

Overview of Fundamental Duties under Constitution of India

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Abstract: *The Fundamental Duties under the Constitution of India represent a crucial aspect of the country's legal framework, emphasizing the responsibilities of citizens towards their nation. Enshrined in Part IV-A of the Indian Constitution through the 42nd Amendment Act of 1976, these duties were added to promote civic consciousness, social harmony, and the overall well-being of society. While not enforceable by law, they serve as ethical and moral obligations that citizens are encouraged to uphold. The Fundamental Duties include principles such as respecting the Constitution, national symbols, and institutions, as well as cherishing the rich heritage, culture, and diversity of India. Citizens are also urged to strive for excellence in various fields and to protect and improve the natural environment. Additionally, duties related to the unity and integrity of the nation, promoting the spirit of common brotherhood, and safeguarding public property are emphasized. These duties play a significant role in fostering a sense of responsibility and patriotism among citizens. They complement the fundamental rights granted by the Constitution, creating a harmonious balance between individual liberties and societal obligations. Although not legally enforceable, the Fundamental Duties serve as a reminder of the moral obligations every citizen should uphold in the interest of a just, inclusive, and prosperous Indian society.*

Keywords: fundamental duties, Article IV-A , 42nd amendment, citizens, freedom

I. INTRODUCTION

The Swaran Singh Committee in 1976 recommended Fundamental Duties, the necessity of which was felt during the internal emergency of 1975-77. The 42nd Amendment Act of 1976 added 10 Fundamental Duties to the Indian Constitution. The 86th Amendment Act 2002 later added the 11th Fundamental Duty to the list. The Fundamental Duties are dealt with in Article 51A under Part-IV A of the Indian Constitution. The fundamental duties which were added by the 42nd Amendment Act of the Constitution in 1976, in addition to creating and promoting culture, also strengthen the hands of the legislature in enforcing these duties vis-à-vis the fundamental rights

OVERVIEW OF THE FUNDAMENTAL DUTIES

How were the fundamental duties incorporated in the Constitution?

The fundamental duties were incorporated in Part IV-A of the Constitution by The Constitution (42nd Amendment) Act, 1976, during Indira Gandhi's Emergency. Article 51(A) describes 11 fundamental duties — 10 came with the 42nd Amendment; the 11th was added by the 86th Amendment in 2002, when Atal Bihari Vajpayee was Prime Minister. Article 51(A) says it shall be the duty of every citizen of India:

- a. To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- b. To cherish and follow the noble ideals which inspired our national struggle for freedom;
- c. to uphold and protect the sovereignty, unity and integrity of India;
- d. To defend the country and render national service when called upon to do so;
- e. to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
- f. to value and preserve the rich heritage of our composite culture; (g)(g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;

- g. To develop the scientific temper, humanism and the spirit of inquiry and reform;
- h. To safeguard public property and to abjure violence;
- i. To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement;
- j. who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.”

Importance of Fundamental Duties – Part IV-A

Fundamental Duties are an inalienable part of fundamental rights. The importance of these are given in the table below:

Importance of Fundamental Duties:

They remind Indian Citizens of their duty towards their society, fellow citizens and the nation

They warn citizens against anti-national and anti-social activities

They inspire citizens & promote a sense of discipline and commitment among them They help the courts in examining and determining the constitutional validity of a law.

The purpose behind the creation of Fundamental Duties is that every citizen should realise that the first is to Defend the country and promote harmony of the nation; that is, the national interest should be ahead of every action and goal. Indian Fundamental Duties include abiding by the Indian Constitution, respecting our flag, keeping a sense of respect for the national anthem and protecting public property. In this constitution, through the 42nd Amendment Act 1976, the fundamental duties of citizens were listed. Article 51 ‘A’ embodied in Part IV of the Constitution deals with Fundamental Duties. In India, January 6 is celebrated as “Fundamental Duties Day”.

Enforcement of Fundamental Duties

The Court cannot enforce fundamental Duty. Meaning is unenforceable. There is no mention of any law in the constitution for the direct enforcement of these duties or the redressal of their violation. But if any law is made keeping in mind Article 14 and Article 19, it will be honourable.

Criticism of Fundamental Duties

Some other essential subjects not included in this list like paying taxes, family planning and voting etc.

Many Fundamental Duties are not defined correctly. That’s why it is difficult to understand. There is no talk of enforcement of duties, which is the main criticism. Because for this reason it has not been implemented well till now.

Some experts believe that by including it in Part-4A, the value of Fundamental Duties gets reduced following the policy directive principles.

II. CONCLUSION

The Fundamental Duties are intended to serve as a constant reminder to every citizen that while the Constitution conferred on them certain Fundamental Rights specifically, it also requires citizens to observe certain basic norms of democratic conduct and democratic behaviour because rights and duties are correlative... There have been cases where Fundamental Duties have been brazenly flouted by the people including the officers of the law and which in turn resulted in violation of Fundamental rights of other citizens,” the petition argued.

The issue of fundamental duties crops up periodically in public discourse. In his Constitution Day address to a Joint Session of Parliament in 2019, Prime Minister Narendra Modi stressed the importance of constitutional duties, while President Ram Nath stressed the difference between rights and duties, and Vice President M Venkaiah Naidu called for fundamental duties to be included in the school curriculum and for a list of the duties to be displayed at educational institutions and other public places. Then Union Law Minister Ravi Shankar Prasad, wrote in The Indian Express, calling for citizens to remember their fundamental duties just as they remembered their fundamental rights.

By the 42nd Amendment Act, 1976, part 4 (a) and Article 51 (a) were added in which ten fundamental duties were mentioned. Because the government was expecting that the citizens of India would fulfil their duties, they included new ones like Defend the country and Promote harmony voluntarily in independent India.

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