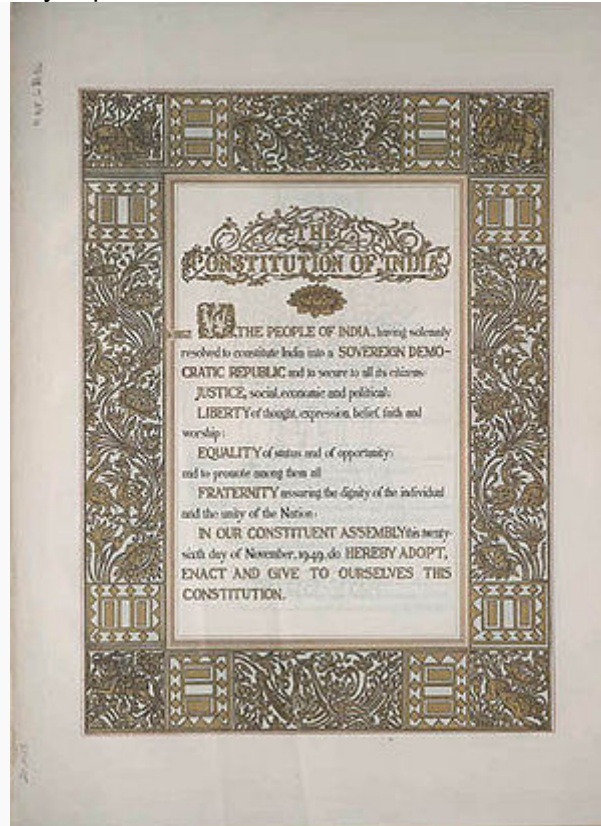


Fundamental Rights, Directive Principles and Fundamental Duties of India

From Wikipedia, the free encyclopedia



The [Preamble](#) (original text, i.e. before the [42nd Amendment](#)) of the [Constitution of India](#) – India's fundamental and supreme law

The **Fundamental Rights**, **Directive Principles of State Policy** and **Fundamental Duties** are sections of the [Constitution of India](#) that prescribe the fundamental obligations of the State to its citizens and the duties of the citizens to the State.^{[\[note 1\]](#)} These sections comprise a constitutional [bill of rights](#) for government policy-making and the behavior and conduct of citizens. These sections are considered vital elements of the constitution, which was developed between 1947 and 1949 by the [Constituent Assembly of India](#).

The [Fundamental Rights](#) are defined as the basic [human rights](#) of all citizens. These rights, defined in Part III of the Constitution, apply irrespective of race, place of birth, religion, [caste](#), creed or sex. They are enforceable by the courts, subject to specific restrictions.

The [Directive Principles of State Policy](#) are guidelines for the framing of laws by the government. These provisions, set out in Part IV of the Constitution, are not enforceable by the courts, but the principles on which

they are based are fundamental guidelines for governance that the State is expected to apply in framing and passing laws.

The *Fundamental Duties* are defined as the moral obligations of all citizens to help promote a spirit of patriotism and to uphold the unity of India. These duties, set out in Part IV–A of the Constitution (under a constitutional amendment) concern individuals and the nation. Like the Directive Principles, they are not legally enforceable.

Contents

[\[hide\]](#)

[1 History](#)

[2 Fundamental Rights](#)

- [2.1 Right to Equality](#)
- [2.2 Right to Freedom](#)
- [2.3 Right against Exploitation](#)
- [2.4 Right to Freedom of Religion](#)
- [2.5 Cultural and Educational Rights](#)
- [2.6 Right to constitutional remedies](#)

[3 Directive Principles of State Policy](#)

[4 Fundamental Duties](#)

[5 Criticism and analysis](#)

[6 Relationship between the Fundamental Rights, Directive Principles and Fundamental Duties](#)

[7 See also](#)

[8 Notes](#)

[9 Footnotes](#)

[10 References](#)

[11 Further reading](#)

[12 External links](#)

[\[edit\]](#) **History**

See also: [Indian independence movement](#) and [Constituent Assembly of India](#)

The Fundamental Rights and Directive Principles had their origins in the Indian independence movement, which strove to achieve the values of liberty and social welfare as the goals of an independent Indian state.^[1] The development of constitutional rights in India was inspired by historical documents such as [England's Bill of Rights](#), the [United States Bill of Rights](#) and [France's Declaration of the Rights of Man](#).^[2] The

demand for civil liberties formed an important part of the Indian independence movement, with one of the objectives of the [Indian National Congress](#) (INC) being to end discrimination between the British rulers and their Indian subjects. This demand was explicitly mentioned in resolutions adopted by the INC between 1917 and 1919.^[3] The demands articulated in these resolutions included granting to Indians the rights to equality before law, free speech, trial by juries composed at least half of Indian members, political power, and equal terms for bearing arms as British citizens.^[4]

The experiences of the [First World War](#), the unsatisfactory [Montague-Chelmsford reforms](#) of 1919, and the rise to prominence of [M. K. Gandhi](#) in the Indian independence movement marked a change in the attitude of its leaders towards articulating demands for civil rights. The focus shifted from demanding equality of status between Indians and the British to assuring liberty for all Indians.^[5] The Commonwealth of India Bill, drafted by [Annie Beasant](#) in 1925, specifically included demands for seven fundamental rights – individual liberty, [freedom of conscience](#), free expression of opinion, [freedom of assembly](#), non-discrimination on the ground of sex, free elementary education and free use of public spaces.^[6] In 1927, the INC resolved to set up a committee to draft a "Swaraj Constitution" for India based on a declaration of rights that would provide safeguards against oppression. The 11-member committee, led by [Motilal Nehru](#), was constituted in 1928. Its report made a number of recommendations, including proposing guaranteed fundamental rights to all Indians. These rights resembled those of the [American Constitution](#) and those adopted by post-war European countries, and several of them were adopted from the 1925 Bill. Several of these provisions were later replicated in various parts of the Indian Constitution, including the Fundamental Rights and Directive Principles.^[7]

In 1931, the [Indian National Congress](#), at its [Karachi](#) session, adopted a resolution committing itself to the defence of civil rights and economic freedom, with the stated objectives of putting an end to exploitation, providing social security and implementing land reforms. Other new rights proposed by the resolution were the prohibition of State titles, [universal adult franchise](#), abolition of capital punishment and freedom of movement.^[8] Drafted by [Jawaharlal Nehru](#), the resolution, which later formed the basis for some of the Directive Principles, placed the primary responsibility of carrying out social reform on the State, and marked the increasing influence of socialism and Gandhian philosophy on the independence movement.^[9] The final phase of the Independence movement saw a reiteration of the socialist principles of the 1930s, along with an increased focus on minority rights – which had become an issue of major political concern by then – which were published in the [Sapru Report](#) in 1945. The report, apart from stressing on protecting the rights of minorities, also sought to prescribe a "standard of conduct for the legislatures, government and the courts".^[10]

During the final stages of the [British Raj], the [1946 Cabinet Mission to India](#) proposed a Constituent Assembly to draft a Constitution for India as part of the process of transfer of power.^[11] The Constituent Assembly of India, composed of indirectly elected representatives from the [British provinces](#) and [Princely states](#), commenced its proceedings in December 1946, and completed drafting the Constitution of India by November 1949.^[12] According to the Cabinet Mission plan, the Assembly was to have an Advisory Committee to advise it

on the nature and extent of fundamental rights, protection of minorities and administration of tribal areas. Accordingly, the Advisory Committee was constituted in January 1947 with 64 members, and from among these a twelve-member sub-committee on Fundamental Rights was appointed under the chairmanship of [J.B. Kripalani](#) in February 1947.^[13] The sub-committee drafted the Fundamental Rights and submitted its report to the Committee by April 1947, and later that month the Committee placed it before the Assembly, which debated and discussed the rights over the course of the following year, adopting the drafts of most of them by December 1948.^[14] The drafting of the Fundamental Rights was influenced by the adoption of the [Universal Declaration of Human Rights](#) by the [U.N. General Assembly](#) and the activities of the [United Nations Human Rights Commission](#),^[15] as well as decisions of the [U.S. Supreme Court](#) in interpreting the Bill of Rights in the American Constitution.^[16] The Directive Principles, which were also drafted by the sub-committee on Fundamental Rights, expounded the socialist precepts of the Indian independence movement, and were inspired by similar principles contained in the [Irish Constitution](#).^[17] The Fundamental Duties were later added to the Constitution by the [42nd Amendment](#) in 1976.^[18]

[\[edit\]](#) Fundamental Rights

Main article: [Fundamental Rights in India](#)

The Fundamental Rights, embodied in Part III of the Constitution, guarantee civil rights to all Indians, and prevent the State from encroaching on individual liberty while simultaneously placing upon it an obligation to protect the citizens' rights from encroachment by society.^[19] Seven fundamental rights were originally provided by the Constitution – right to equality, right to freedom, right against exploitation, right to freedom of religion, cultural and educational rights, right to property and right to constitutional remedies.^[20] However, the right to property was removed from Part III of the Constitution by the [44th Amendment](#) in 1978.^{[21][note 2]}

The purpose of the Fundamental Rights is to preserve individual liberty and democratic principles based on equality of all members of society.^[22] They act as limitations on the powers of the legislature and executive, under Article 13,^[note 3] and in case of any violation of these rights the [Supreme Court of India](#) and the [High Courts of the states](#) have the power to declare such legislative or executive action as unconstitutional and void.^[23] These rights are largely enforceable against the State, which as per the wide definition provided in Article 12, includes not only the legislative and executive wings of the federal and state governments, but also local administrative authorities and other agencies and institutions which discharge public functions or are of a governmental character.^[24] However, there are certain rights – such as those in Articles 15, 17, 18, 23, 24 – that are also available against private individuals.^[25] Further, certain Fundamental Rights – including those under Articles 14, 20, 21, 25 – apply to persons of any nationality upon Indian soil, while others – such as those under Articles 15, 16, 19, 30 – are applicable only to [citizens of India](#).^{[26][27]}

[Rights](#)

Theoretical distinctions[\[show\]](#)

Human rights divisions[\[show\]](#)

Rights claimants[\[show\]](#)

Other groups of rights[\[show\]](#)

▪ [V](#)

▪ [I](#)

▪ [E](#)

The Fundamental Rights are not absolute and are subject to reasonable restrictions as necessary for the protection of public interest.^[24] In the *Kesavananda Bharati v. State of Kerala* case in 1973,^[note 4] the Supreme Court, overruling a previous decision of 1967, held that the Fundamental Rights could be amended, subject to judicial review in case such an amendment violated the [basic structure](#) of the Constitution.^[28] The Fundamental Rights can be enhanced, removed or otherwise altered through a [constitutional amendment](#), passed by a two-thirds majority of each [House of Parliament](#).^[29] The imposition of a [state of emergency](#) may lead to a temporary suspension any of the Fundamental Rights, excluding Articles 20 and 21, by order of the President.^[30] The President may, by order, suspend the right to constitutional remedies as well, thereby barring citizens from approaching the Supreme Court for the enforcement of any of the Fundamental Rights, except Articles 20 and 21, during the period of the emergency.^[31] Parliament may also restrict the application of the Fundamental Rights to members of the [Indian Armed Forces](#) and the police, in order to ensure proper discharge of their duties and the maintenance of discipline, by a law made under Article 33.^[32]

[\[edit\]](#) **Right to Equality**

The Right to Equality is one of the chief guarantees of the Constitution. It is embodied in Articles 14–16, which collectively encompass the general principles of equality before law and non-discrimination,^[33] and Articles 17–18 which collectively further the philosophy of social equality.^[34] Article 14 guarantees equality before law as well as equal protection of the law to all persons within the territory of India.^[note 5] This includes the equal subjection of all persons to the authority of law, as well as equal treatment of persons in similar circumstances.^[35] The latter permits the State to classify persons for legitimate purposes, provided there is a reasonable basis for the same, meaning that the classification is required to be non-arbitrary, based on a method of intelligible differentiation among those sought to be classified, as well as have a rational relation to the object sought to be achieved by the classification.^[36]

Article 15 prohibits discrimination on the grounds only of religion, race, caste, sex, place of birth, or any of them. This right can be enforced against the State as well as private individuals, with regard to free access to places of public entertainment or places of public resort maintained partly or wholly out of State funds.^[37] However, the State is not precluded from making special provisions for women and children or any socially and educationally backward classes of citizens, including the [Scheduled Castes](#) and [Scheduled Tribes](#). This exception has been provided since the classes of people mentioned therein are considered deprived and in need of [special protection](#).^[38] Article 16 guarantees [equality of opportunity](#) in matters of public employment and prevents the State from discriminating against anyone in matters of employment on the grounds only of religion, race, caste, sex, descent, place of birth, place of residence or any of them. It creates exceptions for the implementation of measures of [affirmative action](#) for the benefit of any backward class of citizens in order to ensure adequate representation in public service, as well as reservation of an office of any religious institution for a person professing that particular religion.^[39]

The practice of [untouchability](#) has been declared an offence punishable by law under Article 17, and the Protection of Civil Rights Act, 1955 has been enacted by the Parliament to further this objective.^[34] Article 18 prohibits the State from conferring any titles other than military or academic distinctions, and the citizens of India cannot accept titles from a foreign state. Thus, Indian aristocratic titles and titles of nobility conferred by the British have been abolished. However, awards such as the [Bharat Ratna](#) have been held to be valid by the Supreme Court on the ground that they are merely decorations and cannot be used by the recipient as a title.^{[40][41]}

[\[edit\]](#) Right to Freedom

The Right to Freedom is covered in Articles 19–22, with the view of guaranteeing individual rights that were considered vital by the framers of the Constitution, and these Articles also include certain restrictions that may be imposed by the State on individual liberty under specified conditions. Article 19 guarantees six freedoms in the nature of civil rights, which are available only to citizens of India.^{[42][43]} These include the [freedom of speech and expression](#), [freedom of assembly](#), [freedom of association](#) without arms, [freedom of movement](#) throughout the territory of India, freedom to reside and settle in any part of the country of India and the freedom to practice any profession. All these freedoms are subject to reasonable restrictions that may be imposed on them by the State, listed under Article 19 itself. The grounds for imposing these restrictions vary according to the freedom sought to be restricted, and include national security, public order, decency and morality, contempt of court, incitement to offences, and defamation. The State is also empowered, in the interests of the general public to nationalise any trade, industry or service to the exclusion of the citizens.^[44]

The freedoms guaranteed by Article 19 are further sought to be protected by Articles 20–22.^[45] The scope of these articles, particularly with respect to the doctrine of [due process](#), was heavily debated by the Constituent Assembly. It was argued, especially by [Benegal Narsing Rau](#), that the incorporation of such a clause would

hamper social legislation and cause procedural difficulties in maintaining order, and therefore it ought to be excluded from the Constitution altogether.^[46] The Constituent Assembly in 1948 eventually omitted the phrase "due process" in favour of "procedure established by law".^[47] As a result, Article 21, which prevents the encroachment of life or personal liberty by the State except in accordance with the procedure established by law,^[note 6] was, until 1978, construed narrowly as being restricted to executive action. However, in 1978, the Supreme Court in the case of *Maneka Gandhi v. Union of India* extended the protection of Article 21 to legislative action, holding that any law laying down a procedure must be just, fair and reasonable,^[48] and effectively reading due process into Article 21.^[49] In the same case, the Supreme Court also ruled that "life" under Article 21 meant more than a mere "animal existence"; it would include the right to live with human dignity and all other aspects which made life "meaningful, complete and worth living".^[50] Subsequent judicial interpretation has broadened the scope of Article 21 to include within it a number of rights including those to livelihood, clean environment, good health, speedy trial and humanitarian treatment while imprisoned.^[51] The right to education at elementary level has been made one of the Fundamental Rights under Article 21A by the 86th Constitutional amendment of 2002.^[52]

Article 20 provides protection from conviction for offences in certain respects, including the rights against [ex post facto laws](#), [double jeopardy](#) and freedom from [self-incrimination](#).^[53] Article 22 provides specific rights to arrested and detained persons, in particular the rights to be informed of the grounds of arrest, consult a lawyer of one's own choice, be produced before a magistrate within 24 hours of the arrest, and the freedom not to be detained beyond that period without an order of the magistrate.^[54] The Constitution also authorises the State to make laws providing for [preventive detention](#), subject to certain other safeguards present in Article 22.^[55] The provisions pertaining to preventive detention were discussed with skepticism and misgivings by the Constituent Assembly, and were reluctantly approved after a few amendments in 1949.^[56] Article 22 provides that when a person is detained under any law of preventive detention, the State can detain such person without trial for only three months, and any detention for a longer period must be authorised by an Advisory Board. The person being detained also has the right to be informed about the grounds of detention, and be permitted to make a representation against it, at the earliest opportunity.^[57]

[\[edit\]](#) Right against Exploitation



[Child labor](#) and [Begar](#) is prohibited under the Right against Exploitation.

The Right against Exploitation, contained in Articles 23–24, lays down certain provisions to prevent exploitation of the weaker sections of the society by individuals or the State.^[58] Article 23 provides prohibits [human trafficking](#), making it an offence punishable by law, and also prohibits [forced labour](#) or any act of compelling a person to work without wages where he was legally entitled not to work or to receive remuneration for it. However, it permits the State to impose compulsory service for public purposes, including [conscription](#) and [community service](#).^{[59][60]} The Bonded Labour system (Abolition) Act, 1976, has been enacted by Parliament to give effect to this Article.^[61] Article 24 prohibits the employment of children below the age of 14 years in factories, mines and other hazardous jobs. Parliament has enacted the Child Labour (Prohibition and Regulation) Act, 1986, providing regulations for the abolition of, and penalties for employing, child labour, as well as provisions for rehabilitation of former child labourers.^[62]

[\[edit\]](#) **Right to Freedom of Religion**

See also: [Secularism in India](#)

The Right to Freedom of Religion, covered in Articles 25–28, provides [religious freedom](#) to all citizens and ensures a [secular State](#) in India. According to the Constitution, there is no official State religion, and the State is required to treat all religions impartially and neutrally.^[63] Article 25 guarantees all persons the [freedom of conscience](#) and the right to preach, practice and propagate any religion of their choice. This right is, however, subject to public order, morality and health, and the power of the State to take measures for social welfare and reform.^[64] The right to propagate, however, does not include the right to [convert](#) another individual, since it would amount to an infringement of the other's right to freedom of conscience.^[65] Article 26 guarantees all [religious denominations](#) and sects, subject to public order, morality and health, to manage their own affairs in matters of religion, set up institutions of their own for charitable or religious purposes, and own, acquire and manage property in accordance with law. These provisions do not derogate from the State's power to acquire property belonging to a religious denomination.^[66] The State is also empowered to regulate any economic, political or other secular activity associated with religious practice.^[63] Article 27 guarantees that no person can be compelled to pay taxes for the promotion of any particular religion or religious institution.^[67] Article 28 prohibits [religious instruction](#) in a wholly State-funded educational institution, and educational institutions receiving aid from the State cannot compel any of their members to receive religious instruction or attend religious worship without their (or their guardian's) consent.^[63]

[\[edit\]](#) **Cultural and Educational Rights**

The Cultural and Educational rights, given in Articles 29 and 30, are measures to protect the rights of cultural, linguistic and religious minorities, by enabling them to conserve their heritage and protecting them against discrimination.^[68] Article 29 grants any section of citizens having a distinct language, script culture of its own, the right to conserve and develop the same, and thus safeguards the rights of minorities by preventing the State from imposing any external culture on them.^{[68][69]} It also prohibits discrimination against any citizen for

admission into any educational institutions maintained or aided by the State, on the grounds only of religion, race, caste, language or any of them. However, this is subject to [reservation](#) of a reasonable number of seats by the State for socially and educationally backward classes, as well as reservation of up to 50 percent of seats in any educational institution run by a minority community for citizens belonging to that community.^[70]

Article 30 confers upon all religious and linguistic minorities the right to set up and administer educational institutions of their choice in order to preserve and develop their own culture, and prohibits the State, while granting aid, from discriminating against any institution on the basis of the fact that it is administered by a religious or cultural minority.^[69] The term "[minority](#)", while not defined in the Constitution, has been interpreted by the Supreme Court to mean any community which numerically forms less than 50% of the population of the state in which it seeks to avail the right under Article 30. In order to claim the right, it is essential that the educational institution must have been established as well as administered by a religious or linguistic minority. Further, the right under Article 30 can be availed of even if the educational institution established does not confine itself to the teaching of the religion or language of the minority concerned, or a majority of students in that institution do not belong to such minority.^[71] This right is subject to the power of the State to impose reasonable regulations regarding educational standards, conditions of service of employees, fee structure, and the utilisation of any aid granted by it.^[72]

[\[edit\]](#) Right to constitutional remedies

Right to constitutional remedies empowers the citizens to move to a [court](#) of law in case of any denial of the fundamental rights. For instance, in case of imprisonment, the citizen can ask the court to see if it is according to the provisions of the law of the country. If the court finds that it is not, the person will have to be freed. This procedure of asking the courts to preserve or safeguard the citizens' fundamental rights can be done in various ways. The courts can issue various kinds of [writs](#). These writs are [habeas corpus](#), [mandamus](#), [prohibition](#), [quo warranto](#) and [certiorari](#). When a national or state emergency is declared, this right is suspended by the central government.^[73]

[\[edit\]](#) Directive Principles of State Policy

Main article: [Directive Principles in India](#)

The Directive Principles of State Policy, embodied in Part IV of the Constitution, are directions given to the State to guide the establishment of an economic and social democracy, as proposed by the [Preamble](#).^[74] They set forth the [humanitarian](#) and [socialist](#) instructions that were the aim of social revolution envisaged in India by the Constituent Assembly.^[75] The State is expected to keep these principles in mind while framing laws and policies, even though they are [non-justiciable](#) in nature. The Directive Principles may be classified under the following categories: ideals that the State ought to strive towards achieving; directions for the exercise of legislative and executive power; and rights of the citizens which the State must aim towards securing.^[74]

Despite being non-justiciable, the Directive Principles act as a check on the State; theorised as a yardstick in the hands of the electorate and the opposition to measure the performance of a government at the time of an election.^[76] Article 37, while stating that the Directive Principles are not enforceable in any court of law, declares them to be "fundamental to the governance of the country" and imposes an obligation on the State to apply them in matters of legislation.^[77] Thus, they serve to emphasise the [welfare state](#) model of the Constitution and emphasise the positive duty of the State to promote the welfare of the people by affirming social, economic and political justice, as well as to fight [income inequality](#) and ensure individual dignity, as mandated by Article 38.^{[78][79]} s, in order to ensure equitable distribution of land resources.^[80]

Article 39 lays down certain principles of policy to be followed by the State, including providing an adequate means of livelihood for all citizens, [equal pay for equal work](#) for men and women, proper working conditions, reduction of the concentration of wealth and means of production from the hands of a few, and distribution of community resources to "subserve the common good".^[81] These clauses highlight the Constitutional objectives of building an [egalitarian](#) social order and establishing a welfare state, by bringing about a social revolution assisted by the State, and have been used to support the [nationalisation](#) of mineral resources as well as public utilities.^[82] Further, several legislations pertaining to [agrarian reform](#) and [land tenure](#) have been enacted by the federal and state governments, in order to ensure equitable distribution of land resources.^[83]

Articles 41–43 mandate the State to endeavour to secure to all citizens the [right to work](#), a [living wage](#), [social security](#), [maternity relief](#), and a decent [standard of living](#).^[84] These provisions aim at establishing a socialist state as envisaged in the Preamble.^[85] Article 43 also places upon the State the responsibility of promoting [cottage industries](#), and the federal government has, in furtherance of this, established several Boards for the promotion of [khadi](#), [handlooms](#) etc., in coordination with the state governments.^[86] Article 39A requires the State to provide free [legal aid](#) to ensure that opportunities for securing justice are available to all citizens irrespective of economic or other disabilities.^[87] Article 43A mandates the State to work towards securing the participation of workers in the management of industries.^[85] The State, under Article 46, is also mandated to promote the interests of and work for the economic uplift of the [scheduled castes and scheduled tribes](#) and protect them from discrimination and exploitation. Several enactments, including two Constitutional amendments, have been passed to give effect to this provision.^[88]

Article 44 encourages the State to secure a [uniform civil code](#) for all citizens, by eliminating discrepancies between various [personal laws](#) currently in force in the country. However, this has remained a "dead letter" despite numerous reminders from the Supreme Court to implement the provision.^[89] Article 45 originally mandated the State to provide free and compulsory education to children between the ages of six and fourteen years,^[90] but after the 86th Amendment in 2002, this has been converted into a Fundamental Right and replaced by an obligation upon the State to secure childhood care to all children below the age of six.^[52] Article 47 commits the State to raise the standard of living and improve public health, and prohibit the consumption of [intoxicating](#) drinks and drugs injurious to health.^[91] As a consequence, partial or total [prohibition](#) has been

introduced in several states, but financial constraints have prevented its full-fledged application.^[92] The State is also mandated by Article 48 to organise agriculture and [animal husbandry](#) on modern and scientific lines by improving breeds and [prohibiting slaughter of cattle](#).^[93] Article 48A mandates the State to [protect the environment](#) and safeguard the forests and wildlife of the country, while Article 49 places an obligation upon the State to ensure the preservation of monuments and objects of national importance.^[94] Article 50 requires the State to ensure the separation of judiciary from executive in public services, in order to ensure [judicial independence](#), and federal legislation has been enacted to achieve this objective.^{[95][96]} The State, according to Article 51, must also strive for the promotion of international peace and security, and Parliament has been empowered under Article 253 to make laws giving effect to [international treaties](#).^[97]

[\[edit\]](#) Fundamental Duties



Any act of disrespect towards the [Indian National Flag](#) is illegal.

The Fundamental Duties of citizens were added to the Constitution by the 42nd Amendment in 1976, upon the recommendations of the [Swaran Singh](#) Committee that was constituted by the government earlier that year.^{[18][98]} Originally ten in number, the Fundamental Duties were increased to eleven by the 86th Amendment in 2002, which added a duty on every parent or guardian to ensure that their child or ward was provided opportunities for education between the ages of six and fourteen years.^[52] The other Fundamental Duties obligate all citizens to respect the national symbols of India, including the Constitution, to cherish its [heritage](#), preserve its [composite culture](#) and assist in its [defense](#). They also obligate all Indians to promote the spirit of common brotherhood, protect the environment and public property, develop [scientific temper](#), abjure violence, and strive towards excellence in all spheres of life.^[99] Citizens are morally obligated by the Constitution to perform these duties. However, like the Directive Principles, these are non-justifiable, without any legal sanction in case of their violation or non-compliance.^{[98][100]} There is reference to such duties in international instruments such as the [Universal Declaration of Human Rights](#) and [International Covenant on Civil and Political Rights](#), and Article 51A brings the Indian Constitution into conformity with these treaties.^[98]

[\[edit\]](#) Criticism and analysis

Fewer children are now unemployed in hazardous environments, but their employment in non-hazardous jobs, prevalently as domestic help, violates the spirit of the constitution in the eyes of many critics and human rights

advocates. More than 16.5 million children are in employment.^[101] India was ranked 88 out of 159 countries in 2005, according to the degree to which [corruption](#) is perceived to exist among public officials and politicians.^[102] The year 1990–1991 was declared as the "Year of Social Justice" in the memory of B.R. Ambedkar.^[103] The government provides free textbooks to students belonging to scheduled castes and tribes pursuing medicine and engineering courses. During 2002–2003, a sum of [Rs. 4.77 crore](#) (47.7 million) was released for this purpose.^[104] In order to protect scheduled castes and tribes from discrimination, the government enacted the [Scheduled Caste and Scheduled Tribe \(Prevention of Atrocities\) Act, 1989](#), prescribing severe punishments for such actions.^[105]

The [Minimum Wages Act](#) of 1948 empowers government to fix minimum wages for people working across the economic spectrum.^[106] The [Consumer Protection Act of 1986](#) provides for the better protection of consumers. The [Equal Remuneration Act](#) of 1976 provides for equal pay for equal work for both men and women.^[107] The [Sampoorna Grameen Rozgar Yojana](#) (Universal Rural Employment Programme) was launched in 2001 to attain the objective of providing gainful employment for the rural poor. The programme was implemented through the [Panchayati Raj institutions](#).^[108]

A system of elected village councils, known as [Panchayati Raj](#) covers almost all [states and territories of India](#).^[109] One-third of the total number of seats have been reserved for women in Panchayats at every level; and in the case of [Bihar](#), half the seats have been reserved for women.^{[110][111]} The judiciary has been separated from the executive "in all the states and territories except [Jammu and Kashmir](#) and [Nagaland](#)."^[104] India's foreign policy has been influenced by the Directive Principles. India supported the [United Nations](#) in peace-keeping activities, with the [Indian Army](#) having participated in 37 UN peace-keeping operations.^[112]

The implementation of a [uniform civil code](#) for all citizens has not been achieved owing to widespread opposition from various religious groups and [political parties](#). The [Shah Bano case](#) (1985–86) provoked a political firestorm in India when the Supreme Court ruled that [Shah Bano](#), a Muslim woman who had been divorced by her husband in 1978 was entitled to receive [alimony](#) from her former husband under Indian law applicable for all Indian women. This decision evoked outrage in the Muslim community, which sought the application of the [Muslim personal law](#) and in response the Parliament passed the Muslim Women (Protection of Rights on Divorce) Act, 1986 overturning the Supreme Court's verdict.^[113] This act provoked further outrage, as jurists, critics and politicians alleged that the fundamental right of equality for all citizens irrespective of religion or gender was being jettisoned to preserve the interests of distinct religious communities. The verdict and the legislation remain a source of heated debate, with many citing the issue as a prime example of the poor implementation of Fundamental Rights.^[113]

[\[edit\]](#) Relationship between the Fundamental Rights, Directive Principles and Fundamental Duties

The Directive Principles have been used to uphold the Constitutional validity of legislations in case of a conflict with the Fundamental Rights. Article 31C, added by the 25th Amendment in 1971, provided that any law made to give effect to the Directive Principles in Article 39(b)–(c) would not be invalid on the grounds that they derogated from the Fundamental Rights conferred by Articles 14, 19 and 31. The application of this article was sought to be extended to all the Directive Principles by the 42nd Amendment in 1976, but the Supreme Court struck down the extension as void on the ground that it violated the basic structure of the Constitution.^[114] The Fundamental Rights and Directive Principles have also been used together in forming the basis of legislation for social welfare.^[115] The Supreme Court, after the judgment in the *Kesavananda Bharati* case, has adopted the view of the Fundamental Rights and Directive Principles being complementary to each other, each supplementing the other's role in aiming at the same goal of establishing a welfare state by means of social revolution.^[116] Similarly, the Supreme Court has used the Fundamental Duties to uphold the Constitutional validity of statutes which seeks to promote the objects laid out in the Fundamental Duties.^[117] These Duties have also been held to be obligatory for all citizens, subject to the State enforcing the same by means of a valid law.^[99] The Supreme Court has also issued directions to the State in this regard, with a view towards making the provisions effective and enabling a citizens to properly perform their duties.^[117]