

# POLITY

(DPSP & Fundamental Duties)

1. *The DPSPs are an unofficial manifesto for good governance, if a political party can only adhere to them properly, when in power, there is no need for any other manifesto. In this context examine the importance and limitations of DPSPs.*

## Approach

1. *Introduction about DPSP. (20 Words)*
2. *Explain why they are considered as unofficial manifesto. (50 Words)*
3. *Discuss about limitations of DPSPs (60 Words)*
4. *Conclude with positive views. (20 Words)*

## Hints:

DPSP enshrined in Part-IV (A 36 to 51) of the constitution are borrowed from Ireland constitution. It guarantees social and economic democracy and tries to establish welfare state. The Directive Principles are non-justiciable in nature, the Constitution under Article 37 make it clear that these principles are fundamental in the governance of the country and it shall be the duty of the state to apply these principles in making laws. They impose an ethical responsibility on the state authorities for their application, but the real force behind them is political, that is, public opinion.

## How DPSP serve as governance manifesto:

- They serve as a crucial test for the performance of the government. The people can examine the policies and programmes of the government in the light of these constitutional declarations.
- Their implementation makes a favorable atmosphere for the full and proper enjoyment of the fundamental rights by the citizens. Political democracy, without economic democracy, has no meaning.
- They are supplementary to the fundamental rights of the citizens. They are intended to fill in the vacuum in Part III by providing for social and economic rights.
- They enable the opposition to exercise influence and control over the operations of the government. The Opposition can blame the ruling party on the ground that its activities are opposed to the Directives.

## Criticism of the Directive Principles:

Many constitutional and political experts as well as members of the constituent assembly criticized the Directive Principles on the following grounds:

### No Legal Force

- The criticism of the Directive principles was mainly the consequence of their non-justiciable nature. While K T Shah dubbed them as 'pious superfluities' and compared them with 'a cheque on a bank, payable only when the resources of the bank permit', Nasiruddin contended that these

principles are 'no better than the new year's resolutions, which are broken on the second of January'.

- T.T. Krishnamachari described the Directives as a veritable dust-bin of sentiments, while K C Wheare called them as a manifesto of aims and aspirations and suggested that they serve simply as moral homily, and Sir Ivor Jennings observed them only as pious aspirations.

### *Illogically Arranged*

- According to the critics, the Directive Principles are not arranged in a sensible manner on the basis of a consistent philosophy. The declaration blends with the relatively insignificant issues with the most important economic and social questions.
- It combines rather inappropriately the modern with the old and provisions suggested by the reason and science with provisions based purely on sentiment and prejudice.

### *Conservative*

- Sir Ivor Jennings observed the Directives to be on the basis of the political philosophy of the 19th century England. He remarked: 'The ghosts of Sydney Webb and Beatrice Webb stalk through the pages of the text. Part IV of the Constitution expresses Fabian Socialism without the socialism'. He suggested that the Directives are deemed to be suitable in India in the middle of the twentieth century.

### *Constitutional Conflict*

K Santhanam has stated that the Directive principles arise a constitutional conflict between

- The Centre and the states,
- The President and the Prime Minister, and
- The governor and the chief minister.

According to him, the Centre can give directions to the states with respect to the implementation of these principles, and in case of non-compliance, can dismiss the state government.

### **Conclusion:**

Despite many shortcomings, DPSPs still remain fundamental to the governance of the system. Governments should systematically convert DPSPs into Fundamental rights as was done in case of Right to Education (Article 21A) to improve their effect. Elaborate provisions of DPSPs about woman rights, children rights and worker's rights makes them essential for the government as a guiding tool to work for welfare of society.

**2. What is the nature of Fundamental Duties? Why aren't they given legal backing like Fundamental Rights? Can they be enforced under special circumstances? Debate, the case for conscription in India, like many developed countries.**

### **Approach**

1. **Introduce with fundamental duties or its origin (20 words)**
2. **Discuss the nature of fundamental duties (20 words)**
3. **State the reason for its non-enforceability (20 words)**
4. **Explain its enforcement under special circumstances (20 words)**
5. **Debate upon the topic of conscription (70 words)**

### **Hints:**

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,

concern individuals and the nation. The fundamental duties of citizens were added to the constitution by the 42<sup>nd</sup> Amendment in 1976, upon the recommendations of the Swaran Singh Committee.

#### **Nature of fundamental duties:**

- Fundamental duties are obligatory in nature. There is no provision in the constitution for direct enforcement of these duties. There is no sanction either to prevent their violation.
- As rights and duties are two sides of the same coin it is expected that one should observe one's duties in order to seek the enforcement of the fundamental rights.
- Some of the Fundamental Duties belong to the class of moral duties and others belong to the class of civic duties. For example, cherishing noble ideals of freedom struggle is a moral duty and respecting the constitution, National Flag and National Anthem is a civic duty.

#### **Why fundamental duties were not made enforceable:**

- Constitution framers felt that fundamental duties constituted an implied and inseparable part of the chapter on fundamental rights and there was no need for a separate chapter on Fundamental Duties.
- Some critics observed that most of the people were law-abiding. There was no need to tell them to obey laws and abide by their duties.
- The main sweep of the freedom struggle, therefore, was towards assertion of the people's right to national freedom. All these explain why the founding fathers of the Constitution took pains to ensure basic human rights in Part III of the Constitution.

#### **Enforcement under special circumstances:**

- There is neither specific provision for enforceability nor any specific prohibition. However, Fundamental Duties have an inherent element of compulsion regarding compliance.
- It is said that by their nature, it is not practicable to enforce the Fundamental Duties but can be enforced by suitable legislation and departmental rules of conduct, eg., The Prevention of Insults to National Honour Act (1971).
- The duties as such are not legally enforceable in the Courts of law, but if a law has been made to prohibit any act or conduct in violation of the duties, it would be reasonable restriction on the relevant Fundamental Rights.

Conscription is the compulsory enlistment of people in a national service, most often a military service. It dates back to antiquity and continues in some countries to the present day under various names, such as in Russia, Israel, etc.

#### **Reasons for introducing conscription in India:**

- It is a way of instilling maturity in young adults. Compulsory military service can give person a sense of discipline and patriotism.
- It is a great leveler; a person can come from a rich or poor background, any ethnic or religious community (and in the case of India, any linguistic background) and they are treated the same way. The time in the armed forces helps mould young people and makes them more tolerant and accommodative.
- In all fairness, India has insecurities with neighbours. If the situation ever deteriorates to the point of war, then having a large pool of trained young men and women would work to India's advantage.
- It may not be only preparing for war, but would also empower people for dealing with any untoward incident in their own locality such as a disaster.
- Besides being a means of remaining active and fit, it can also be useful for self-defense. Military training can also help in effectively channelizing the energy of the youth.

### **Arguments against conscription:**

- Conscription is controversial for a range of reasons, including conscientious objection to military engagements on personal, religious or philosophical grounds; political objection, for example to service for a disliked government or unpopular war; and ideological objection, for example, to a perceived violation of individual rights. Those conscripted may evade service, sometimes by leaving the country.
- While women, almost always exempt from conscription, are free to pursue work, study and other activities, men's early career and life prospects can be impeded by conscription.
- Close to 30 crore males and 24 crore females between the ages of 16-49 are fit for military service in India. Annually, 1.2 crore males and 1 crore females attain militarily significant age. This is a huge number and even if a section of them have to be trained, it would require astronomical resources in terms of manpower, infrastructure, finance and equipment.
- Also, with high levels of crime and unemployment and a host of serious internal security challenges, teaching a large number of youngsters to handle weapons and battlefield tactics could have dangerous ramifications.
- Conscription is a useful tool only in thinly populated countries, usually facing an existential crisis, like Israel.

A similar model already exists in schools and colleges in the form of the National Cadet Corps (NCC). The largest youth volunteer organization of its kind in the world with strength of about 15 lakh cadets, its mandate is personality development and inculcating discipline. Once India improves its education system and inculcates moral values, people will understand what is required of them and the situation will improve. Imparting military training is not the way to solve the ills of the society.

### **Conclusion:**

Fundamental duties are intended to serve as a constant reminder to every citizen that while the constitution specifically conferred on them certain Fundamental Rights Hence. These duties play an important role in India, seek to achieve set parameters of progress which cannot be achieved without citizens performing their duties. The Fundamental Duties are laid down to draw the attention of the citizens towards the duties they owe towards their Motherland. It clearly elaborates the thoughts of John .F. Kennedy ", Do not ask what the country can do for you, but ask what you can do for the country".

