



Sambhav-2023

Day 4: Mention the recent amendments in the Directive Principles of State Policy and Fundamental Duties. Also mention their significance.

12 Nov 2022 | GS Paper 2 | Polity & Governance

Approach / Explanation / Answer

Approach

- Start your answer by giving a brief about Directive Principles of State Policy (DPSP) and Fundamental Duties (FD).
- Discuss the Amendments Brought in the DPSP and FD.
- Discuss the significance of the DPSP and FD.
- Conclude suitably.

Introduction

The Directive Principles of State Policy (DPSP) are enumerated in Part IV of the Constitution from Articles 36 to 51. The framers of the Constitution borrowed this idea from the Irish Constitution of 1937, which had copied it from the Spanish Constitution. Dr. B.R. Ambedkar described these principles as 'novel features' of the Indian Constitution.

The idea of Fundamental Duties is inspired from the Constitution of the erstwhile USSR. These were incorporated in Part IV-A of the Constitution by the 42nd Constitutional Amendment Act, 1976 on the recommendations of the Swaran Singh Committee.

Body

Amendments Brought in the Directive Principles of State Policy (DPSP)

- The **42nd Amendment Act of 1976** added four new Directive Principles to the original list. They require the State:
 - To secure opportunities for healthy development of children (Article 39).
 - To promote equal justice and to provide free legal aid to the poor (Article 39 A).
 - To take steps to secure the participation of workers in the management of industries (Article 43 A).
 - To protect and improve the environment and to safeguard forests and wild life (Article 48 A).
- The **44th Amendment Act of 1978** added one more Directive Principle, which requires the State

to minimize inequalities in income, status, facilities and opportunities (Article 38).

- The **86th Amendment Act of 2002** changed the subject-matter of Article 45 and made elementary education a fundamental right under Article 21 A. The amended directive requires the State to provide early childhood care and education for all children until they complete the age of six years.
- The **97th Amendment Act of 2011** added a new Directive Principle relating to cooperative societies. It requires the state to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies (Article 43B).

Amendments Brought in the Fundamental Duties

Originally 10 in number, one more duty was added through the **86th Constitutional Amendment Act, 2002**. All the eleven duties are listed in Article 51-A of the Constitution (the sole Article in Part-IV-A).

- To provide opportunities for education to his child or ward between the age of six and fourteen years (added by the 86th Constitutional Amendment Act, 2002).

Significance of Fundamental Duties

- **Constant Reminder of Democratic Conduct:** Fundamental Duties are intended to serve as a constant reminder to every citizen that while the Constitution specifically conferred on them certain fundamental rights, it also requires citizens to observe basic norms of democratic conduct and democratic behaviour.
- **Admonishes Against Anti-Social Activities:** They serve as a warning to the people against the anti-social activities that disrespect the nation like burning the flag, destroying public property or disturbing public peace.
- **Sense of Discipline and Commitment:** These help in the promotion of a sense of discipline and commitment towards the nation. They help in realising national goals by the active participation of citizens rather than mere spectators.
- **Help Determine Constitutionality of Law:** It helps the Court in determining the constitutionality of the law.

Significance of Directive Principles of State Policy (DPSP)

- They are like an **'Instrument of Instructions'** or **general recommendations addressed to all authorities** in the Indian Union. They remind them of the basic principles of the new social and economic order, which the Constitution aims at building.
- They have **served as useful beacon-lights to the courts**. They have helped the courts in exercising their power of judicial review, that is, the power to determine the constitutional validity of a law.
- They **form the dominating background to all State action**, legislative or executive and also a guide to the courts in some respects.
- They **amplify the Preamble**, which solemnly resolves to secure to all citizens of India justice, liberty, equality and fraternity.

Conclusion

The Directive Principles of State Policy (DPSP) places the obligation on the state to perform specific tasks and Fundamental Duties oblige the Citizens to perform specific roles. Thus, both are significant from the perspective of individual and social welfare.