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Fundamental Duty

Why in Newspapers?

Recently the Chief Justice of India said that Fundamental Duties in the Constitution are not meant to serve only "educational or technical" purpose, but they have been included as the key to social change.

Quick Issue?

- The idea of Fundamental Duties is inspired by the Constitution of Russia (erstwhile Soviet Union). These were included in Part IV-A of the Constitution by the 42nd Constitutional Amendment Act, 1976 on the recommendations of the Swaran Singh Committee.
- Originally the number of fundamental duties was 10, later one more duty was added through the 86th Constitutional Amendment Act, 2002. All the eleven duties are listed in Article 51-A (Part-IV-A) of the Constitution.
- Like the Directive Principles of State Policy, Fundamental Duties are also non-judicial in nature.

Other Key Facts?

The stand of the Supreme Court with respect to Fundamental Duties:

- The Supreme Court's Ranganath Mishra case 2003 held that Fundamental Duties should be enforced not only by legal restrictions but also by social restrictions.
- In AIIMS Students Union v AIIMS 2001, it was held by the Supreme Court that Fundamental Duties are as important as Fundamental Rights.
- Although Fundamental Duties cannot be enforced like Fundamental Rights, they cannot be ignored as duties in Part IVA.
- The presence of Fundamental Duties was indirectly already in the form of certain restrictions in Part III of the Constitution.

Historical Background?

- **Fundamental Duties-**
 1. Follow the constitution and respect its ideals, institutions, national flag and national anthem.
 2. To cherish and follow the high ideals that inspired the national movement for independence.
 3. Protect and keep the sovereignty, unity and integrity of India intact.
 4. Protect the nation and serve the nation when called upon.
 5. To create a spirit of harmony and equal brotherhood among all the people of India, which is beyond all kinds of discrimination based on religion, language and region or class, renounce such practices which are against the honour of women.
 6. Understand the importance of the glorious tradition of our composite culture and preserve it.



7. Protect and enhance the natural environment which includes forests, lakes, rivers and wildlife, and have compassion for animals.
8. Develop humanism from scientific point of view and the spirit of knowledge acquisition and improvement.
9. Protect public property and abstain from violence.
10. Make continuous efforts to move towards excellence in all spheres of individual and collective activities so that the nation can progress and achieve new heights of achievement by increasing continuously.
11. To provide opportunities for education to own children between the age of six to fourteen years (added by the 86th Constitutional Amendment Act, 2002).

▪ **Importance:-**

- **Constant reminder of democratic conduct:-** The purpose of the Fundamental Duties is to convey to every citizen as a constant reminder that the Constitution has specifically provided them with certain fundamental rights, but the basic norms of democratic conduct and democratic behaviour to the citizens.
- **Warning against anti-social activities:-** Fundamental duties act as a warning against anti-social activities for such people who insult the nation; Such as insulting the national flag, destruction of public property or disturbing public peace etc.
- **Discipline and sense of commitment:-** These help in promoting the spirit of discipline and commitment towards the nation. They help in realizing the national goals by the active participation of citizens rather than just spectators.
- **Helps in determining the constitutionality of the law:-** It helps the court in determining the constitutionality of the law. For example, any law passed by the legislature, when it goes to the court for constitutionality check and contains the components of fundamental duty, then such law will be considered just.

Likely Question Asked In Preliminary Exam

Que. "To protect and uphold the sovereignty, unity and integrity of India, the provisions mentioned under:

- | | |
|----------------------------------|--|
| (a) Preamble of the Constitution | (b) Directive Principles of State Policy |
| (c) Fundamental Rights | (d) Fundamental Duties |

Answer: (d) Fundamental Duties

Que. Which of the following statements about the Fundamental Duties of an Indian citizen is/are correct?

1. Legislative procedure has been provided for carrying out these duties.
2. They are related to legal duties.

Select the correct answer using the code given below :

- | | |
|------------------|---------------------|
| (a) 1 only | (b) 2 only |
| (c) Both 1 and 2 | (d) Neither 1 nor 2 |

Answer: (d) Neither 1 nor 2

Rupee Co-operative Bank

Why in Newspapers?

Recently, the Reserve Bank of India has canceled the license of Rupee Co-operative Bank of Pune, taking a major action. This is because this co-operative bank does not have enough capital, has no earning potential and has also violated the rules. This bank will cease to exist from September 22 next month.

Quick Issue?

- Co-operative banks are formed and operated on cooperative basis. Co-operative means working together. The purpose of such banks is to provide credit facilities to small businesses in both urban and non-urban areas.
- Co-operative banks differ from commercial banks in some respects, for example, the primary goal of a co-operative bank is not to maximize profits, but to provide better services and products to its members.

Historical Background?

- Co-operative banks are established according to the "State Co-operative Societies Act". They are registered with the "Registrar of Co-operative Societies". Their administration is looked after by the state government, while the work of regulating them is done by the Reserve Bank of India.
- On March 21, RBI cancelled the license of People's Co-operative Bank of Uttar Pradesh. Apart from this, Sarjerodada Nayak Shirala Sahakari Bank, Independence Co-Operative Bank and Mantha Urban Co-operative Bank have also been closed this year. All these banks to be closed are cooperative banks.
- This means that co-operative banks are facing serious challenges. Talking about these current challenges, cooperative banks are formed on the basis of cooperative, but according to one figure, about 55 percent of the people of rural areas have not yet been able to join this cooperative system.
- The basic purpose of cooperative of these banks does not seem to be fulfilled. In addition, they are grappling with the problem of overdue liabilities at all levels in the bank. In between, the credibility of these banks is decreasing after all the corruption cases related to co-operative banks are exposed, for example the PMC scam of the year 2019.

Other Key Facts?

What will happen to depositors' money if the bank is closed?

- To deal with this problem, Parliament has enacted a law called Deposit Insurance and Credit Guarantee Corporation (DICGC) Act, 1961. Under this law, a subsidiary organization owned by the Reserve Bank of India was created named Deposit Insurance and Credit Guarantee Corporation. This organization provides insurance cover on bank deposits. According to its rules, an amount up to Rs 5 lakh is paid to the depositor in case of bank insolvency or cancellation of its license. If you have deposited more than 5 lakh money in it, then the bank does not return that money. Meaning the money deposited above Rs 5 lakh gets sunk.

