

INDIAN CONSTITUTION



सत्यमेव जयते



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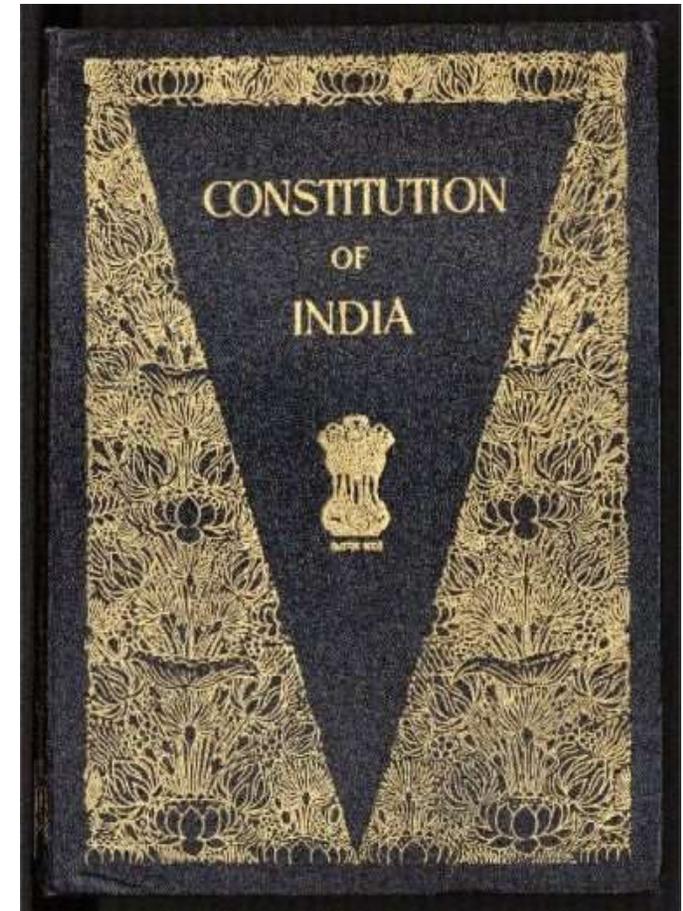
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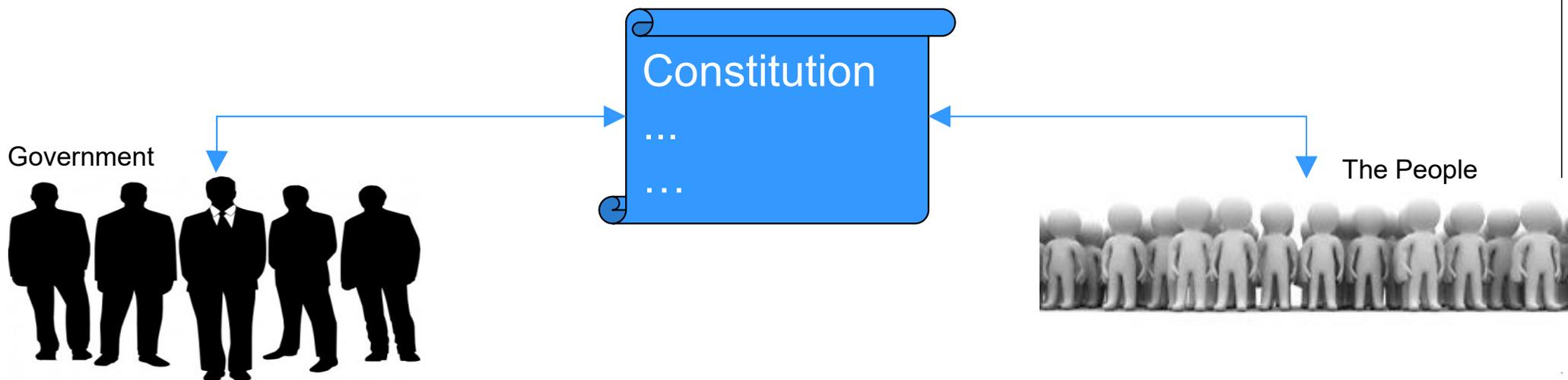
The First Book of Constitution Located at Parliament Library Building, New Delhi

I) In General-

The Constitution is the supreme law of the land. All other laws have to conform to the Constitution. The constitution contains laws concerning the government and its relations with the people.

A constitution is concerned with 2 main aspects:-

- a) The relation between the different levels of government and
- b) Between the government and the citizens.



Role of Constitution in relationship between Government and its people:-

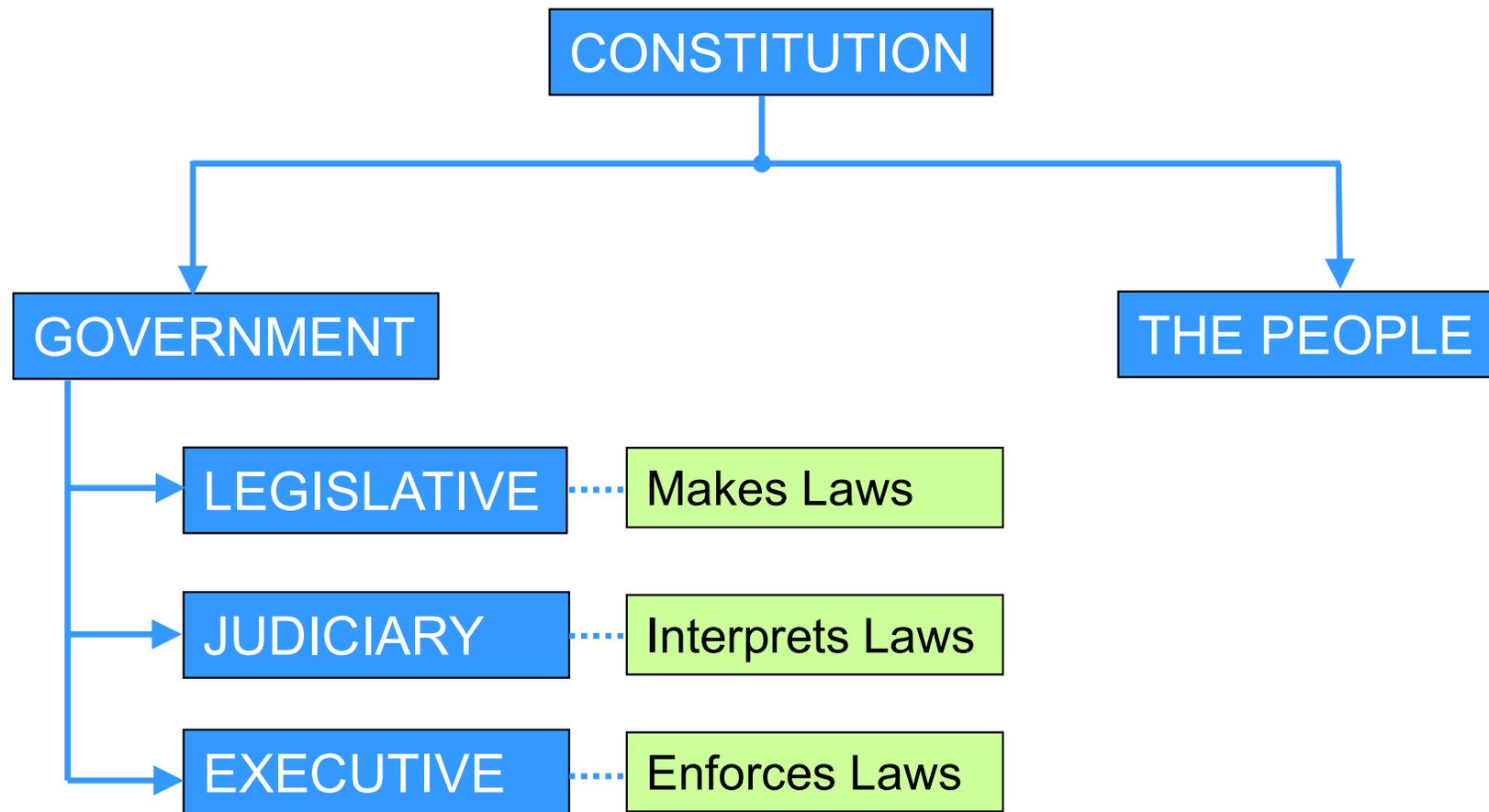


Fig.- Role of Constitution in relationship between Government and its people

II) Technical Definitions-

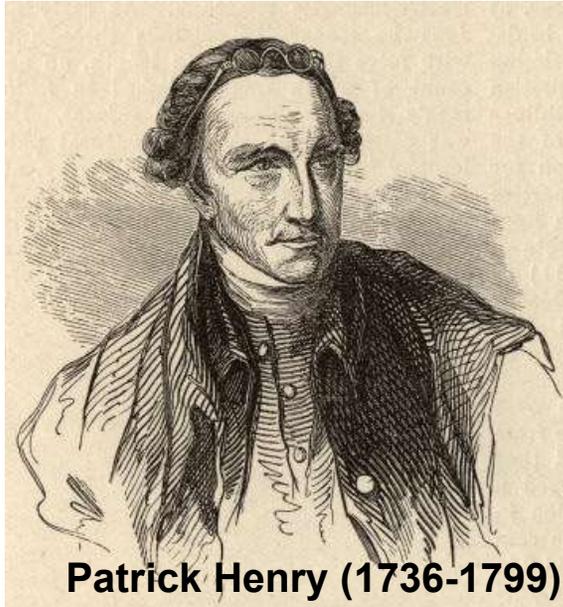
A constitution is a set of fundamental principles or established precedents according to which a state or other organization is governed. These rules together make up, i.e. *constitute*, what the entity is. When these principles are written down into a single collection or set of legal documents, those documents may be said to comprise a **written constitution.**

or

The document containing laws and rules which determine and describe the form of the government, the relationship between the citizens and the government, is called a **Constitution.**

III) An observation-

“The Constitution is not an instrument for the government to restrain the people, it is an instrument for the people to restrain the government.” --Patrick Henry



Patrick Henry (1736-1799)

Why Do We Need Constitution?

In General-

- I. We need a constitution to govern a country properly.
- II. The constitution defines the nature of political system of a country.
- III. sometimes we feel strongly about an issue that might go against our larger interests and the constitution helps us guard against this.
- IV. All the 3 organs of government (executive, legislature and judiciary) functions within the constitution. All the 3 organs of government, including ordinary citizens, derive their power and authority (i.e. Fundamental Right) from the constitution. If they act against it, it is unconstitutional and unlawful.

So constitution is required to have authoritative allocation of power and function, and also to restrict them within its limit.

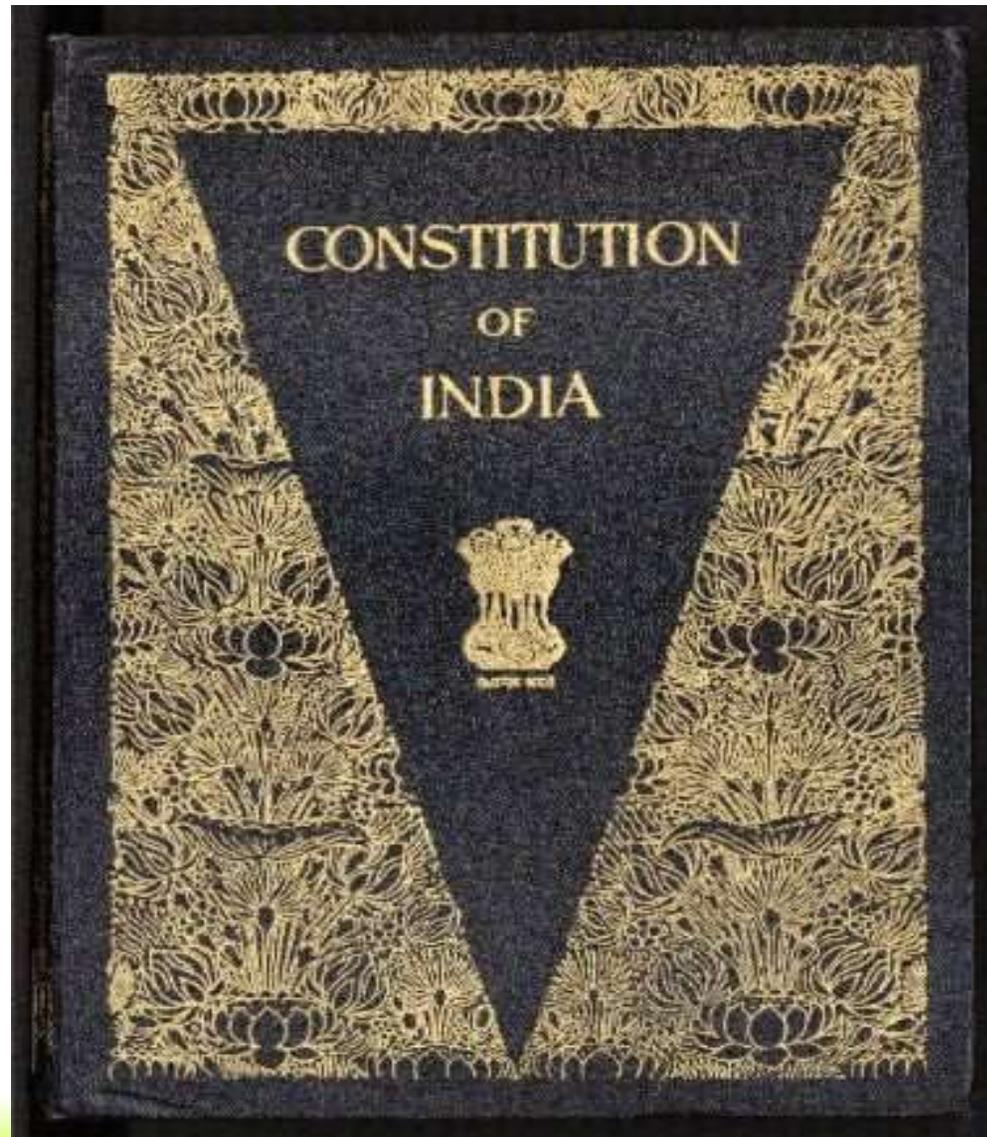
The people don't know
their true power



To perform following Functions we need Constitution-

- I. **The first function** of a constitution is to provide a set of basic rules that allow for minimal coordination amongst members of a society.
- II. **The second function** of a constitution is to specify who has the power to make decisions in a society. It decides how the government will be constituted.
- III. **The third function** of a constitution is to set some limits on what a government can impose on its citizens. These limits are fundamental in the sense that government may ever trespass them.
- IV. **The fourth function** of a constitution is to enable the government to fulfill the separations of a society and create conditions for a just society.

Salient features of the Indian Constitution



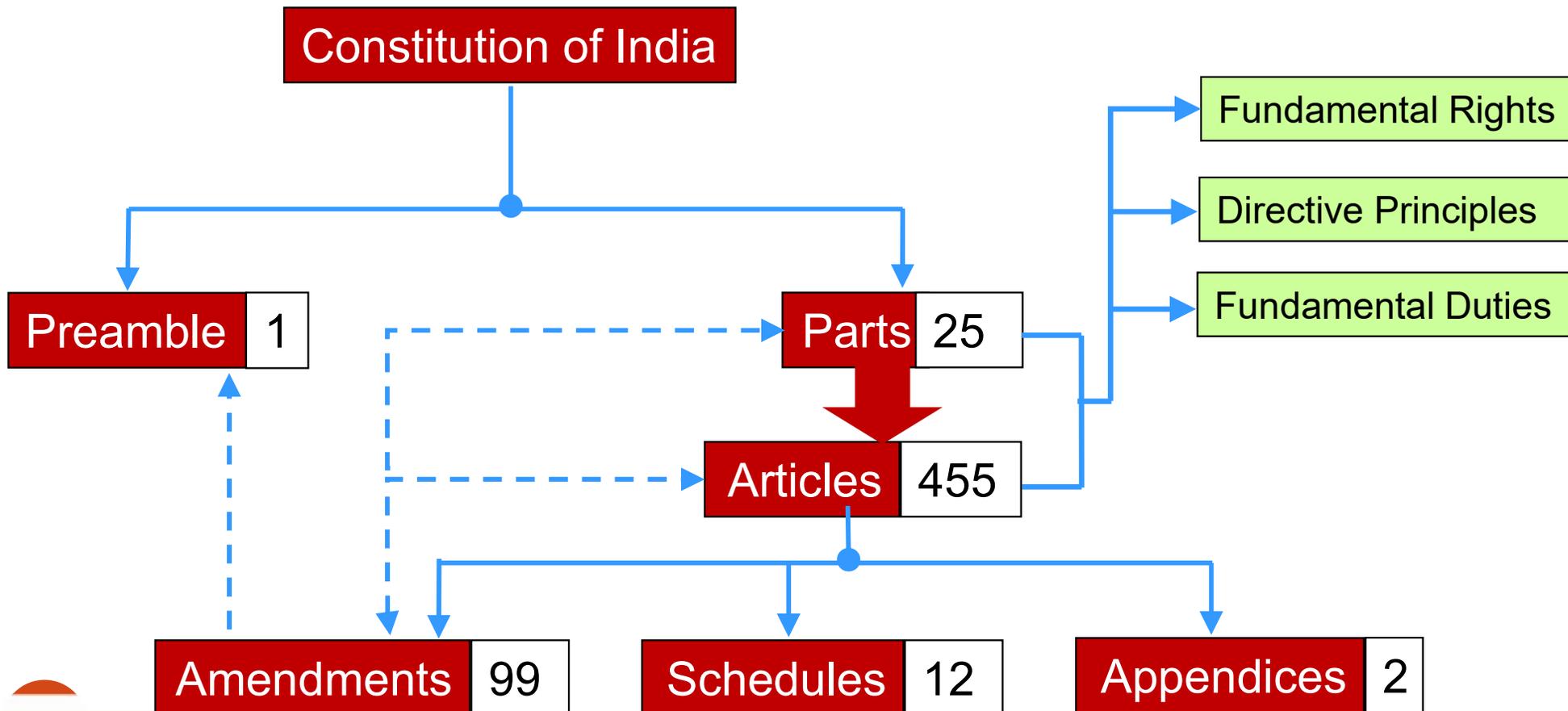
The salient features of the Constitution of India can be discussed as follows:

- The Constitution of India is a unique constitution. It is the largest written liberal democratic constitution of the world. It provides for a mixture of federalism and Unitarianism, and flexibility and with rigidity. Since its inauguration on 26th January 1950, the Constitution India has been successfully guiding the path and progress of India.
- (1) Written and Detailed Constitution: It took the Assembly 2 years, 11 months and 18 days to write and enact the Constitution.
- Indian Constitution is a very detailed constitution. It consists of 395 Articles divided into 25 Parts with 12 Schedules and 99 constitutional amendments. It is a constitution of both the Centre and states of Indian Union It are indeed much bigger than the US Constitution which has only 7 Articles and the French Constitution with its 89 Articles.

What Is The constitution of India?

(ii) Structure of Constitution of India:-

The Constitution, consists of 1 preamble, 25 parts containing 450 articles, 12 schedules, 2 appendices and 97 amendments to date. Although it is federal in nature it also has a strong unitary bias.



Sovereign, Socialist, Secular, Democratic Republic

Sovereignty

Sovereignty is one of the foremost elements of any independent State. It means absolute independence, i.e., a government which is not controlled by any other power : internal or external. A country *cannot have its own constitution without being sovereign. India is a* sovereign country. It is free from external control. It can frame its policies. India is free to formulate its own foreign policy.

Socialist

The word socialist was not there in the Preamble of the Constitution in its original form. In 1976, the 42nd Amendment to the Constitution incorporated 'Socialist' and 'Secular', in the Preamble. The word 'Socialism' had been used in the context of economic planning. It signifies major role in the economy. It also means commitment to attain ideals like removal of inequalities, provision of minimum basic necessities to all, equal pay for equal work.

When you read about the Directive Principles of the State Policy, you will see how these ideals have been incorporated as well as partly, implemented in the Constitution.

Secularism

In the context of secularism in India, it is said that 'India is neither religious, nor irreligious nor anti-religious.' Now what does this imply? It implies that in India there will be no 'State' religion – the 'State' will not support any particular religion out of public fund. This has two implications, a) every individual is free to believe in, and practice, any religion he/ she belongs to, and, b) State will not discriminate against any individual or group on the basis of religion.

Democratic Republic

The Preamble says that the Constitution belongs to the people of India. The last line of the Preamble says '.... Hereby Adopt, Enact And Give To Ourselves This Constitution'. In fact the Democratic principles of the country flow from this memorable last line of the Preamble. Democracy is generally known as government of the people, by the people and for the people. Effectively this means that the Government is elected by the people, it is responsible and accountable to the people. The democratic principles are highlighted with the provisions of universal adult franchise, elections, fundamental rights, and responsible government.

- ***Republic*** - The Preamble also declares India as a Republic. It means that the head of the State is the President who is indirectly elected and he is not a hereditary ruler as in case of the British Monarch.

Justice, Liberty and Equality

The struggle for freedom was not only against the British rule but their struggle should also usher in an era of restoring the dignity of men and women, removal of poverty and end to all types of exploitation. Such strong motivations and cherished ideals had prompted the framers to lay emphasis on the provisions of Justice, Liberty and Equality to all the citizens of India.

Justice

Justice promises to give people what they are entitled to in terms of basic rights to food, clothing, housing, participation in the decision-making and living with dignity as human beings. The Preamble covers all these dimensions of justice – social, economic and political

Liberty

The Preamble also mentions about liberty of thought and expression. These freedoms have been guaranteed in the Constitution through the Fundamental Rights.

Equality

Equality is considered to be the essence of modern democratic ideology. The Constitution makers placed the ideals of equality in a place of pride in the Preamble. All kinds of inequality based on the concept of rulers and the ruled or on the basis of caste and gender, were to be eliminated. All citizens of India should be treated equally and extended equal protection of law without any discrimination based on caste, creed, birth, religion, sex etc. Similarly equality of opportunities implies that regardless of the socio-economic situations into which one is born, he/she will have the same chance as everybody else to develop his/ her talents and choose means of livelihood.

A Combination of Rigidity and Flexibility

The Indian Constitution is a unique example of combination of rigidity and flexibility. A constitution may be called rigid or flexible on the basis of its amending procedure. In a rigid constitution, amendment of the constitution is not easy.

Rigid – America, Switzerland, Australia

Flexible – Britain

The Constitution of India provides for three categories of amendments

simple majority - special majority – special majority with $\frac{1}{2}$ States
Ratification

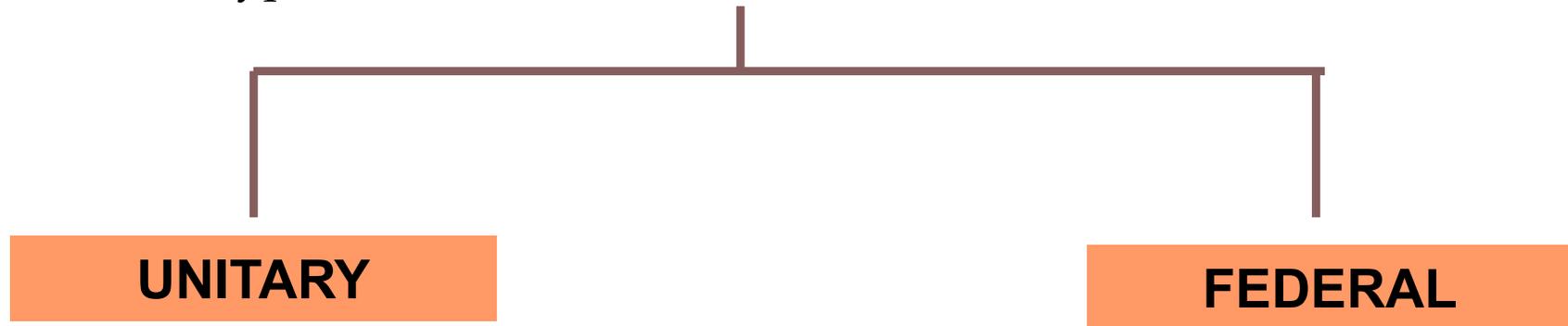
Simple majority

Special majority

Special majority with $\frac{1}{2}$
States Ratification

FEDERALISM.

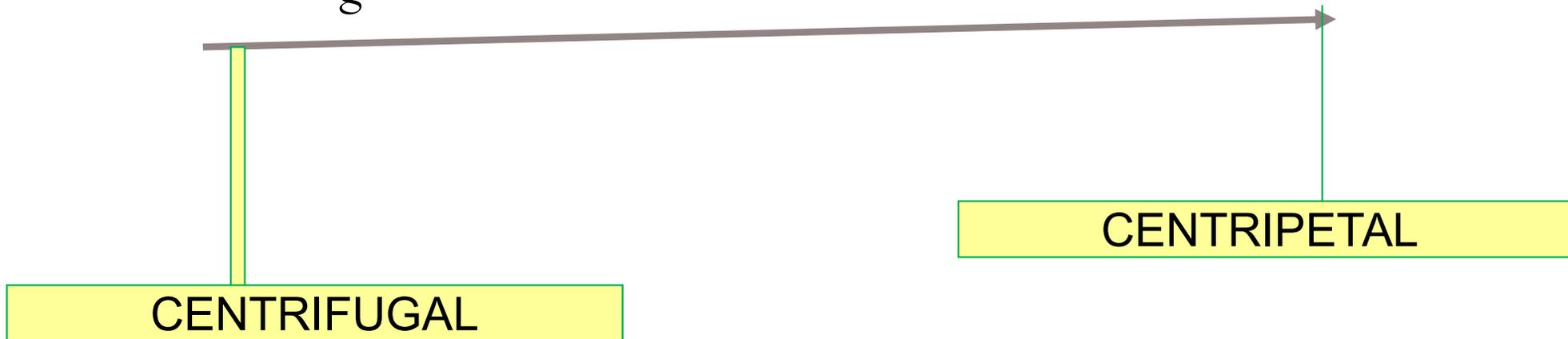
- On the basis of distribution of powers the government may be divided in to two types these are-



- Unitary -A govt. where all the powers are vested in the hands of the central or union Govt.
- Federal- A form of Govt. where all powers are distributed among the central Govt. & the units. Distribution of powers on the basis of co-operation.

TYPES OF FEDERALISM.

- Through out the world there are two kinds of federalism on the basis of its nature these are given bellow.



- **CENTRIFUGAL-**

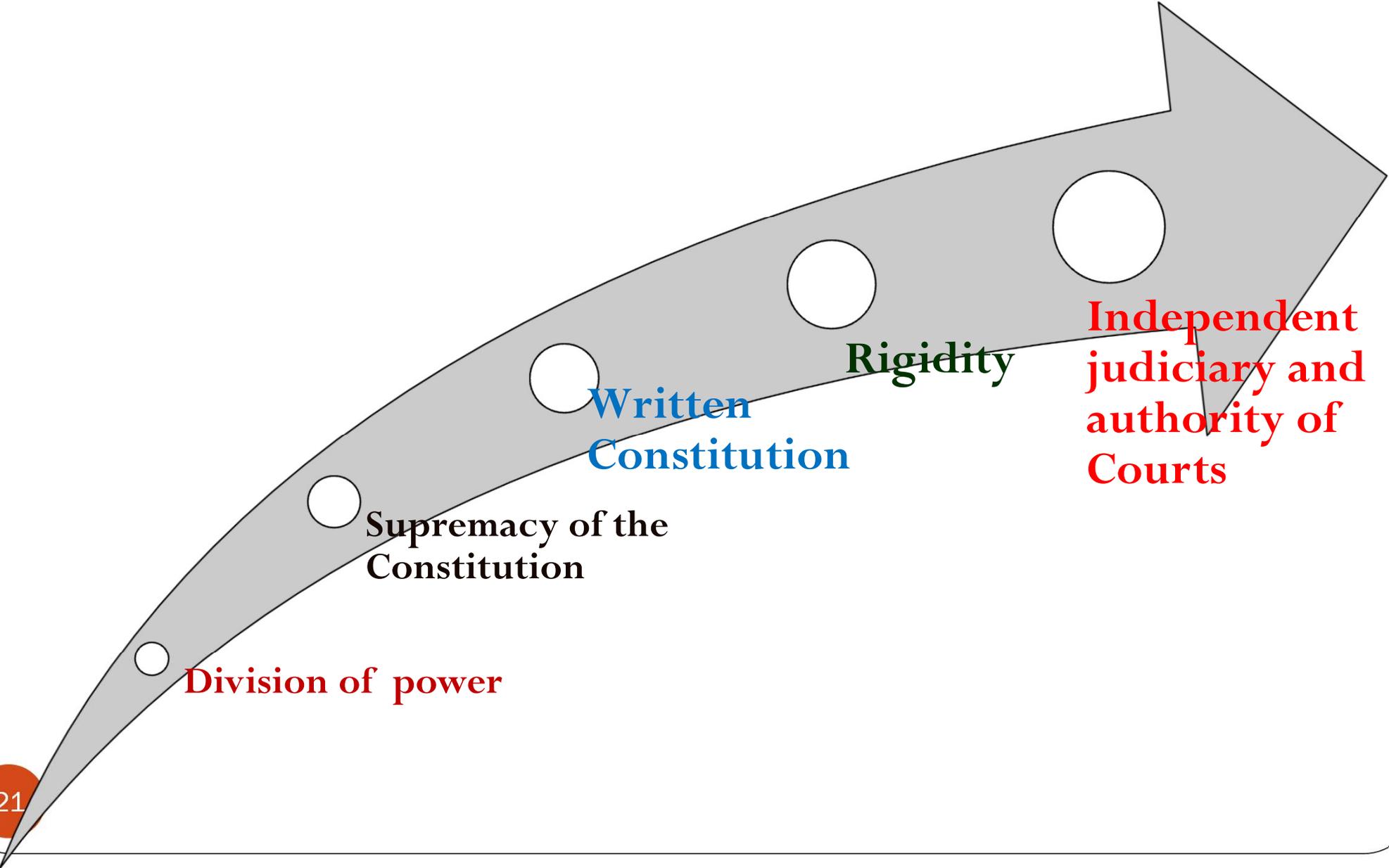
When a country is too vast & it is very difficult to administer it smoothly ,we may divide the country into number of units. The union govt. is at the centre and the state level e.g India

- **Centripetal –**

In centripetal form of federalism here some small states are united, joined and make a confederation. This kind of federalism is called as Centripetal federalism.

Features OF Federalism

The followings are some of the major features of federalism.



Division of power

**Supremacy of the
Constitution**

**Written
Constitution**

Rigidity

**Independent
judiciary and
authority of
Courts**

Division of powers

- 1. Union List. (99 items)
- 2. State list. (67 items)
- 3. Concurrent list. (47 items)
- 4. Residuary powers. Exercised by the Union Govt.)

Fundamental Rights and Fundamental Duties

Every human being is entitled to enjoy certain rights which ensure good living. In a democracy all citizens enjoy equal rights. The Constitution of India guarantees those rights in the form of Fundamental Rights. Fundamental Rights are one of the important features of the Indian Constitution. Fundamental Rights are justifiable and are protected by the judiciary. In case of violation of any of these rights one can move to the court of law for their protection.

Fundamental Duties were added to our Constitution by the 42nd Amendment. It lays down a list of ten Fundamental Duties for all citizens of India. While the rights are given as guarantees to the people, the duties are obligations which every citizen is expected to perform.

Directive Principles of State Policy

The Directive Principles of State Policy which have been adopted from the Irish Constitution, is another unique feature of the Constitution of India. The Directive Principles were included in our Constitution in order to provide social and economic justice to our people. Directive Principles aim at establishing a welfare state in India where there will be no concentration of wealth in the hands of a few.

Single Integrated Judicial System

India has a single integrated judicial system. The Supreme Court stands as the apex court of the judicial system. Below the Supreme Court are the High Courts. The High Courts control and supervise the lower courts. The Indian judiciary, thus, stands like a pyramid with the lower courts as the base, High Courts in the middle and the Supreme Court at the top.

Independence of Judiciary

Indian judiciary is independent and impartial. The Indian judiciary is free from the influence of the executive and the legislature. The judges are appointed on the basis of their qualifications and cannot be removed easily.

Universal Adult Franchise

Indian democracy functions on the basis of 'one person one vote'. Every citizen of India who is 18 years of age or above is entitled to vote in the elections irrespective of caste, sex, race, religion or status. The Indian Constitution establishes political equality in India through the method of universal adult franchise.

Emergency Provisions

The Constitution makers also foresaw that there could be situations when the government could not be run as in ordinary times. To cope with such situations, the Constitution elaborates on emergency provisions. There are three types of emergency; a) emergency caused by war, external aggression or armed rebellion; b) emergency arising out of the failure of constitutional machinery in states; and c) financial emergency

Secular State

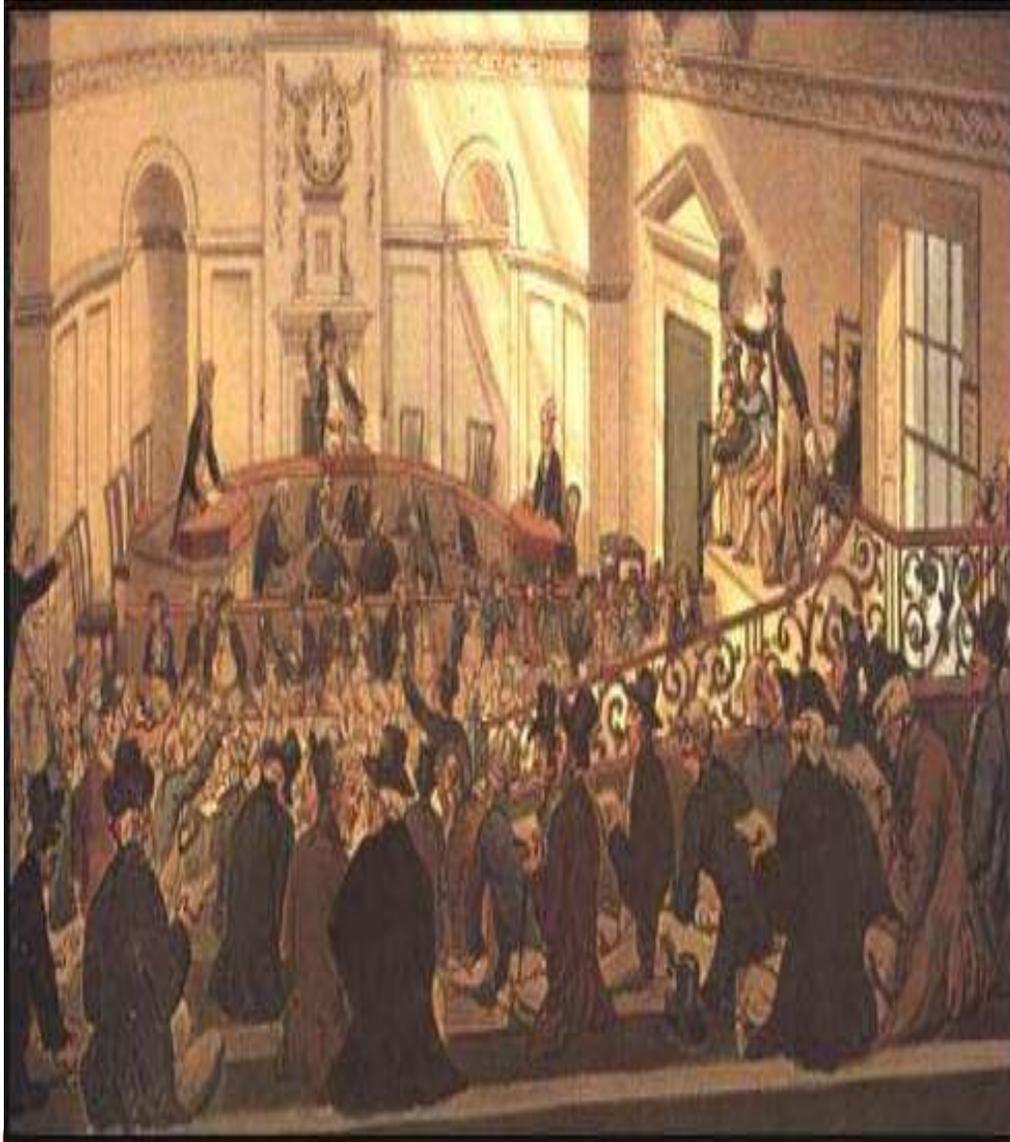
A multi-religious nation like India has to be a secular state. The word Secular was missing in our Constitution till the 42nd Amendment of the Constitution was passed. Secularism in India does not mean an irreligious or an anti-religious state.

It only means:

- (i) there is no official religion for India and the Parliament has no right of imposing a particular religion as an official religion,
- (ii) It also means that all citizens, irrespective of their religious beliefs, are to be considered and treated as equal and
- (iii) no discrimination is to be shown by the State against any person on account of his/her religion either for participation in political affairs or entry into government service or admission into educational institutions.

Historical background

1. 1600-1765 2. 1765-1858 3. 1858-1919 4. 1919-1947 5. 1947- 1950



Established in 1600 by Queen Elizabeth



View of East India House

First phase 1600-1765

- The British came to India in 1600 AD as traders in the form of East India Company.
- The East India Company was founded in the year 1600 for persuading the trade with East Indies (South Asia and South East Asia).
- The East India Company has exclusive rights to trade in India.
- to facilitate the venture some of the enterprising merchants of London form themselves into Company and secured its charter fro Queen Elizabeth
- The management of the company was vested in the hand of Governor and 24 Members
- Charter granted a monopoly of trade with the East
- Charter was granted in the first instance for 15 years and was terminable at the notice of two years
- It could be renewed if the interest of the crown and the people were not prejudicially affected

Legislative Power –

- Charter of 1601 granted power to the Governor and company, to make, ordain and constitute such and so many reasonable laws constitutions, orders and ordinance for the good governance of the company
- It was limited in its scope and character
- Not to be contrary to the laws, statutes or customs of England
- Only to regulate the business and to maintain discipline among its servants.
- Charters of 1609 and 1661 reaffirmed

The Charter of 1726

- Formerly Legislative powers were vested in the Court of Directors in England-not conversant with prevailing conditions of India
- Hence the Charter authorized the Governor and Council of the three Presidencies to make, constitute and ordain bye laws, rules and ordinances for the good governance of the company
- It should be confirmed in writing by the company's Court of Directors
- The Charter established the Mayor's Courts at Calcutta, Bombay and Madras
- Introduced English Laws into these Presidencies
- There was a period of gradual disintegration of the Moghul Empire
- Aurangzeb was dead and India became a battleground of rival contesting principalities.
- The victory of the company in the battle of Plassey in 1757 against Sirajuddaulla, Nawab of Bengal had laid the foundation of the British Empire in India.
- 1765 Shah Alam granted the Diwani----- the responsibility of the collection of revenue to the company

1765-1858 Beginning of the British Rule

- **Regulating Act of 1773**
- a landmark act in Indian History which has constitutional importance as it laid the foundations of **Central Administration in India**, direct access of the East India Company in India and recognized the political and administrative functions of the Company. The features of the act are:
- It designated the Governor of Bengal as the **Governor-General of Bengal** and created an Executive Council of four members to assist him. The first such Governor – General was **Lord Warren Hastings**.
- Governors of Bombay and Madras were made subordinate to governor-general of Bengal.
- **Establishment of Supreme Court** at Calcutta in 1774 comprising one chief justice and three other judges.
- Court of Directors were asked to report on its revenue, civil and military affairs in India.

The 1781 act of Settlement

- The 1781 act of Settlement – passed by the British parliament to rectify the defects of 1773 Act.
- Changes in Regulating Act –
 - It exempted the actions of public servants of the company done in the official capacity from the jurisdiction of Supreme Court
 - - question of jurisdiction of the Supreme Court was settled over the servants of the Company and the native inhabitants
 - - it cleared that what law should be applied by the Supreme Court
 - - the Act recognized and confirmed the appellate jurisdiction of the Governor-General-in Council from Mufassil Courts
 - - it empowered the Governor-General-in-Council to frame regulations for the Provincial courts and Council also

Pitt's India Act of 1784

- Distinguished between commercial and political functions of the company.
- Court of Directors for Commercial functions and Board of Control for political affairs.
- Reduced the strength of the Governor General's council to three members.
- Placed the Indian affairs under the direct control of the British Government.
- The companies territories in India were called "the British possession in India".
- Governor's councils were established in Madras and Bombay.

Charter Act of 1813

- The Company's monopoly over Indian trade terminated; Trade with India open to all British subjects.
- The Act renewed the Charter for a further period of 20 years
- The British Crown asserted a greater control over the powers of the councils
- They were supposed to lay all the regulations made by them before the Parliament

Charter Act of 1833

- Governor-General (of Bengal) became as the Governor-General of India.
- First Governor-General of India was Lord William Bentick.
- This was the final step towards centralization in the British India.
- Beginning of a Central legislature for India as the act also took away legislative powers of Bombay and Madras provinces.
- Governor –General-in-Council was empowered to make laws and regulations for all persons, whether British or native, foreigner or others, places and things within the territory of the Company
- The Council was enlarged for the purpose of legislation work by the addition of a fourth member----- Law Member
- The Act ended the activities of the East India Company as a commercial body and it became a pure administrative body.

- The council was known as ‘Indian Council’.
- The superintendence, direction and control of whole civil and military government of all the British territories and revenues in India was expressly vested in ‘The Governor General of India in Council’.
- The laws that were made prior to 1833 were called regulation.
- The laws that were made under 1833 charter were called Acts.
- This is the concentration of power in single authority.

Charter Act of 1853

- The legislative and executive functions of the Governor-General's Council were separated.
- 6 members in Central legislative council. Four out of six members were appointed by the provisional governments of Madras, Bombay, Bengal and Agra.
- It introduced a system of open competition as the basis for the recruitment of civil servants of the Company (Indian Civil Service opened for all).
- This was the last charter act passed by the British Parliament between 1793 and 1853.
- This act created the Legislative council.
- The legislative council functioned as a mini Parliament.
- The Charter Act of 1853 introduced Open competition system of selection and recruitment of civil servants.
- This was also open to Indians. (Indians were permitted to take part in the competitive examination).
- Accordingly Macaulay Committee (Committee on the Indian civil services) was appointed in the year 1854.
- Satyendra Nath Tagore was the first Indian to join the civil services.

Government of India Act of 1858

- The rule of Company was replaced by the rule of the Crown in India.
- The powers of the British Crown were to be exercised by the Secretary of State for India
- He was assisted by the Council of India, having 15 members
- He was vested with complete authority and control over the Indian administration through the Vice roy as his agent
- The Governor-General was made the Viceroy of India.
- Lord Canning was the first Viceroy of India.
- Abolished Board of Control and Court of Directors.

Indian Councils Act of 1861

- It introduced for the first time Indian representation in the institutions like Viceroy's executive+legislative council (non-official). 3 Indians entered Legislative council.
- Legislative councils were established in Center and provinces.
- It provided that the Vice-roys Executive Council should have some Indians as the non-official members while transacting the legislative businesses.
- It accorded statutory recognition to the portfolio system.
- Initiated the process of decentralisation by restoring the legislative powers to the Bombay and the Madras Provinces.

India Council Act of 1892

- Introduced indirect elections (nomination).
- Enlarged the size of the legislative councils.
- Enlarged the functions of the Legislative Councils and gave them the power of discussing the Budget and addressing questions to the Executive.
- Indian Councils Act of 1909
- This Act is also known as the Morley- Minto Reforms.
- Direct elections to legislative councils; first attempt at introducing a representative and popular element.
- It changed the name of the Central Legislative Council to the Imperial Legislative Council.
- The member of Central Legislative Council was increased to 60 from 16.
- Introduced a system of communal representation for Muslims by accepting the concept of 'separate electorate'.
- Indians for the first time in Viceroy's executive council. (Satyendra Prasad Sinha, as the law member)

Government of India Act of 1919

- This Act is also known as the Montague-Chelmsford Reforms.
- The Central subjects were demarcated and separated from those of the Provincial subjects.
- The scheme of dual governance, 'Dyarchy', was introduced in the Provincial subjects.
- Under dyarchy system, the provincial subjects were divided into two parts – transferred and reserved. On reserved subjects Governor was not responsible to the Legislative council.
- The Act introduced, for the first time, bicameralism at center.
- Legislative Assembly with 140 members and Legislative council with 60 members.
- Direct elections.
- The Act also required that the three of the six members of the Viceroy's Executive Council (other than Commander-in-Chief) were to be Indians.
- Provided for the establishment of Public Service Commission.

Government of India Act of 1935

- The Act provided for the establishment of an All-India Federation consisting of the Provinces and the Princely States as units, though the envisaged federation never came into being.
- Three Lists : The Act divided the powers between the Centre and the units in items of three lists, namely the Federal List, the Provincial List and the Concurrent List.
- The Federal List for the Centre consisted of 59 items, the Provincial List for the provinces consisted of 54 items and the Concurrent List for both consisted of 36 items
- The residuary powers were vested with the Governor-General.
- The Act abolished the Dyarchy in the Provinces and introduced 'Provincial Autonomy'.
- It provided for the adoption of Dyarchy at the Centre.
- Introduced bicameralism in 6 out of 11 Provinces.
- These six Provinces were Assam, Bengal, Bombay, Bihar, Madras and the United Province.
- Provided for the establishment of Federal Court.
- Abolished the Council of India.

Indian Independence Act of 1947

- It declared India as an Independent and Sovereign State.
- Established responsible Governments at both the Centre and the Provinces.
- Designated the Viceroy India and the provincial Governors as the Constitutional (normal heads).
- It assigned dual functions (Constituent and Legislative) to the Constituent Assembly and declared this dominion legislature as a sovereign body.

The Preamble to Constitution of India.

The Preamble to the Constitution of India is a brief introductory statement that sets out the guiding purpose and principles of the document.

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a **SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC** and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity; and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.**

Purpose of Having a Preamble:

The Preamble to our Constitution serves two purposes: -

- A) It indicates the source from which the Constitution derives its authority;
- B) It contains the enacting clause which brings into force the Constitution
- C) It declares the great rights and freedoms which people of India intended to secure to all citizens and the basic type of Government and polity which was to be established

The Preamble seeks to establish what Mahatma Gandhi described as The India of my Dreams, "...an India in which the poorest shall feel that it is their country in whose making they have an effective voice; ...an India in which all communities shall live in perfect harmony. There can be no room in such an India for the curse of unsociability or the curse of Intoxicating drinks and drugs. Woman will enjoy as the same rights as man."



How far useful for interpreting the Constitution

- It is the key to open the mind of makers
- It cannot override the express provisions
- Berubari's Case the Hon'ble Court held-----
 - It is not the part of the Constitution
 - Hence cannot be regarded as a source of substantive powers
 - It has limited application and can be resorted in case of ambiguity in the statute..... Only some assistance can be taken from objectives

Keshwanand Bharti's case rejected the above view and held

- It is the part of the Constitution
- All importance has to be attached to the preamble
- Constitution should be read and interpreted in the light of the grand and noble vision expressed in the preamble
- It imposes implied limitations on the amending power of Parliament
- It contains the basic elements which cannot be amended

Objectives enshrined in the Preamble

JUSTICE

- social, economic and political

LIBERTY

- of thought, expression, belief, faith and worship

EQUALITY

Of status and of opportunity;
and to promote among them all

FRATERNITY

- assuring the dignity of the individual and the unity and integrity of the Nation

Fundamental duties

- Introduction: Originally, the constitution of India did not contain any list of fundamental duties. In other words, enjoyment of fundamental rights was not conditional on the performance of fundamental duties.
- Democratic rights are based on the theory that rights are not created by the state. Individuals are born with right. It is on this theory that the Indians before independence raised the slogan that “freedom is our birth right.” It is in this sense again that Prof. Laski asserts that the “state does not create rights, it only recognizes rights.”
- The socialists on the other hand, make enjoyment or rights conditional on the fulfillment of duties. They claim that “he who does not work, neither shall he eat.” The constitution of the world’s first socialist country, that of Soviet Union contains a list of fundamental rights immediately followed by a list of fundamental duties. It is clearly asserted that the enjoyment of fundamental rights is conditional on the satisfactory performance of fundamental duties.
- It was on this Soviet model that fundamental duties were added to the Indian Constitution by 42nd amendment of the constitution in 1976. The fundamental duties are contained in Art. 51A.

List of Fundamental Duties: Art. 51A,

It says “it shall be the duty of every citizen of India:

- to abide by the constitution and respect its ideal and institutions;
- to cherish and follow the noble ideals which inspired our national struggle for freedom;
- to uphold and protect the sovereignty, unity and integrity of India;
- to defend the country and render national service when called upon to do so;
- to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional diversities, to renounce practices derogatory to the dignity of women;
- to value and preserve the rich heritage of our composite culture;

- to protect and improve the natural environment including forests, lakes, rivers, and wild-life and to have compassion for living creatures;
- to develop the scientific temper, humanism and the spirit of inquiry and reform;
- to safeguard public property and to abjure violence;
- to strive towards excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of endeavor and achievement.

Further, one more Fundamental duty has been added to the Indian Constitution by 86th Amendment of the constitution in 2002.

- who is a parent or guardian , to provide opportunities for education to his child, or as the case may be, ward between the age of six and fourteen years.

Why fundamental duties are important?

- The fundamental duties enumerated in Article 51A constitute a constant reminder to the citizens that they have duties in building up a free, egalitarian, healthy and responsible society. These are expected to act as damper to reckless and anti-social activities on the part of some individuals.
- India is a multi-racial and multi-religious country. Such a vast democratic country like India can prosper only when the citizens of this country respect its integrity and promotes cultural harmony.
- Environmental pollution has become a great cause of concern, not only for Indian, but for the entire humanity. Unless, we all take the pledge to keep our environment free from pollutants, there remains the threat of undesirable consequences.
- The inclusion of providing opportunity for education for children as a Fundamental duty is a big step forward towards safeguard of human-rights and abolition of social injustices

Nature of Fundamental Duties

- Non-enforceable and Non-justifiable: The fundamental duties however are non-enforceable and non-justifiable in character. This means that no citizen can be punished by a court for violation of a fundamental duty. In this respect the fundamental duties are like the directive principles of the constitution in part IV. The directive principles lay down some high ideals to be followed by the state. Similarly, the fundamental duties in Art 51A, lay down some high ideals to be followed by the citizens. In both cases, violation does not invite any punishment. It is significant that the fundamental duties are placed at the end of part IV rather than at the end of part III of the constitution. While part III containing fundamental rights is justifiable, part IV containing the directive principles is not.