BLOGS

Fundamental Duties: A Recap

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Introduction and Origin

The philosophical architecture of the Indian Constitution rests on a crucial balance between individual freedoms and societal responsibilities. While Fundamental Rights (Part III) guarantee entitlements and Directive Principles of State Policy (Part IV) guide state action, the later inclusion of Fundamental Duties (Part IV-A) introduced the essential concept of reciprocal obligation.

This integration ensures that the pursuit of liberty is harmonized with the greater goals of national welfare and collective discipline. The judiciary consistently affirms that these three parts form a unified structure—a “common thread” necessary to achieve the constitutional goal of a truly equitable and participatory welfare state.

The genesis of Fundamental Duties (Article 51A) dates back to the period of the Internal Emergency (1975-1977). It was during this time that the ruling government identified the explicit omission of citizen duties in the original 1950 text as a historical mistake requiring immediate correction.

To address this, the Swaran Singh Committee was constituted in 1976. Chaired by Sardar Swaran Singh, the committee’s primary recommendation was the incorporation of citizen duties into a distinct, separate division, thereby making citizens fully aware of their obligations alongside their entitlements.

Although the committee initially proposed only eight duties, the Constitution (Forty-second Amendment) Act, 1976, ultimately inserted Part IV-A, containing ten Fundamental Duties in Article 51A.

A final, crucial duty was added in 2002 by the Constitution (Eighty-sixth Amendment) Act. This amendment inserted Article 51A(k), establishing the duty of parents or guardians to provide educational opportunities to their children between the ages of six and fourteen years.

This was a deliberate constitutional strategy to triangulate policy enforcement regarding education: it simultaneously guaranteed the Right to Education as a Fundamental Right (Article 21A), substituted the State's obligation (Article 45), and imposed a corresponding duty on the parent (Article 51A(k)). This synergy places responsibility on all key actors—the state, the child, and the parent—to ensure universal education.

The Eleven Fundamental Duties

The 11 Fundamental Duties are mandatory obligations addressed exclusively to Indian citizens, serving as a comprehensive moral and civic code for national life. These duties encompass both civic duties (requiring respect for institutions, like 51A(a)) and moral duties (requiring inner commitment, like 51A(b)).

Foundational Duties of Allegiance and Defence (51A a-d): These are the most fundamental duties, relating to the nation's core identity and security. Clause (a) requires every citizen "to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem". This is the bedrock of civic life. Clause (b) requires citizens "to cherish and follow the noble ideals which inspired our national struggle for freedom". This is a moral duty, compelling adherence to the high ideals of liberty, justice, and non-violence. Clause (c) is critical, requiring citizens "to uphold and protect the sovereignty, unity and integrity of India," placing a responsibility on every individual to ensure the nation's wholeness. Finally, clause (d) ensures national readiness, requiring citizens "to defend the country and render national service when called upon to do so". This links the state's power to demand compulsory service for public purposes (Article 23(2)) with the citizen's corresponding duty.

Duties of Social Harmony and Culture (51A e-f): These duties promote societal cohesion. Clause (e) has a crucial dual focus: first, citizens must "promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities," aiming for unity among diverse populations. Second, it mandates citizens "to renounce practices derogatory to the dignity of women," thereby condemning and rejecting any tradition or practice that disrespects women. Clause (f) is about heritage, requiring citizens "to value and preserve the rich heritage of our composite culture". This duty necessitates actively respecting and protecting India's diverse historical sites, traditions, and shared legacy.

Duties of Environmentalism and Rationality (51A g-i): These duties are progressive and forward-looking. Clause (g) is highly significant: citizens must "to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures". This is one of the most frequently judicially cited duties, placing an onus on environmental conservation and empathy towards animals. Clause (h) mandates citizens "to develop the scientific temper, humanism and the spirit of inquiry and reform". This duty encourages rational thought, human values, and a critical mindset, actively discouraging superstition and dogma. Clause (i) is a key civic duty, requiring citizens "to safeguard public property and to abjure violence," demanding protection of government assets and complete avoidance of unrest or destruction.

Aspirational and Educational Duties (51A j-k): These clauses define the ambition of the nation and the fundamental obligation of raising future citizens. Clause (j) is aspirational: citizens must "strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement". This promotes a culture of merit and high standards in every personal and professional endeavor. Finally, clause (k) is the parental duty, requiring parents or guardians "to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years" . This formalizes the parental responsibility to ensure their children utilize the free and compulsory education guaranteed by the State.

The Legal Status: Non-Justiciable and Interpretative Force

Fundamental Duties hold a unique position in law. Unlike Fundamental Rights, they are generally considered **non-justiciable**, meaning a court cannot directly issue a writ to compel a citizen to perform a duty, and failure to comply does not automatically attract judicial penalty. They primarily operate as moral exhortations or reminders of democratic conduct.

However, the non-justiciable nature is not absolute. Firstly, the Constitution permits Parliament to enact suitable legislation to enforce any duty and impose sanctions or penalties for its violation, thereby transforming the moral duty into a legal obligation.

Secondly, the Supreme Court has emphasized that these duties possess an element of compulsion regarding compliance, particularly for citizens holding public office. For these individuals, internal departmental rules can enforce duties like safeguarding public property or striving for

excellence, with sanctions such as deferred promotions or withholding increments.

Most importantly, duties serve as an essential aid to interpretation for the judiciary . The Supreme Court reads Fundamental Duties in conjunction with Fundamental Rights (Part III) and Directive Principles (Part IV) . This collective reading allows courts to:

1. Determine Reasonableness: When the state imposes restrictions on a Fundamental Right (e.g., freedom of speech or property use), the restriction is more likely to be upheld as reasonable if it helps citizens fulfill a corresponding Fundamental Duty .
2. Expand Rights: By linking a duty (like 51A(g) for environment) to a broad Fundamental Right (like Article 21, the Right to Life), the courts can enforce the subject matter of the duty through public interest litigation (PIL), effectively making the duty justiciable via the “back door”. In N K Bajpai vs UOI, the court confirmed this constitutional synergy, stating that judges must consider all three constitutional aspects—Rights, DPSPs, and Duties—while interpreting any provision .

Landmark Judicial Application

The Supreme Court has consistently used Fundamental Duties to shape public policy and define the limits of individual rights.

1. Bijoe Emmanuel v. State of Kerala (1987) – Duty vs. Conscience (51A(a))This case involved three children of the Jehovah’s Witnesses who were expelled from school for refusing to sing the National Anthem. Crucially, they stood respectfully during its recitation. The legal question was whether their expulsion violated their right to freedom of conscience and religion (Article 25) and freedom of expression (Article 19) . The Supreme Court ruled in favor of the students, ordering their readmission. The Court held that the duty under 51A(a) to respectthe National Anthem is fulfilled by standing quietly and respectfully. Forcing a person to sing against their sincerely held religious faith violates their fundamental right, establishing that Fundamental Duties cannot override constitutional rights where a conflict exists, particularly where the duty is performed partially (through respect) .
2. M.C. Mehta v. Union of India (1987) – Environmental Obligation (51A(g))The duty to protect the environment (51A(g)) has been instrumental in modern environmental law. The Court linked this citizen duty directly with the Right to Life (Article 21) and the State’s corresponding duty (Article 48A) to establish the Right to a Clean and Healthy Environment. In

a landmark directive, the Supreme Court mandated that the Central Government must facilitate the performance of this duty by ordering all educational institutions in India to introduce mandatory environmental education lessons for at least one hour a week for the first ten classes. Furthermore, in T.N. Godavarman Thirumulpad v. Union of India(1996 onwards), the Court used the combined force of 48A and 51A(g) to continuously monitor and enforce strict conservation measures related to forests and wildlife, demonstrating the functional enforceability of this duty through ongoing judicial review (continuing mandamus).

3. Balaji Raghavan v. Union of India (1996) – Merit and Excellence (51A(j))The duty to strive toward excellence (51A(j)) was tested when National Awards, such as the Bharat Ratna and the Padma series, were challenged as violating Article 18 (Abolition of Titles). The Supreme Court upheld the constitutional validity of these awards, reasoning that these recognitions serve a necessary constitutional function. They acknowledge merit and high achievement, providing a crucial incentive for citizens to perform their duty under 51A(j)—to strive toward excellence in all fields. This shows how the duty provides a constitutional justification for state actions that promote national progress and meritocracy.

Implementation and The Need for Institutional Action

Despite their constitutional weight, a significant gap remains between the duties and their effective implementation. To bridge this, the Supreme Court prompted the government in 1998 to formulate plans to educate citizens on their obligations. This led to the formation of the Justice J.S. Verma Committee (1999).

The Verma Committee was tasked with planning a methodology for teaching the duties and identifying existing legal provisions for their implementation. Key legal provisions identified by the committee for operationalizing the duties included:

- The Prevention of Insults to National Honour Act, 1971: This law ensures the honoring of national symbols and the Constitution (51A(a)).
- The Protection of Civil Rights Act, 1955: This provides legal provisions and punishments for offences related to caste and religion, aiding the duty to promote harmony and brotherhood (51A(e)).

The Committee also emphasized that duties must raise the standard of citizen conduct, particularly in public life. It recommended that departmental rules should be used to enforce

integrity, accountability, and honesty among public office holders, with sanctions for non-compliance.

Following the committee's report, the Supreme Court directed the Central Government in *Shri Ranganath Mishra v. Union of India* (2003) to implement these recommendations. However, this persistent reliance on judicial direction, with recent petitions filed as late as 2022 (*Durga Dutt v. Union of India*) seeking enforcement of the Verma Committee's findings, highlights a sustained policy paralysis in translating the moral code into a fully effective legislative and administrative structure.

Ultimately, Fundamental Duties are a constant reminder that Indian democracy requires its citizens to actively fulfill their roles in national defense, cultural preservation, environmental protection, and the pursuit of excellence.

They are the essential moral compass, and their true potential lies in their systematic integration into the legal and educational fabric of the nation.