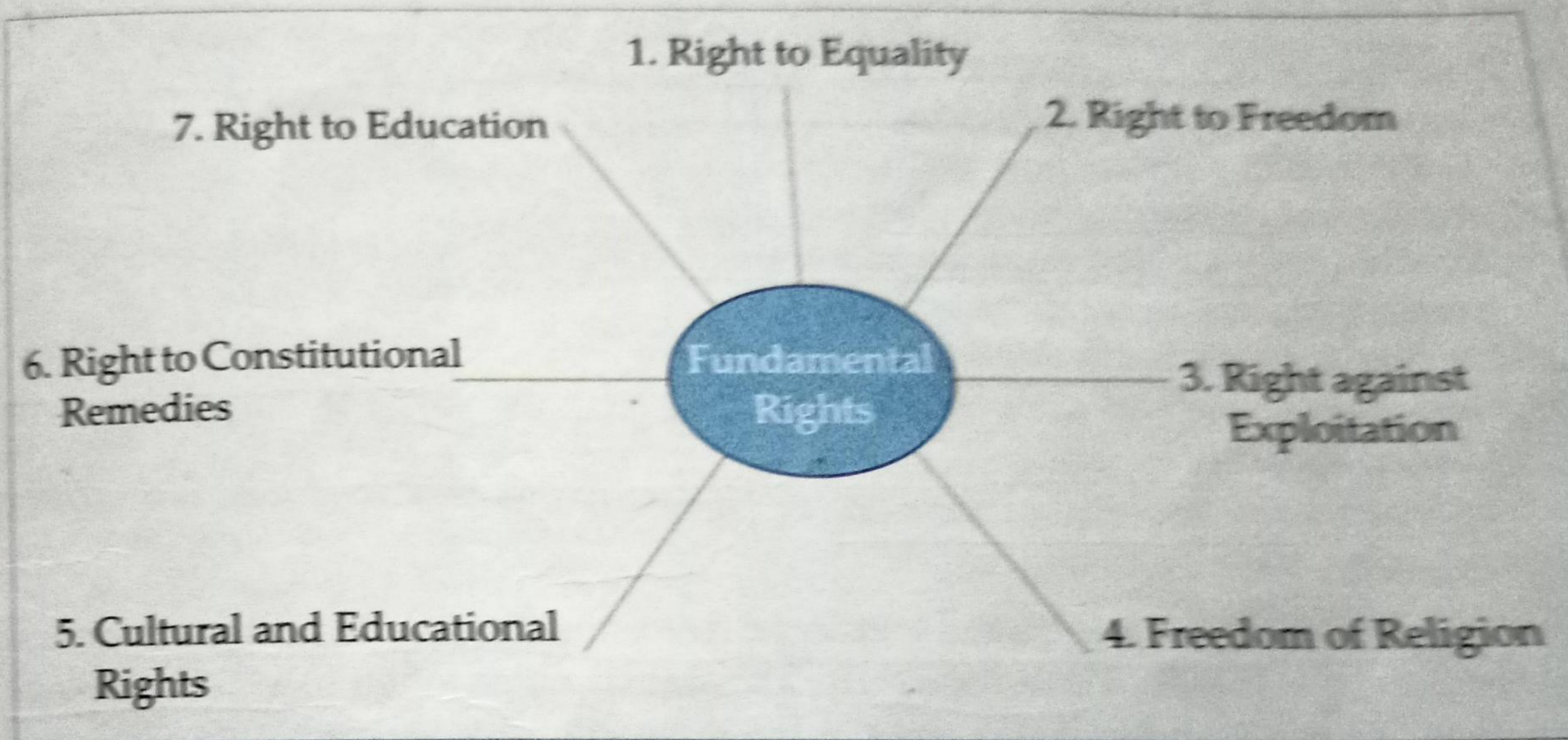


- Directive principles of state policy
- Welfare state

Fundamental rights are those rights which are essential for the maximum development of human personality. These rights are called fundamental rights because they have been incorporated in the Constitution, which is the law of the land. Part III of the Indian Constitution contains a list of these rights. They apply to all the citizens, irrespective of race, place of birth, religion, caste, creed, colour or gender. These liberties are given to the citizens of India so that they live in peace and harmony without the fear of being suppressed by others. The Indian judiciary has the discretion to punish those violating these rights. It is the judiciary that safeguards the fundamental rights of the citizens of India.

The inspiration to incorporate these rights in our Constitution came from various sources. The Bill of Rights of American Constitution, French Declaration of the Rights of Man and the Irish Constitution were most important. The framers of our Constitution also referred to the Universal Declaration of Human Rights of the United Nations.



★ Fundamental Rights

Fundamental Duties

Rights and duties are inseparable. Fundamental duties are recognised as moral obligations that the citizens are expected to perform. The section on 'Fundamental Duties' was not a part

of the original Constitution. It was through the 42nd Amendment Act, 1976, that these duties were introduced in the Constitution. Article 51-A of our Constitution enumerates the fundamental duties of the citizens of India.

It shall be the duty of every citizen of India:

- i. to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- ii. to cherish and follow the noble ideals which inspired our national struggle for freedom;
- iii. to uphold and protect the sovereignty, unity and integrity of India;
- iv. to defend the country and render national service when called upon to do so;
- v. to promote harmony and the spirit of brotherhood among all the people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women;
- vi. to value and preserve the rich heritage of our composite culture;
- vii. to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures;
- viii. to develop scientific temper, humanism and the spirit of enquiry and reform;
- ix. to safeguard public property and to abjure violence;
- x. 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
- xi. to provide opportunities for education by the parent or guardian, to his child, or a ward between the age of 6 to 14 years. (This clause was added in the list of fundamental duties by the 86th Amendment Act, 2002.)

Thus, these duties call upon the citizens of India to work for their own progress and for the country as well.

Review

1. What is the writ of Habeas Corpus?
2. When was the Right to Property omitted from the list of fundamental rights?
3. Why are there certain restrictions on the fundamental rights?
4. When were the fundamental duties introduced in the Constitution?

Points to Remember

- Right to Education has been made a fundamental right.
- No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous form of employment.
- The Constitution guarantees every person the right to practise and propagate any religion.
- Our Constitution provides legal remedies against the violation of our fundamental rights.

✓ Directive Principles of State Policy

The directive principles of state policy constitute an important feature of the Indian Constitution. They are given in Part IV of the Constitution under Articles 36-51. After independence, India was facing severe problems like poverty, illiteracy, unemployment, backwardness, ignorance and inequality. The makers of the Constitution felt that there should be some guidelines to help the future governments in framing policies to tackle these problems. The directive principles describe the ambitions and aspirations of the framers of the Constitution towards a welfare state. They contain a list of socio-economic rights and freedoms, which the state is expected to secure for the people of India. They are called 'directive principles' because the government has to keep them in mind while making laws.

Difference between fundamental rights and directive principles

Fundamental rights	Directive principles
1. Fundamental rights are in the form of limitations upon state action.	1. Directive principles are instructions to the government to achieve certain goals.
2. They are justiciable.	2. They are non-justiciable.
3. These rights are only concerned with an individual's rights.	3. The scope of directive principles is wider because it deals with a wide range of subjects.
4. They are those privileges already enjoyed by the citizens of India.	4. They are meant to create privileges for the people of India.
5. They aim to establish a political democracy.	5. They aim to establish a welfare state.

Establishment of a Welfare State

The directive principles make it amply clear that our goal is to establish a welfare state through democratic means. **A welfare state is based on the principles of equality of opportunity and equitable distribution of wealth.** It also focuses on the governmental responsibility for those who are unable to avail themselves of the minimal provisions of a good life. Under this system, the welfare of the citizens of the country is the responsibility of the state.

Article 38 in the Constitution of India states, 'The state shall strive to promote the welfare of the people by securing and protecting as effectively as it may, a social order in which justice, social, economic and political, shall inform all the institutions of the national life.' This provides a broad framework for the establishment of a welfare state ideal in India. Both the union and state governments have, after the achievement of independence, taken steps to implement a number of such principles that aim to establish a welfare state.

Review

1. What problems did India face after independence?
2. In which part of the Constitution are the directive principles incorporated?
3. List the sources of the directive principles.
4. What does Article 37 of the constitution state?

Points to Remember

- The directive principles aim to establish a welfare state.
- A welfare state is based on the principles of equality of opportunity and equitable distribution of wealth.
- These principles are used to measure the performance of a government.

Answer the following:

1. Discuss 'Single Citizenship' and 'Universal Adult Franchise' as the features of Indian Constitution.
2. What do you mean by Fundamental Rights and mention the names of the Fundamental Rights?
3. What is Directive Principles of State Policy?
4. What is Welfare State?
5. Discuss all the Fundamental duties of the citizens.