BLOGS

11 Fundamental Duties under Part IVA of Indian Constitution

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Introduction

In the dynamic tapestry of a democratic society, fundamental rights often take the spotlight, ensuring individuals' liberties and protections. However, fundamental duties are an equally essential but often overlooked aspect of citizenship.

These duties serve as the moral compass guiding citizens towards responsible and active participation in the betterment of society. Enshrined in the Constitution of many countries, including India, fundamental duties form the bedrock of conscientious citizenship.

The Genesis of Fundamental Duties

The notion of fundamental duties was introduced in the Indian Constitution through the 42nd Amendment Act of 1976. The idea of Fundamental Duties is inspired from the Constitution of Russia (erstwhile Soviet Union) as well as **Article 29(1) of the Universal Declaration of Human Rights.**

The Fundamental Duties aims to instill a sense of commitment, social responsibility, and ethical awareness among citizens, according to the recommendations of the Swaran Singh Committee. Article 51A refers only to Indian citizens, unlike some Fundamental Rights like Articles 14 and 21, which apply to all persons, whether citizens or non-citizens.

The Pillars of Fundamental Duties

Fundamental duties encompass a range of principles that emphasize the responsibilities of citizens towards society, the nation, and fellow citizens. While they vary from country to country, the fundamental duties typically revolve around the following pillars:

Fundamental Duties in the Indian Constitution

Respecting the Constitution, Ideas, and Institutions

Citizens are duty-bound to respect the Constitution, its ideals, and institutions such as the executive, legislature, and judiciary. This duty reflects the importance of upholding the values of liberty, justice, equality, and fraternity. Disrespecting the National Anthem and Flag is considered a failure as a citizen, as it goes against the spirit of the Constitution.

Cherishing Inspirational Ideas

Citizens should cherish and appreciate the noble ideas that guided India's struggle for independence. These ideas emphasize unity, freedom, non-violence, and world peace. Citizens build a just and harmonious society by remaining committed to these ideals.

Protecting Sovereignty, Unity, and Integrity

Citizens must protect India's sovereignty, unity, and integrity. This duty recognizes the importance of a united nation and the role citizens play in maintaining the country's unity. This aspect also supports the idea that fundamental duties complement the fundamental right to freedom of speech and expression.

Rendering National Service

While all citizens might not be part of the armed forces, they are expected to be ready to render national service when called upon to defend the country. This duty reflects the collective responsibility of citizens to protect the nation's interests.

Promoting Harmony and Brotherhood

Citizens are tasked with promoting harmony and a spirit of common brotherhood among diverse communities. This duty transcends religious, linguistic, regional, or sectional differences. By renouncing practices demeaning women's dignity, citizens build an inclusive and respectful society.

Preserving Composite Culture

The duty to protect and conserve India's composite culture reflects the country's rich heritage. Citizens are expected to safeguard cultural diversity and pass it on to future generations, ensuring the continuity of India's cultural identity.

Protecting the Natural Environment

With increasing environmental challenges, citizens are tasked with protecting and improving the natural environment. This includes forests, lakes, rivers, and wildlife. The duty to show compassion for living creatures underscores the importance of environmental conservation for the well-being of all beings.

Developing a Scientific Temperament

Citizens are encouraged to cultivate a scientific temperament and humanism. The duty to inquire, learn, and adapt to changing times supports personal growth and societal progress. It emphasizes the importance of using reason and evidence in decision-making.

Safeguarding Public Property

The duty to ensure public property recognizes the value of shared resources. By protecting public property, citizens maintain a functional and orderly society.

Striving for Excellence

This duty reflects citizens' responsibility to contribute to the nation's progress by striving for excellence in all aspects of life. It highlights the importance of individual and collective efforts in achieving higher levels of achievement and development.

Importance of Fundamental Duties

Fundamental duties are crucial in promoting responsible citizenship and maintaining the fabric of a harmonious society. They remind us that rights come with responsibilities, and citizens' actions contribute to the nation's well-being.

Fundamental duties are vital in building a just, equitable, and inclusive society. They bridge the gap between rights and responsibilities, fostering a sense of belonging and accountability. By adhering to these duties, citizens contribute to the nation's progress, social harmony, and sustainable development.

The Justice Verma Committee Report

Established in 1998, the Justice Verma Committee had the primary mandate of devising methodologies for integrating Fundamental Duties into school curricula. The subsequent 1999 report suggested that educational institutions should focus on cultivating an understanding of Fundamental Duties among students.

Notably, the Verma Committee went a step further by proposing the inclusion of a novel Fundamental Duty: the imperative to exercise one's vote during elections and take an active role in democratic processes. This proposition underscores the committee's emphasis on citizen engagement and participation in bolstering the democratic framework.

Cases Related to Fundamental Duties

Bijoe Emmanuel vs. State of Kerala

Students of Jehovah's Witnesses were expelled for not singing the National Anthem due to religious beliefs. The court held that their actions did not violate fundamental duties.

AIIMS Students Union vs. AIIMS

The court emphasized that fundamental duties hold equal significance as fundamental rights and should be considered.

Aruna Roy vs. Union of India

The court upheld the validity of the National Curriculum Framework for School Education, stating that it adheres to constitutional principles.

Hon’ble Shri Rangnath Mishra vs. Union of India

The court emphasized the need for educating citizens about fundamental duties and supported awareness programs per the directions of the Justice Verma Committee report.

Government of India vs. George Philip

The Supreme Court upheld the concept of compulsory retirement, emphasizing that excellence and discipline are essential duties under Article 51A(j).

MC Mehta vs. Union of India (1983)

The Supreme Court has held that under Article 51A(g), the central government must introduce compulsory lessons for at least 1 hour a week to protect and improve the natural environment in all the country’s educational institutions.

State of Gujarat vs. Mirazpur Moti Kureshi Kasab Jamaat

The petitioners have challenged the constitutional validity of the Bombay Animal (Preservation of Gujarat) Amendment Act 1994, by which the state had prohibited the slaughter of cows, on the ground that it was violative of their right to carry on business under Article 19(1)(g).

The Supreme Court has said that the restrictions imposed under Article 19(6) for promoting the objectives of the Directive Principles under Articles 48 and 51A are reasonable restrictions on fundamental rights.

Relationship between Fundamental Duties, Directive Principles, and Fundamental Rights

Fundamental duties, directive principles, and fundamental rights form the constitutional trinity that guides governance and citizenship. These principles uphold justice, equality, and the nation’s overall welfare.

Fundamental duties, fundamental rights, and directive principles of state policy form the core principles of the Constitution. They are interconnected and work together to create a balanced framework for governance and citizenship.

The 11th Fundamental Duty

There were 10 Fundamental duties, but now an 11th fundamental duty has been added by the **86th Constitutional Amendment Act of 2002**. This new clause (k) provides that a parent or Guardian must provide an opportunity for education to his child between the ages of 6 and 14 years.

Are Fundamental Duties Justiciable?

When no law has been enacted to affect a fundamental duty, a writ of mandamus cannot be asked to make an individual observe such a duty (**Surya Narain v. Union of India**). However, the non-observance of a fundamental obligation by a citizen can be established as a violation of the rights of another citizen. In that case, the Court may provide an appropriate remedy (**Vishaka v. State of Rajasthan**).

Article 51A can be used to interpret ambiguous statutes (**Mumbai Kamgar Sabha v. Abdulbhai**). Courts can also use it to scrutinize the reasonableness of a legislative restriction on exercising freedom (**In re Ramlila Maidan Incident, 2012**).

Conclusion

Fundamental duties serve as the moral compass of responsible citizenship, guiding individuals towards a more conscientious and active role in society. By upholding these duties, citizens lay the foundation for a harmonious, progressive, and inclusive nation that respects rights, embraces responsibilities, and paves the way for a brighter future.

The Constitution envisages responsible citizens; in that sense, the inclusion of fundamental duties can be seen to perform an educative role. They are only specifically enforceable in Court if the Parliament passes a law to give effect to any of them.

Suppose a conflict exists between the law created to give effect to a fundamental duty and a fundamental right. In that case, the Court must attempt to reconcile them on the same lines as the

balance between fundamental rights and directive principles of state policy.

For example, the duty to renounce practices derogatory to women’s dignity, as stated in Article 51-A(e), implies a right in favor of women not to be subjected to such practices.