

## **1. As the soul of the Indian Constitution, the Preamble is an expression of philosophy and principles and outlines goals and direction for the nation. Elaborate.**

The Preamble encapsulates the philosophical vision and constitutional morality envisioned by the framers. It not only outlines the nature of the Indian State but also defines the objectives and goals of the Constitution. It acts as a guiding light in interpreting constitutional provisions and shaping national policy.

### **I. Expression of Philosophy and Principles (with examples):**

#### **1. Sovereignty**

- **Meaning:** India is independent in internal and external affairs.
- **Example:** India's decision to stay non-aligned during the Cold War and its recent independent foreign policy in dealing with Russia and the US reflects its sovereign nature.

#### **2. Socialism**

- **Meaning:** Commitment to social and economic justice.
- **Example:** Nationalization of banks in 1969, progressive taxation, and welfare schemes like PMAY and NFSA (National Food Security Act) reflect socialist ideals.

#### **3. Secularism**

- **Meaning:** State neutrality in religious affairs.
- **Example:** Shah Bano case (1985) and the Supreme Court's upholding of individual rights over personal laws. Also, schemes like "PM Jan Vikas Karyakram" for minority welfare show secular governance.

#### **4. Democracy**

**Meaning:** Government by the people, through periodic elections.

**Example:** Peaceful power transitions such as the 1977 general elections, and tools like RTI Act (2005) that promote accountability and transparency.

#### **5. Republic**

- **Meaning:** Elected head of state, not hereditary.
- **Example:** The President of India is elected by an electoral college — unlike the British monarchy

## **II. Goals and Outcomes Envisioned by the Preamble (with examples):**

### **1. Justice – Social, Economic, Political**

- **Social:** Reservation policy under Articles 15 & 16 for SCs/STs/OBCs (e.g., EWS quota in 2019).
- **Economic:** MNREGA provides livelihood security to rural poor.
- **Political:** Universal Adult Franchise ensures everyone can vote regardless of caste, class, or gender.

### **2. Liberty – of Thought, Expression, Belief, Faith, and Worship**

- **Example:**
  - ✓ Shreya Singhal v. Union of India (2015) struck down Section 66A of the IT Act, upholding freedom of speech.
  - ✓ Triple Talaq judgment (2017) upheld liberty and dignity in personal laws.

### **3. Equality – of Status and Opportunity**

#### **Example:**

- ✓ Article 14 ensures equality before law.
- ✓ K. S. Puttaswamy v. Union of India (2017) recognized privacy as a fundamental right, applicable to all equally.
- ✓ Beti Bachao, Beti Padhao aims to ensure gender equality.

#### 4. Fraternity – Assuring Dignity and Unity

##### Example:

- ✓ The abolition of untouchability (Article 17) promotes social fraternity.
- ✓ The National Integration Council promotes unity among different communities.
- ✓ Supreme Court's recognition of transgender rights (NALSA case, 2014) upheld individual dignity.

The Preamble is not just a ceremonial preface but a living document guiding constitutional interpretation, state policy, and civic ethos. By encapsulating the philosophy, principles, and goals, it shapes the direction of governance and reflects the spirit of Indian democracy. Indeed, it remains the soul of the Constitution and the touchstone for evaluating laws and policies.

### 2. "Fundamental Duties are essential for a responsible citizenry but lack effective enforcement." Critically analyse.

The Fundamental Duties were added to the Indian Constitution in 1976 through the 42nd Constitutional Amendment. Article 51A outlines 11 duties for citizens, aimed at fostering responsible behaviour and promoting a sense of civic responsibility. While these duties are crucial for ensuring a just, ethical, and responsible society, their lack of enforceability is a key challenge in making them effective.

#### I. Importance of Fundamental Duties for a Responsible Citizenry:

##### 1. Promotion of National Unity and Integrity:

- Encourages citizens to respect the sovereignty, unity, and integrity of India.
- **Example:** The duty to respect the National Flag and National Anthem (Article 51A(a)) instills a sense of patriotism.

##### 2. Balancing Rights with Responsibilities:

- While citizens enjoy fundamental rights, the Constitution also emphasizes that rights come with responsibilities, such as upholding the Constitution's principles.
- **Example:** Duty to promote harmony and the spirit of common brotherhood (Article 51A(e)) complements the Right to Equality (Article 14).

##### 3. Environmental Stewardship:

- Emphasizes the responsibility to protect and improve the environment, forests, lakes, rivers, and wildlife.
- **Example:** Duty to safeguard the environment (Article 51A(g)) resonates with environmental laws like the Environment Protection Act, 1986, and Swachh Bharat Abhiyan (Clean India Mission).

##### 4. Promoting Scientific Temper:

- Encourages citizens to develop a scientific temper, humanism, and the spirit of inquiry (Article 51A(h)).
- **Example:** Encouraging people to question superstitions and follow rational scientific practices, especially in healthcare and education.

##### 5. Duty to Safeguard Public Property:

- Ensures that citizens protect public property and abstain from violence (Article 51A(i)).
- **Example:** Citizens are expected to contribute to reducing vandalism in public spaces like parks, government buildings, and transportation systems.

#### II. Fundamental Duties - Lack of Effective Enforcement:

##### 1. Non-Justiciable Nature:

- Fundamental Duties are non-justiciable; they are not enforceable by courts.
- **Example:** A citizen cannot be compelled to respect the national anthem or penalized for spreading social hatred — these duties are aspirational, not legally binding.

##### 2. Limited Legal Framework:

- Some duties are enforced indirectly through laws, but the legal framework is insufficient.
- **Example:** While respect for the Constitution is emphasized, the duty to protect public property (Article 51A(i)) is often violated during protests, but legal mechanisms remain weak.

### 3. Lack of Civic Education:

- Despite being enshrined in the Constitution, many citizens are unaware of their fundamental duties.
- **Example:** The concept of responsible citizenship (respecting cultural diversity, environment protection) is rarely taught in schools or in public discourse.

### 4. Inconsistent Enforcement:

- Some duties are indirectly enforced, such as the duty to promote harmony (through anti- discrimination laws like SC/ST Prevention of Atrocities Act), but many duties remain ineffective due to lack of widespread implementation.
- **Example:** The duty to protect the environment is promoted by campaigns like Swachh Bharat but lacks effective enforcement mechanisms for long-term behavior change.

### 5. Moral, not Legal Obligation:

- Since duties are framed as moral obligations, they remain voluntary for the citizens, unlike legal duties like paying taxes or obeying traffic laws.
- **Example:** Citizens are encouraged to promote scientific temper but have no legal recourse to act against those who spread pseudoscience.

## III. Judicial Interpretation and Support:

### 1. AIIMS Students Union v. AIIMS (2002):

- The Supreme Court acknowledged the importance of raising awareness about duties but held that citizens cannot be forced to perform these duties.

### 2. Rangnath Mishra Committee (2007):

- Suggested making Fundamental Duties legally enforceable and integrating them into the curriculum to encourage early education about rights and duties.

### 3. National Integration and Public Morality:

- The Court has also emphasized the need for citizens to recognize their duties in cases where national integrity and public morality are threatened

## IV. Way Forward:

### 1. Awareness Campaigns:

- Public awareness through media, advertisements, and community outreach to educate citizens about their duties, especially in rural areas.
- **Example:** Elections Commission campaigns to educate voters about their duties to vote responsibly.

### 2. Curriculum Integration:

- Including Fundamental Duties in the school curricula and public discourse would make citizens more aware of their responsibilities and rights.
- **Example:** Civic education classes from an early age focusing on duties towards society (e.g., environmental preservation, upholding constitutional values).

### 3. Strengthening Laws Linked to Duties:

- Enacting laws to directly enforce certain duties, like public property protection or preventing environmental degradation.
- **Example:** Environment Protection Act and stricter laws against hate speech to enforce related duties.

### 4. Incentivizing Responsible Behavior:

- Providing rewards and recognition for responsible citizens, such as honors for eco- friendly practices, voting in elections, or contributions to community well-being.
- **Example:** Swachh Bharat Abhiyan recognized citizens and municipalities for their efforts in cleanliness.

##### **5. Fostering a Culture of Responsibility:**

- Encouraging citizens to self-regulate and internalize the concept of duty, in addition to complying with legal norms.
- **Example:** Voluntary programs like community service, environmental protection drives, and scientific outreach.

Fundamental Duties are a moral compass that fosters responsible behavior and national integrity. However, their lack of enforceability limits their ability to transform society. A holistic approach involving education, legal reforms, and community engagement is essential to translate these duties into meaningful actions, creating a responsible citizenry that balances rights with obligations for a prosperous democratic society.