the State have been mentioned in the Directive Principles.

ix) Fraternity: There is also a commitment made in the Preamble to promote the value of fraternity that stands for the spirit of common brotherhood among all the people of India. In the absence of fraternity, a plural society like India stands divided. Therefore, to give meaning to all the ideals like justice, liberty and equality, the Preamble lays great emphasis on fraternity. In fact, fraternity can be realized not only by abolishing untouchability amongst different sects of the community, but also by abolishing all communal or sectarian or even local discriminatory feelings which stand in the way of unity of India.

x) Dignity of the Individual: Promotion of fraternity is essential to realize the dignity of the individual. It is essential to secure the dignity of every individual without which democracy cannot function. It ensures equal participation of every individual in all the processes of democratic governance.

xi) Unity and Integrity of the Nation: As we have seen above, fraternity also promotes one of the critical values, i.e. unity and integrity of the nation. To maintain the independence of the country intact, the unity and integrity of the nation is very essential. Therefore, the stress has been given on fostering unity amongst all the inhabitants of the country. Our Constitution expects from all the citizens of India to uphold and protect the unity and integrity of India as a matter of duty.

xii) International Peace and a just International Order: The value of international peace and a just international order, though not included in the Preamble is reflected in other provisions of the Constitution. The Indian Constitution directs the state (a) to promote international peace and security, (b) maintain just and honourable relations between nations, (c) foster respect for international law and treaty obligations, and (d) encourage settlement of international disputes. To uphold and observe these values is in the interest of India. The peace and just international order will definitely contribute to the development of India.

xiii) Fundamental Duties: Our Constitution prescribes some duties to be performed by the citizens. It is true that these duties are not enforceable in the court of law like the fundamental rights are, but these duties are to be performed by citizens. Fundamental duties have still greater importance because these reflect certain basic values like patriotism, nationalism, humanism, environmentalism, harmonious living, gender equality, scientific temper and inquiry, and individual and collective excellence.
Check Your Progress

Notes:  a) Write your answers in the space given below.
      b) Compare your answers with those given at the end of this unit.

1) List down any five important values enshrined in Indian Constitution.

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2) The word ‘Socialist’ was not a part of the Preamble of Indian Constitution originally. True / False

13.4 DIRECTIVE PRINCIPLES

The Constitution of India aims to establish not only political democracy but also socio-economic justice to the people to establish a welfare state. With this purpose in mind, our Constitution lays down desirable principles and guidelines in Part IV. These provisions are known as the Directive Principles of State Policy. Though these principles are non-justiciable, they are fundamental in the governance of the country. The idea of Directive Principles of State policy has been taken from the Irish Republic. They were incorporated in our Constitution in order to provide economic justice and to avoid concentration of wealth in the hands of a few people. Therefore, no government can afford to ignore them. They are in fact, the directives to the future governments to incorporate them in the decisions and policies to be formulated by them.

13.4.1 Classification of Directive Principles

Directive principles of State policy have been grouped into four categories. These are: (a) the social and economic principles, (b) the Gandhian principles, (c) principles and policies relating to international peace and security and (d) miscellaneous.

A) The Social and Economic Principles

The state shall endeavour to achieve social and economic welfare of people by:

i) providing adequate means of livelihood for both men and women;

ii) reorganizing the economic system in a way to avoid concentration of wealth in a few hands;

iii) securing equal pay for equal work for both men and women;

iv) securing suitable employment and healthy working conditions for men, women and children;

v) guarding the children against exploitation and moral degradation;

vi) making effective provisions for securing the right to work, education
and public assistance in case of unemployment, old age, sickness and disablement;

vii) making provisions for securing just and humane conditions of work and for maternity relief;

viii) taking steps to secure the participation of workers in the management of undertakings, etc;

ix) promoting education and economic interests of working sections of the people especially the SCs and STs;

x) securing for all the workers reasonable leisure and cultural opportunities;

xi) making efforts to raise the standard of living and public health; and

xii) providing early childhood care and education to all children until they complete the age of 6 years.

B) The Gandhian Principles:

There are certain principles, based on the ideals advocated by Mahatma Gandhi. These principles are as follows:

i) To organize village panchayats.

ii) To promote cottage industries in rural areas.

iii) To prohibit intoxicating drinks and drugs that are injurious to health.

iv) To preserve and improve the breeds of the cattle and prohibit slaughter of cows, calves and other milk yielding animals.

C) Directive Principles relating to International Peace and Security:

India should render active cooperation for world peace and security by making endeavour to:

i) promote international peace and security.

ii) maintain just and honourable relations between nations.

iii) foster respect for international laws and treaty obligations.

iv) encourage settlements of international disputes by mutual agreement.

D) Miscellaneous Principles:

The Directive Principles in this category call upon the state to:

i) secure for all Indians a uniform civil code;

ii) protect historical monuments;

iii) save environment from pollution and protect wild life; and

iv) make arrangements for disbursement of free legal justice through suitable legislation.

Check Your Progress

Notes: a) Write your answers in the space given below.

b) Compare your answers with those given at the end of this unit.

3) What do you mean by Directive Principles of State Policy?
4) The Directive Principles are justiciable and can be implemented through law. True / False

13.5  FUNDAMENTAL RIGHTS

Every human being is entitled to enjoy certain rights which ensure good living. In a democracy, all citizens enjoy equal rights. The Constitution of India guarantees those rights in the form of fundamental rights. These rights ensure the fullest physical, mental and moral development of every citizen. They include those basic freedoms and conditions which alone can make life worth living. Fundamental rights generate a feeling of security amongst the minorities in the country. They establish the framework of ‘democratic legitimacy’ for the rule of the majority. No democracy can function in the absence of basic rights such as freedom of speech and expression. Fundamental rights provide standards of conduct, citizenship, justice and fair play. They serve as a check on the government. In our Constitution, fundamental rights are enumerated in Part III from Article 14 to 32. These rights are justiciable. Our Constitution does not permit the legislature and the executive to curb these rights either by law or by an executive order. The Supreme Court or the High Courts can set aside any law that is found to be infringing or abridging the fundamental rights. The fundamental rights though justiciable are not absolute. The Constitution empowers the government to impose certain restrictions on the enjoyment of our rights in the interest of public good. Seven fundamental rights were enshrined in the Constitution of India. However, the Right to Property was removed from the list of fundamental rights by the 44th amendment in the Constitution in the year 1976. Since then, it has been made a legal right. There are now six fundamental rights. The fundamental rights are:

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.

Recently, by the 86th Amendment Act, the Right to Education has been included in the list of fundamental rights as part of the Right to Freedom by adding Article 21(A).

1) Right to Equality

Right to Equality means that all citizens enjoy equal privileges and opportunities. It protects the citizens against any discrimination by the State on the basis of religion, caste, race, sex, or place of birth. It provides for
equality before law, end of discrimination, equality of opportunity, abolition of untouchability and abolition of titles. ‘Equality before law’ means that no person is above law and all are equal before law, every individual has equal access to the courts. However, the State is empowered to make special provisions for women, children and for the uplift of Scheduled Castes, Scheduled Tribes and other backward classes (OBC’s). The State can reserve seats for these categories in educational institutions, grant fee concessions or arrange special coaching classes. There shall be no discrimination on the basis of religion, race, caste, sex, place of birth or residence in matters relating to employment in public services. The Constitution abolishes untouchability and its practice in any form is forbidden. All titles national or foreign which create artificial distinctions in social status amongst the people have been abolished. This provision has been included in the Constitution to do away with the titles like ‘Rai Sahib’, ‘Rai Bahadur’ which were conferred by the British on a few Indians as a reward for their effective cooperation to the colonial regime. The practice of conferring titles like this is against the doctrine of equality before law. To recognize the meritorious service rendered by individual citizens to the country or mankind, the President of India can confer civil and military awards on those individuals for their services and achievements such as; Bharat Ratna, Padma Vibhushan, Padam Sri, Param Veer Chakra, Veer Chakra, etc., but these cannot be used as ‘titles’.

2) Right to Freedom:

Freedom is the basic characteristic of a true democracy. Our Constitution guarantees to the citizens of India a set of six freedoms described as the “Right to Freedom” - freedom of speech and expression, freedom to form associations, freedom to assemble peaceably without arms, freedom to move freely in India, freedom of residence in any part, and freedom of adopting any profession or trade or occupation. It ensures personal freedom and protection in respect of conviction for certain offences. The Constitution lays down that the freedom of life and liberty cannot be limited or denied except in accordance with the procedure established by law.

3) Right against Exploitation:

The people of India were exploited not only by the British but also by the money lenders and zamindars. This system was called forced labour. Right against exploitation prohibits all forms of forced labour as well as traffic in human beings. This fundamental right prohibits sale and purchase of human beings, forced labour (beggar) and employment of children in hazardous jobs and factories. The violation of this provision is an offence punishable under law. The state requires citizens’ services in times of major calamities such as floods, forest fire, foreign aggression etc.

4) Right to Freedom of Religion:

India is a multi-religious state. Besides Hindus, there are Muslims, Sikhs, Christians and many others residing in our country. The grant of this right involves the freedom of conscience, religion and the right to practice and propagate any religion.. Any person can follow any religion. It gives to all religions freedom to establish and maintain their religious institutions. Each religious group is also free to purchase and manage its movable and immovable property in accordance with law, for the propagation of its
religion. No person can be compelled to pay any tax for the propagation of any religion. Our Constitution lays down that no religious education can be imparted in any educational institution which is wholly maintained out of the state funds. This restriction does not apply to those educational institutions which are not wholly maintained out of State funds. But, even in those institutions, no child can be compelled to receive religious instructions against his /her wishes. Right to freedom of religion is not absolute. It can be restricted on the grounds of public order, morality and health. The state shall not impose restrictions arbitrarily.

5) Cultural and Educational Rights

India is a vast country with diversity of culture, script and languages. People take pride in their own language and culture. Our Constitution guarantees the rights of the minorities to maintain and develop their cultures and languages. It also confers upon them the right to establish, maintain and administer their educational institutions. It also provides that the state shall not discriminate against any educational institution while granting financial aid on the grounds that it is being run by a minority community. These rights ensure that minorities will be given assistance by the state in the preservation of their language and culture. The ideal before the state is to preserve and propagate the composite culture of the country.

6) Right to Constitutional Remedies

This fundamental right is the soul of the entire Bill of Rights. After reading about all the fundamental rights, a question may arise in your mind: what can an individual do if one or more of his or her fundamental rights are encroached upon by the State? Part III of our Constitution provides for legal remedies for the protection of these rights against their violation by the State or other institutions/individuals. This is called the Right to Constitutional Remedies stipulated in Article 32. It provides for the enforcement and protection of fundamental rights by the courts. Since Fundamental Rights are justiciable, they are just like guarantees. They are enforceable, as every individual has the right to seek the help from courts, if they are violated. It empowers the Supreme Court and High Courts to issue writs for the enforcement of these rights.

7) Right to Education

By the 86th Amendment of the Constitution, a new article 21A has been added after Article 21. By this Amendment Act, Right of Children to Free and Compulsory Education Act (2009), popularly known as Right to Education Act has been made a fundamental right and has been deleted from the list of Directive Principles of State Policy. According to it, “The State shall provide free and compulsory education to all children of the age of six to fourteen in such a manner as the State may by law determine”. It further states that it is the responsibility of the parent or guardian to provide opportunities for education to their child or ward between the age of six to fourteen years. It is a major step forward in making the country free of illiteracy. But this addition remained meaningless, as it could not be enforced until 2009 when the Parliament passed the Right to Education Act, 2009. It is this Act which aims at ensuring that every child who is between 6-14 years of age and is out of the school goes to school and receives quality education, that is his/her right.
13.5.1 Restrictions on Fundamental Rights

Though the Constitution of India guarantees all these fundamental rights for the citizens, yet there are some limitations and exceptions of these rights also. A citizen cannot enjoy fundamental rights absolutely or at will. Citizens can enjoy their rights within some Constitutional limitations. The Constitution of India imposes some reasonable restrictions upon enjoyment of these rights so that public order, morality and health remain intact. The Constitution always aims at restoration of collective interest along with individual interest. For example, right to religion is subject to restrictions imposed by the state in the interest of public order, morality and health so that the freedom of religion may not be abused to commit crimes or anti-social activities. Therefore, our Constitution also empowered the state to impose reasonable restrictions as may be necessary in the larger interest of the community.

1) Restrictions may be put on the Right to Freedom of speech and expression in the interests of the sovereignty, integrity and security of India, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.

2) Right to assemble peacefully and without arms may be restricted in the interests of the sovereignty and integrity of India or public order.

3) Right to form associations or unions may have restrictions in the interests of the sovereignty and integrity of India, public order or morality.

4) Right to move freely throughout the territory of India and to reside and settle in any part of India may also be restricted in the interest of the general public or for the protection of the interests of any Scheduled Tribe.

5) Right to practice any profession or to carry on any occupation, trade or business may have restrictions in the interests of the general public. The State is also permitted to lay down the professional or technical qualifications necessary for practicing any profession or carrying on any occupation, trade or business.

13.5.2 Difference between Fundamental Rights and Directive Principles

The fundamental rights are claims of the citizens recognized by the state. They are in the nature of denial of certain authority to the government. They are, therefore, negative in nature. The directive principles are like positive directions that the government at all levels must follow to contribute to the establishment of social and economic democracy in India. Another point of difference as mentioned earlier is that while the fundamental rights are justiciable and are enforceable by the court of law, the Directive Principles are non-justiciable. However, this should not lead us to conclude that the Directive Principles are inferior or subordinate to the fundamental rights.

In spite of these differences, there is a close relationship between the fundamental rights and directive principles. Both of these complement and supplement each other. Whereas the fundamental rights establish political democracy, the directive principles establish economic and social democracy. No government can afford to ignore them while formulating its plans and policies as it is responsible for all its actions to the people in general.
Check Your Progress

Notes: a) Write your answers in the space given below.
      b) Compare your answers with those given at the end of this unit.

5) How many fundamental rights are there in the Indian Constitution?
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6) The fundamental rights are absolute in nature. True / False
7) The fundamental rights are enlisted in Article 14 to 32 in our Constitution. True / False
8) Right to Education came into force in 2009. True / False

13.6  FUNDAMENTAL DUTIES

It is a well-established saying that rights have significance only when enjoyed in consonance with the duties. Rights and duties are two sides of a coin. There are no rights without duties, no duties without rights. In fact, rights are born in a world of duties. While the rights are given as guarantees to the people, the duties are obligations which every citizen is expected to perform. The original Constitution enforced in 1950, did not mention fundamental duties of the citizens. It was hoped that citizens would perform their duties willingly. But, 42nd Amendment to the Constitution added the following list of 10 duties in Chapter IV under Article 51A of the Constitution.

i) To abide by the Constitution and respect our National Flag and National Anthem.

ii) To follow the noble ideals that inspired our national freedom movement.

iii) To protect the unity and integrity of India.

iv) To defend the country when the need arises.

v) To promote harmony and brotherhood among all sections of the people and to respect the dignity of women.

vi) To preserve our rich heritage and composite culture.

vii) To protect and improve our natural environment including forests, rivers, lakes and wildlife.

viii) To develop scientific outlook and humanism.

ix) To protect public property and not to use violence.

x) To strive for excellence in all spheres of individual and collective activity.

xi) Clause (K) of Article 51A (86th Amendment in 2002), “a parent or guardian to provide opportunities for education of his child or ward between the age of six and fourteen years, as the case may be.
Fundamental duties for citizens are in nature of a code of conduct. A few of these duties are even vague and unrealistic. For example, a common citizen may not understand what is meant by ‘composite culture’, ‘rich heritage’ ‘humanism’, or ‘excellence in all spheres of individual and collective activities’. They will realize the importance of these duties only when these terms are simplified. The non-justiciable character of these duties makes them less interesting. Fundamental duties are like some noble advice of which some are civic duties and others are moral duties. They are not legally binding upon the citizens and even the courts cannot enforce them. So, fundamental duties are not enforceable by the courts of our country. No one can be punished if he/she does not perform his/her duties. Though there is no legal force behind these duties, yet they are integral part to the Constitution of India. These duties have moral impact and educative value upon the citizens. Therefore, people obey these duties on moral obligation for welfare of the people. Inclusion of fundamental duties in the Constitution is considered necessary towards progress, peace and prosperity of the country.

Check Your Progress

Notes: a) Write your answers in the space given below.

b) Compare your answers with those given at the end of this unit.

9) Through which Amendment, fundamental duties were included in the Indian Constitution?

10) There are 10 fundamental duties in our Constitution. True / False

13.7 TEACHING - LEARNING STRATEGY

Teaching-learning strategy for this unit includes learning objectives, teaching-learning activities and assessment questions.

13.7.1 Learning Objectives

Through this teaching-learning strategy, students will be able to:

- explain the nature and vision behind the Indian Constitution;
- describe the values enshrined in the Indian Constitution;
- discuss the nature of Directive Principles of State Policy;
- classify Directive Principles of State Policy;
- explain the meaning, and nature of Fundamental Rights;
- describe the Fundamental Rights mentioned in the Constitution;
- differentiate between Fundamental Rights and Directive Principles; and
- enumerate fundamental duties as enlisted in the Indian Constitution.
13.7.2 Teaching-Learning Activities

i) The Indian Constitution

As a prospective teacher, you should know the ways and means of acquainting and inculcating the students with constitutional values. The following teaching-learning activities may be organized by you.

1) Give your students a handout of the Preamble of the Indian Constitution.
   Ask them to answer the following questions:
   
   i) What does the word ‘We’ stand for in the Preamble?
   ii) Why do we need a Constitution?
   iii) What are the values enshrined in the Indian Constitution?

2) You can make use of oral discourses during routine teaching-learning process in the classroom to acquaint the students with various constitutional values.

3) Your own actions and dealing with the students and other members in the school can be an effective way of acquainting the students with different constitutional values. You should demonstrate such values through your own actions.

4) These constitutional values can be taught and developed through organization of various co-curricular activities. The students can be made aware of their duties, national unity, integrity by organizing morning assembly and NCC activities in the schools.

5) Different Socially Useful Productive Works (SUPW) and NSS related activities can prove to be an effective tool for imparting the values of fraternity, dignity of the individual.

6) Debates, quizzes, and declamation contests can be organized to make students aware of the values of secularism, socialism, equality, fraternity and social justice.

7) Ask students to collect the details about the Right of Children to Free and Compulsory Education Act, 2009 from the Internet.

8) You can assess the development of constitutional values among students by observing their behaviour in non-participant situations. Individual and group-based interviews may be conducted to assess the students’ understanding about these constitutional values.

ii) Directive Principles

You can organize the following teaching-learning activities to enhance students’ understanding about directive principles mentioned in our Constitution:

1) You can use lecture strategy along with question-answer strategy for acquainting students with various categories of directive principles.

2) Declamation contest, class level seminar presentation can be organized by the teachers on Directive Principles and its implications for function of government.
3) You can improve students’ understanding about directive principles by explaining and illustrating various policies, acts, regulations of the government and its different departments. You can also illustrate such incidences or steps of the government (as reported in print or non-print media) which were against Directive Principles. For this, you can make use of newspaper cuttings, media, video clips in the classroom. This will be helpful for students’ in understanding functioning of government in accordance with the Constitution and role of judiciary in this regard.

4) The assessment of students’ understanding about Directive Principles can be done through written tests and assignments involving analysis of current steps initiated by the government. The students’ participation in discussions can also help the teacher in evaluating students’ understanding about the Directive Principles and their implications.

iii) Fundamental Rights and Duties

In order to make students aware of the fundamental rights and duties enlisted in our Constitution, you may organize the following activities:

1) Short lectures on each type of fundamental rights and duties may be given by you. You can provide various case studies relating to fundamental rights and their violations in the society to make students aware of their different dimensions. This lecture should be followed by questions from the students and clarification of doubts by you.

2) Debates on various burning issues may be organized by you in the class to make students aware of right to freedom of speech and expression and right to constitutional remedies.

3) Conduct a role play depicting the importance of rights of a citizen.

4) The students can be made aware of the fundamental duties like, respect for national anthem and national flag through morning assembly and celebration of other important national days.

5) Cultural activities like skits, plays, dramas, folk dances, folk songs, etc. can be organized in the schools to make students understand about right to freedom of religion, practice of own culture and languages, right against exploitation and fundamental duties.

6) Organization of NCC, NSS and Scouts and Guide activities in the schools can be helpful in making students aware of their duties like: conservation of natural resources, promotion of national unity, development of brotherhood and harmony, rendering services to the nation in the hours of need, etc.

7) Different clubs and committees like, science club, red ribbon club, discipline committee etc. with adequate students’ representation can be formed in the school. This will not only help you in acquainting the students with the right to form associations but will also help the students in learning about functioning of such committees according to school rules and regulations (the constitution of such committees and clubs), the duties expected from the students and the rights endowed on them being the member of these clubs or committees.
8) Selection of monitors in the class and selection of school prefect (student head) through democratic means can prove to be a very effective medium for acquainting the students not only with the democratic values but also with the process of democracy and right of electing their representatives. School level mini parliament or state legislature can be constituted in the school to make students aware of democracy, election process, formation of government, etc.

9) In order to assess the students’ understanding about fundamental rights and duties, techniques like oral questioning (viva-voce or interviews), written tests comprising short and long answer type questions and observing students’ participation in various academic and co-curricular activities can be organized by you.

13.7.2 Assessment Questions

1) Explain the vision behind the Indian Constitution?
2) What are the major constitutional values enshrined in the Preamble? How are these being practiced in our daily lives?
3) Examine the nature of Directive Principles of State Policy. What is the sanction behind them?
4) Examine the role of the state in the implementation of Directive Principles of State Policy.
5) Explain the implications of Directive Principles in governance?
6) Explain the significance of fundamental rights in our day to day life. Which fundamental right do you consider the most important in your life and why?
7) Highlight only three restrictions imposed on the Right to Freedom. In your opinion, are these restrictions justified? Give arguments to support your answer.
8) What are the fundamental duties enumerated in the Constitution? Which of these do you consider as most important duties and why?
9) “Duties and rights go side by side.” Explain the statement.

13.8 LET US SUM UP

In this unit, we discussed about the Indian Constitution and the values enshrined in it. Our Constitution is a rich source of values and our existence in the absence of Constitution is almost impossible. Besides this, we also described the Directive Principles which are guidelines for the government and other functionaries to govern the nation. These Principles, though non-justiciable, are the major source for a successful democracy. We also discussed about fundamental rights, their types and nature. We described that there are seven fundamental rights which are guaranteed by our Constitution and are justiciable in nature. Any sort of oppression or breach of such rights by any person, group or government is subjected to legal action and remedy. These rights are protected through courts of law. The Indian Constitution also incorporates fundamental duties of its citizens. Both these rights and duties are closely connected to one-another. Every right implies a corresponding duty. The unit also focused on the strategies that can be adopted by you as a prospective teacher for acquainting the students with all the aforesaid
aspects of the Indian Constitution. Along with this, we provided some questions for assessing students on these aspects.

### 13.9 REFERENCES AND SUGGESTED READINGS


### 13.10 ANSWERS TO CHECK YOUR PROGRESS

1) Values enshrined in our Constitution are; Equality, Fraternity, Secularism, Justice and Equity.

2) True.

3) The Directive Principles are like positive directions that the government at all levels must follow to contribute to the establishment social and economic democracy in India.

4) False.

5) Seven.

6) False.

7) True.

8) True.

9) 42\textsuperscript{nd} Amendment in 1976.

10) True