

- Important duties such as tax-paying, family planning etc are not covered.
- Vague and ambiguous provisions which are difficult to be understood by a common man.
- Superfluous provisions since they would generally be followed even if they were not included.
- Inclusion as an appendage to the constitution reduces the value and intent behind FD.

Insta Curious:

FD apply only to citizens and DO NOT EXTEND TO FOREIGNERS. Which are the other rights applicable to only citizens of the country?

InstaLinks:

Prelims Link:

1. Swaran Singh Committee.
2. Important Fundamental Duties.
3. Fundamental Rights vs Duties.

4. Amendments to Fundamental Duties.

Mains Link: Discuss the need for enforcement of Fundamental Duties.

3. Government lays down norms for quota in promotions:

Context:

The **Department of Personnel and Training (DoPT)** has asked all departments of the Central Government to collect the data on inadequacy of representation of Scheduled Castes and Scheduled Tribes before implementing **the policy of reservation in promotion in government offices.**

Specified conditions:

The DoPT order has also specified conditions (Based on the Supreme Court verdict) to be met while implementing the policy of reservation in promotions.

The conditions include:

1. Collection of quantifiable data regarding inadequacy of representation of SCs and STs.
2. Application of this data to each cadre separately.
3. If a roster exists, the unit for operation of the roster would be the cadre or which the quantifiable data would have to be collected and applied in regard to the filling up of the vacancies in the roster.

Reservations in promotions:

1. **Indra Sawhney Judgement (1992):**

In November 1992, in the Indra Sawhney Judgement, popularly known as Mandal Judgement, a nine-judge bench of the Supreme Court decided that Article 16(4) of the Constitution did not provide for reservation in promotions.

2. **77th Amendment Act:**

To override the judgement and enable reservations in promotions, the Parliament, through the 77th Constitutional Amendment Act 1995, added a new clause in Article 16 i.e. Article 16(4A), making provision for reservation in promotions for SCs/STs.

3. **85th Amendment Act:**

The 85th Constitutional Amendment Act, 2001 was brought in for also giving consequential seniority to SCs and STs in matters of reservation in promotion.

4. **M. Nagaraj v/s Union of India Judgement (2006):**

The **77th and 85th Amendment** in the Constitution were challenged by the General Category employees before a five-judge bench of the Supreme Court.

- The Court clubbed all these petitions challenging these amendments and gave its verdict in the case of M. Nagaraj v/s Union of India in 2006.
- In its verdict, the Court validated Parliament's decision to extend reservations for SCs/STs to include promotions (reservation in promotion).

Conditions for Providing Reservation in Promotions:

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