AKTU · 3RD YEAR · BNC501 / BNC601

Constitution of India

Unit 2 — Fundamental Rights, Duties & DPSP

- Fundamental Rights (Articles 14 to 35)
- Directive Principles of State Policy (Articles 36 to 51)
- Fundamental Duties (Article 51A)
- Relationship between Fundamental Rights, Directive Principles and Fundamental Duties



DECODED BY

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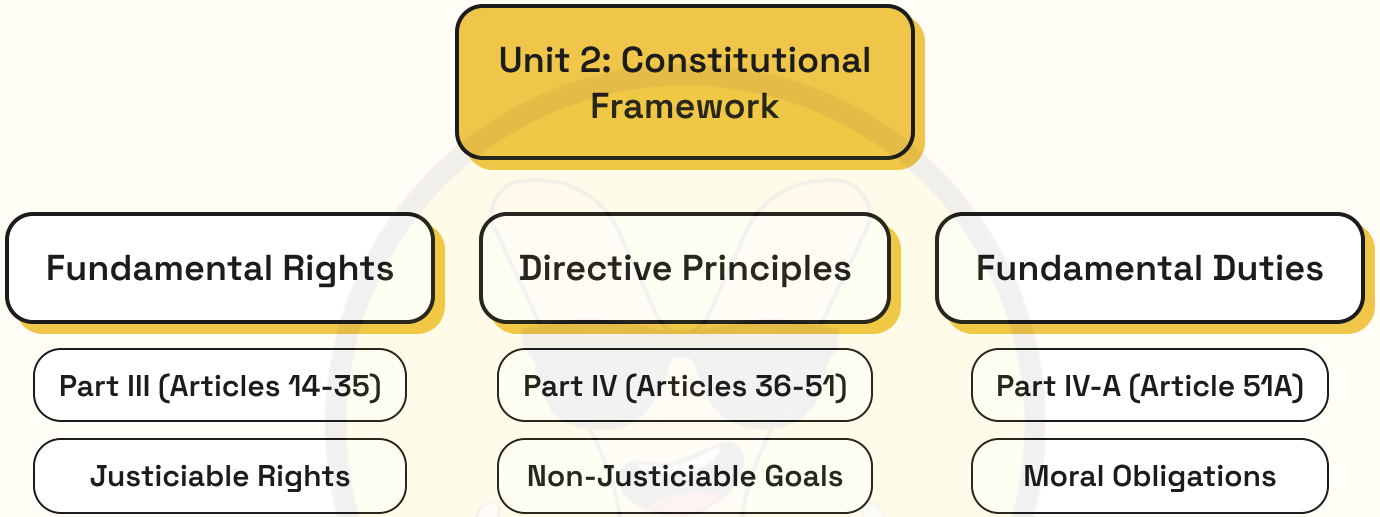
Overview of Unit 2 Framework



Structural division of individual rights, state obligations, and civic duties under the Indian Constitution.

Fundamental Rights: Definition & Concept

FUNDAMENTAL RIGHTS (PART III)

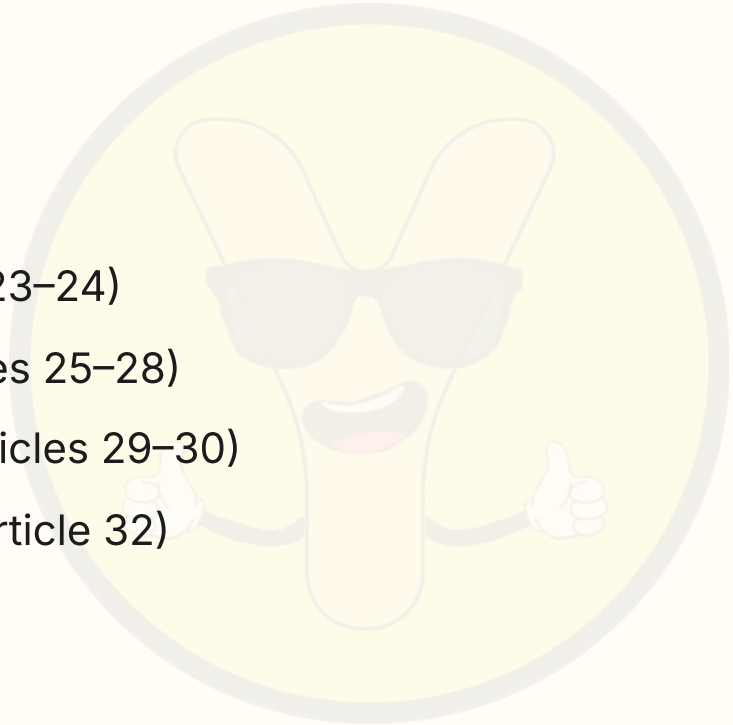
Basic freedoms and rights guaranteed under Articles 14 to 35 of the Constitution of India, protection of which is justiciable in courts against state infringement.

- Borrowed primarily from the US Bill of Rights.
- Described as the Magna Carta of India.
- Justiciable: enforceable by approaching Supreme Court under Article 32 directly.
- Not absolute: subject to reasonable restrictions imposed by law.

Classification of Fundamental Rights

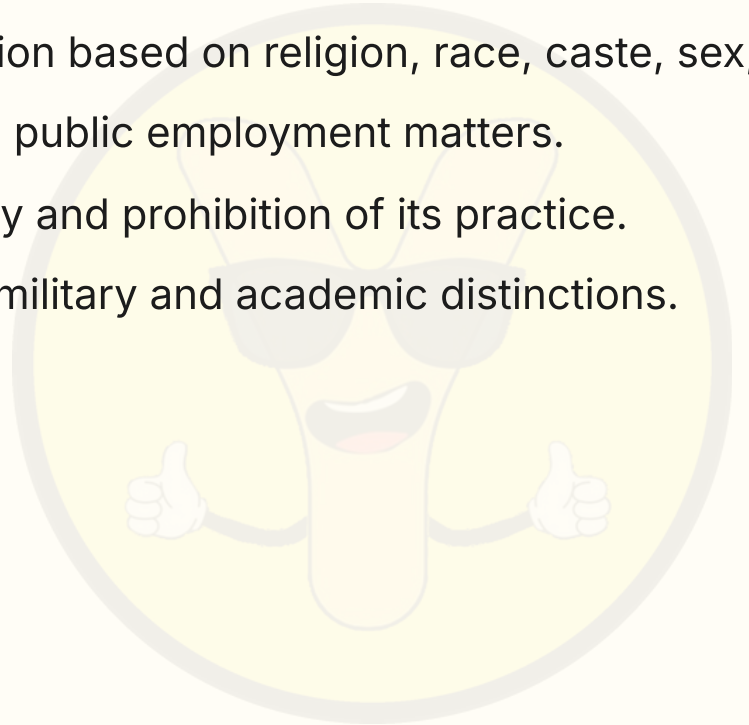
The Constitution provides six broad categories of Fundamental Rights following the deletion of the Right to Property.

- Right to Equality (Articles 14–18)
- Right to Freedom (Articles 19–22)
- Right against Exploitation (Articles 23–24)
- Right to Freedom of Religion (Articles 25–28)
- Cultural and Educational Rights (Articles 29–30)
- Right to Constitutional Remedies (Article 32)



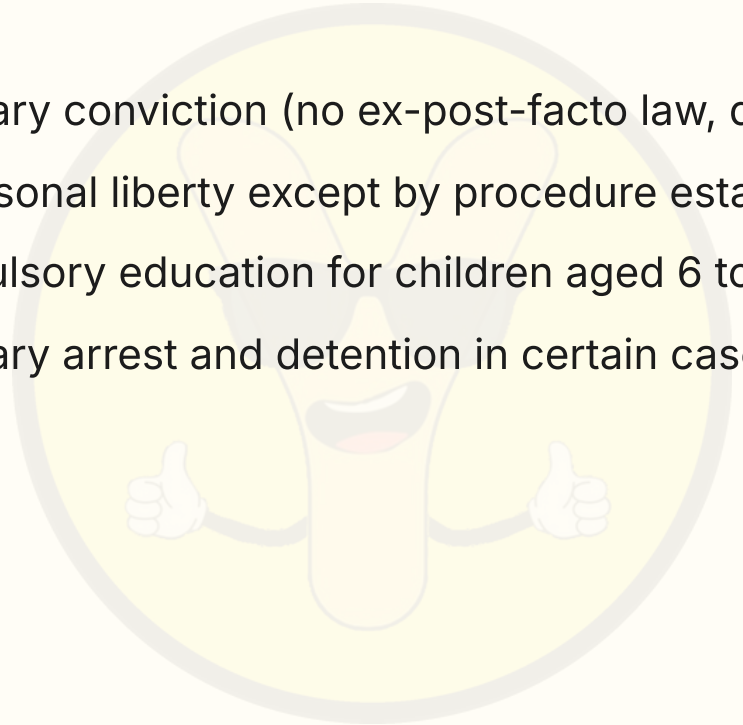
Right to Equality (Articles 14 to 18)

- Article 14: Equality before law and equal protection of the laws.
- Article 15: Prohibition of discrimination based on religion, race, caste, sex, or birth place.
- Article 16: Equality of opportunity in public employment matters.
- Article 17: Abolition of Untouchability and prohibition of its practice.
- Article 18: Abolition of titles except military and academic distinctions.



Right to Freedom (Articles 19 to 22)

- Article 19: Guarantees six fundamental freedoms (speech, assembly, association, movement, residence, profession).
- Article 20: Protection against arbitrary conviction (no ex-post-facto law, double jeopardy, self-incrimination).
- Article 21: Protection of life and personal liberty except by procedure established by law.
- Article 21A: Right to free and compulsory education for children aged 6 to 14 years.
- Article 22: Protection against arbitrary arrest and detention in certain cases.

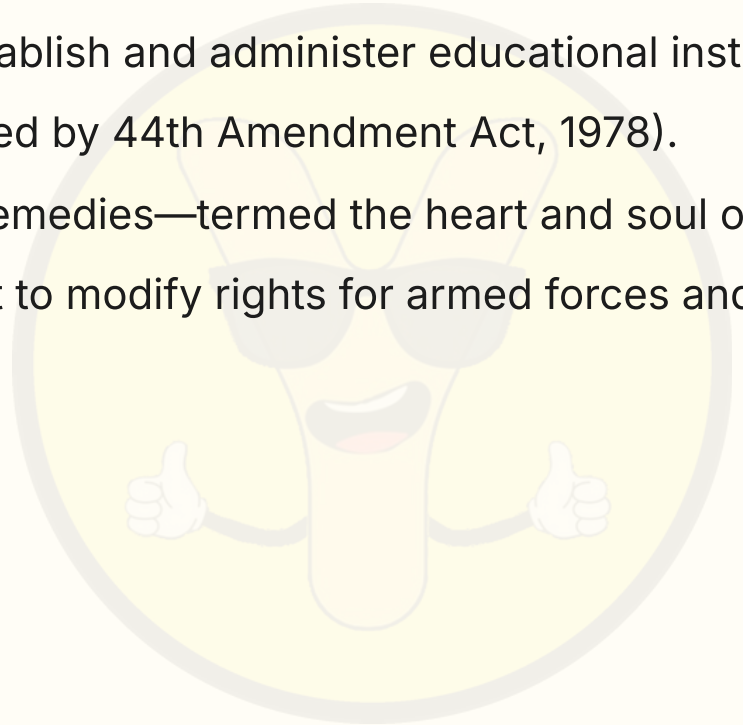


Exploitation & Religion Rights (Articles 23 to 28)

- Article 23: Prohibition of traffic in human beings and forced labor (begar).
- Article 24: Prohibition of child employment under 14 years in hazardous industries.
- Article 25: Freedom of conscience, profession, practice, and propagation of religion.
- Article 26: Freedom to manage religious affairs and establish institutions.
- Article 27: Freedom from paying taxes for promotion of any specific religion.
- Article 28: Freedom from religious instruction in state-maintained educational institutions.

Cultural Rights & Article 32 Remedies

- Article 29: Protection of language, script, and culture of minorities.
- Article 30: Right of minorities to establish and administer educational institutions.
- Article 31: Right to Property (repealed by 44th Amendment Act, 1978).
- Article 32: Right to Constitutional Remedies—termed the heart and soul of the Constitution.
- Articles 33-35: Power of Parliament to modify rights for armed forces and enact supporting laws.



Types of Constitutional Writs (Article 32 & 226)

Writ Name	Meaning	Purpose / Application
Habeas Corpus	To have the body of	Protects against illegal detention of an individual.
Mandamus	We Command	Directs a public official or body to perform a legal duty.
Prohibition	To forbid	Issued by higher court to stop lower court from exceeding jurisdiction.
Certiorari	To be certified	Quashes orders passed by lower courts or tribunals without jurisdiction.
Quo-Warranto	By what authority?	Prevents illegal usurpation of a public office by an unqualified person.

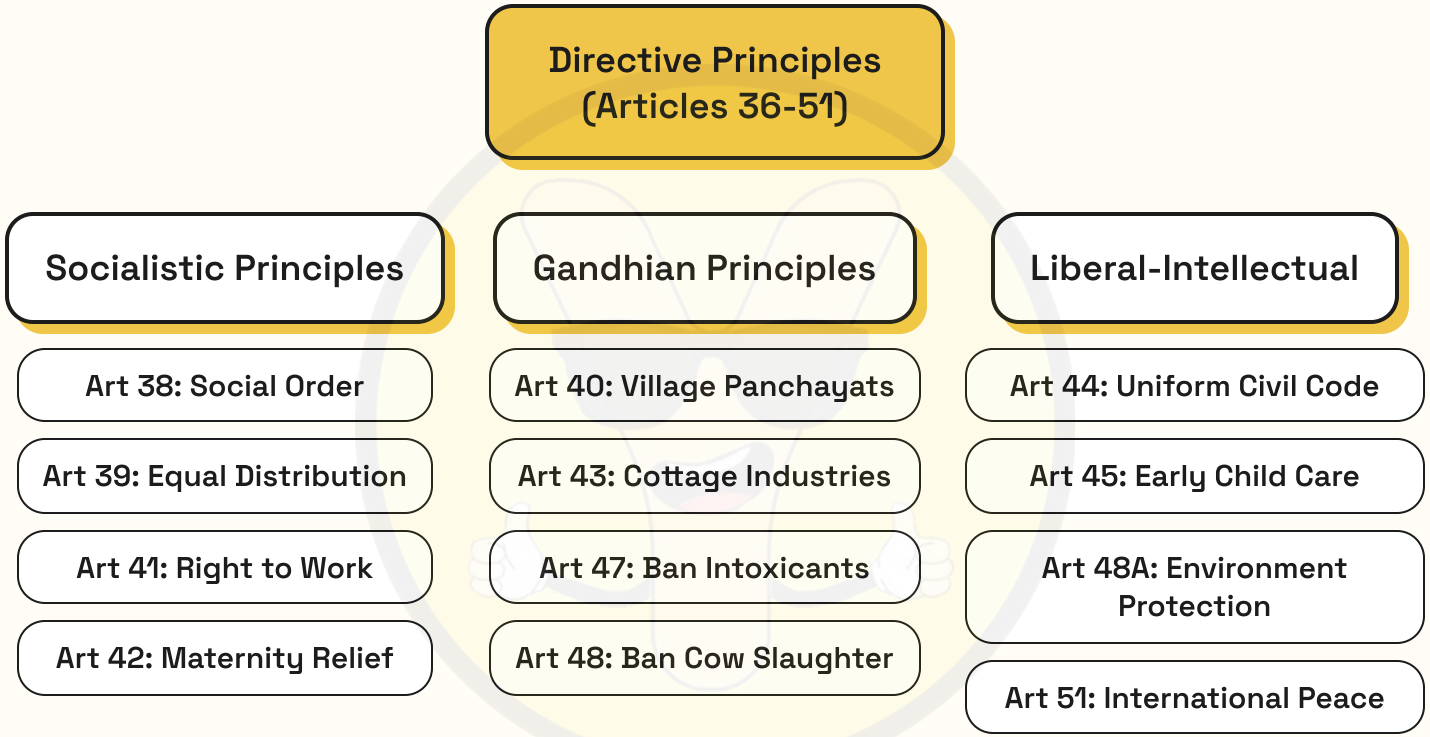
Directive Principles of State Policy (DPSP)

DIRECTIVE PRINCIPLES (PART IV)

Non-justiciable guidelines under Articles 36 to 51 aimed at achieving socio-economic justice and establishing a Welfare State in India.

- Borrowed from the Irish Constitution (1937).
- Non-justiciable: cannot be enforced directly through courts of law.
- Fundamental in the governance of the country; state must apply them in lawmaking.
- Aim to establish economic and social democracy, contrasting with political democracy of Rights.

Ideological Classification of DPSPs



Categorization of DPSP based on underlying ideological philosophies.

Key DPSP Articles Breakdown

- Article 38: State to secure a social order for the promotion of welfare of people.
- Article 39A: Equal justice and free legal aid to economically backward sections.
- Article 40: Organization of village panchayats as units of self-government.
- Article 44: Implementation of Uniform Civil Code (UCC) for all citizens.
- Article 45: Provision for early childhood care and education up to 6 years of age.
- Article 51: Promotion of international peace, security, and respect for international law.

Fundamental Duties: Origin & Framework

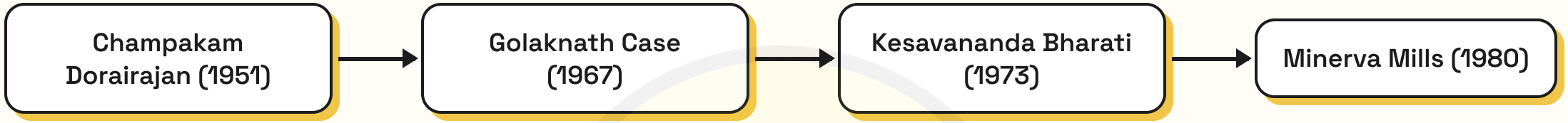
Fundamental Duties under Part IV-A emphasize civic obligation alongside constitutional rights.

- Origin: Added by the 42nd Constitutional Amendment Act, 1976.
- Recommendation: Incorporated based on Swaran Singh Committee report.
- Source: Inspired by the Constitution of the former USSR.
- Article: Enshrined in single Article 51A under Part IV-A.
- Initial Count: 10 duties originally added in 1976.
- Current Count: 11 duties (11th added by 86th Amendment Act, 2002).

Key Fundamental Duties (Article 51A)

- Abide by Constitution and respect the National Flag and National Anthem.
- Cherish noble ideals of the national struggle for freedom.
- Uphold and protect sovereignty, unity, and integrity of India.
- Defend country and render national service when called upon.
- Promote harmony and common brotherhood; renounce practices derogatory to women.
- Safeguard public property and preserve the environment, forests, and wildlife.

Evolution of FR vs DPSP Conflict



Judicial transition from rigid FR supremacy to harmonious balance between Rights and Directives.

Judicial Resolution of FR vs DPSP Conflict

- Champakam Dorairajan (1951): SC held Fundamental Rights prevail over DPSPs in case of conflict.
- 25th Amendment Act (1971): Inserted Art 31C; DPSPs in Art 39(b)&(c) given priority over Arts 14, 19.
- Kesavananda Bharati (1973): Upheld validity of Art 31C within Basic Structure framework.
- Minerva Mills Case (1980): SC ruled Indian Constitution is founded on balance between FRs and DPSPs.
- Current Status: FRs and DPSPs are complementary and harmonious parts of the Constitution.

The Tripartite Constitutional Framework

Fundamental Rights (Civil & Political Liberties - Part III)

Directive Principles (Socio-Economic Goals - Part IV)

Fundamental Duties (Civic & Moral Obligations - Part IV-A)

Integrated framework linking individual rights, state duties, and citizen responsibilities.

Comparative Analysis: FRs vs DPSPs vs FDs

Feature	Fundamental Rights	Directive Principles	Fundamental Duties
Part & Articles	Part III (Art 14-35)	Part IV (Art 36-51)	Part IV-A (Art 51A)
Nature	Justiciable	Non-Justiciable	Non-Justiciable
Origin Source	USA Bill of Rights	Irish Constitution	USSR Constitution
Primary Purpose	Political Democracy	Social & Economic Welfare	Civic Responsibility
Target Entity	Individual & State	State / Governments	Citizens of India
Enforceability	Direct via Article 32	Indirect via policy	Indirect via statutes

Exam corner

Q1 Explain the six Fundamental Rights guaranteed under Articles 14 to 35 of the Constitution of India.

Q2 Discuss the classification of Directive Principles of State Policy into Socialistic, Gandhian, and Liberal-Intellectual categories with suitable examples.

Q3 Define Article 32 and describe five types of Constitutional Writs along with their legal application.

Q4 Trace the judicial evolution of the conflict and harmony between Fundamental Rights and DPSPs from Champakam Dorairajan to Minerva Mills case.

Q5 Describe Fundamental Duties under Article 51A, highlighting their origin, significance, and legal enforceability.

Q6 Compare and contrast Fundamental Rights, Directive Principles of State Policy, and Fundamental Duties in tabular form.

Unit 2 done. You are exam-ready.

Revise the Exam corner once more, then open Unit 3 on theycotes.com. Every AKTU subject, unit by unit, free. Notes by Chirag Jain, Ycotes.

