

Role	Name	Affiliation
Principal Investigator	Professor (Dr.) YSR Murthy	Professor and Registrar, OP Jindal Global University, Haryana
Paper Coordinator	Professor Dabiru Sridhar Patnaik	Director, Centre for Post Graduate Legal Studies, OP Jindal Global University, Haryana
Content Writer	Dr. K Sita Manikyam	Assistant Professor, Dr. BR Ambedkar College of Law, Andhra University, Vishakhapatnam
Content Reviewer	Professor (Dr.) Gurjeet Singh	Professor and Dean, Faculty of Law, Guru Nanak Dev University, Punjab

Description of the Module:

Items	Description of Module
Subject Name	Human Rights and Duties
Paper Name	Philosophical Foundations of Human Rights; Duties and Responsibilities
Module Name/Title	Fundamental Duties under Constitution of India
Prerequisites	Fundamental Duties, Indian Constitution
Objectives	To discuss Fundamental Duties contained in the Indian Constitution
Keywords	Fundamental Duties, Indian Constitution

AIMS OF THE MODULE:

- To gain knowledge about fundamental duties and directive principles.
- To understand that fundamental duties are self abiding principles that are needful for encouraging nationality.
- To be able to appreciate that relationship between fundamental duties and fundamental rights.

CONTENTS:

1. INTRODUCTION
2. NEED FOR FUNDAMENTAL DUTIES
3. ACCUMULATION OF FUNDAMENTAL DUTIES
4. SIGNIFICANCE OF FUNDAMENTAL DUTIES
 - 4.1. Fundamental Duties hand out a useful purpose
 - 4.2. Fundamental Duties incorporate separate laws
 - 4.3. Fundamental Duties keep equality among the people
 - 4.4. Fundamental Duties reconcile the claims of the civic society
 - 4.5. Fundamental Duties help to clear understanding of rights
 - 4.6. Fundamental Duties encourage the civilized life
5. KEY NOTES ON FUNDAMENTAL DUTIES
6. CONCLUSION



1. INTRODUCTION



The Fundamental Duties are an important component of Indian Constitution. The duties prescribed, represent some of the utmost ideals preached by our great saints, philosophers, social reformers and political leaders. No Duties for the citizens were integrated into the Constitution of India at the time of its enforcement in 1950. These duties were inserted later by amending the Constitution in 1976 to normalize the conduct of the citizens and to bring about superiority in all the spheres of the citizens. Just as the Directive Principle of State Policy sets down the procedure for different governments, similarly the fundamental duties are deliberate to draw the consideration of the citizens towards the duties they owe to the nation and to one another. But the Indian Constitution does not provide for the enforcement of the duties. There is no mention in the Constitution for enforcement of any of the above duties. Neither the Constitution approves to prevent the violation of any duty or to implement them by issuing writs. However, since these Fundamental Duties are mentioned in the Constitution, there is a possibility for additional Constitutional Amendments.



2. NEEDS FOR FUNDAMENTAL DUTIES



Rights and duties are correlative. The fundamental duties are, therefore; an attempt to act as a reminder to each and every nation that while the Constitution of our country, particularly confers on them definite fundamental rights, it also requires society to observe positive basic norms and rules to carry out democratic behavior. It was claimed by the Congress that what the framers of the Indian Constitution were unsuccessful in doing was being done now and the lapse is being rectified by providing Fundamental Duties. The lapse is being rectified by providing a section on citizen's duties.

These customs duties have been given Constitutional authorization. The preamble of the Constitution secures to all its citizens the fundamental rights regarding freedom of thought, expression, faith, trust, and worship.

These are fundamental rights of the citizens. The rest of the preamble emphasizes the duties, justice, social, economic and political. Adding to this, the fundamental rights defined by the Constitution are not unlimited rights. The state is empowered to impose reasonable restriction and limit these rights in the concern of the society. Limitations may possibly from time to time amount to exclusion.



3. ACCUMULATION OF FUNDAMENTAL DUTIES



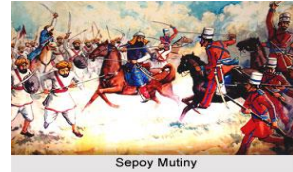
The Fundamental Duties are a novel feature of the Indian Constitution in the current era. Formerly, the Constitution of India did not enclose these duties. The Forty Second Constitution Amendment Act, 1976 has incorporated Fundamental Duties in Article 51(A) of the Constitution of India, upon the recommendations of the Swaran Singh Committee that was constituted by the government previously that year. Originally, fundamental rights were ten in number in Indian Constitution. The Eighty-Six Constitution Amendment Act, 2002 has added one additional Fundamental Duty in Article 51(A) of the Constitution of India, which makes it an obligation of every parent or guardian to make sure their child or ward was provided opportunities for education between the ages of six and fourteen years. As an outcome, there are now 11 Fundamental Duties of the citizen of India. The other Fundamental Duties oblige all citizens to value the national symbols of India, as well as the Constitution, to cherish its heritage, safeguard its composite culture and aid in its defense. They also obligate all Indians to encourage the spirit of universal brotherhood, care for the environment and public property, build up Scientific temper abjure violence, as well as strive towards fineness in all spheres of life. Citizens are ethically obligated by the Constitution to carry out these duties. Article 51 A lays down the following ten Fundamental Duties:

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 services, 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) To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;



h) To develop the scientific temper, humanism and the spirit of inquiry and reform;

i) To safeguard public property and to abjure violence;

j) To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavor and achievement;

k) Who is a parent or guardian to provide opportunities for education to his child or as the case may be, ward between the ages of six to fourteen years



4. SIGNIFICANCE OF FUNDAMENTAL DUTIES

Important

It is significant to note that the Constitutions of western countries do not specifically offer the duties along with obligations of the citizens. Among the Democratic Constitutions of the world, we discover certain duties of the citizens in the Japanese Constitution. In Britain, Canada and Australia the rights and the duties of the people are administered by the common law and legal decisions. The American Constitution provides barely for fundamental rights and does not refer to the duties of the citizens. It does not indicate that the people of these countries act in an irresponsible conduct. In all these countries the citizens are provided by means of an elevated sense of loyalty as a result of education and guidance in the elementary duties and obligations of nationality. The Constitution of socialist countries also give proper relevance to the citizens' duties.

Fundamental Duties are the transformation of the Constitution. Fundamental duties have been included in the Indian Constitution to remind each citizen to facilitate that they are not only supposed to be conscious of their rights but also of their duties. The assorted clauses of Article 51 articulate fine sentiments. Some of the above duties were previously being imposed through ordinary law, for example, there are laws making whichever activity disrupting the sovereignty and territorial integrity of India unlawful and punitive. But a magnitude of the other duties mentioned above became visibly legally unenforceable for they are vague and indefinite. These are able to be regarded as director. It has been held that these duties being the duties of individual citizens cannot be enforced through mandamus since they direct no public duties. The duties are promoted by Constitutional means. Although, the significance of Article 51 A lies within the fact that these clauses be able to take into concern in relative to interpretation of statutes and Acts of the parliament or the state legislature, particularly ambiguous statutes. The followings are the impact of the fundamental rights.

4.1. Fundamental Duties hand out a useful purpose

Fundamental Duties of citizens give out a useful purpose. In particular, no policy ever succeeds where the citizens are not agreeable to be energetic participants in the development of governance by assuming responsibilities along with discharging citizenship duties and coming ahead to furnish their finest in the country.

4.2. Fundamental Duties incorporate separate laws

A number of fundamental duties enshrined in article 51A have been included in separate laws. For example, the first duty includes admiration for the National Flag and the National Anthem. Disrespect is punishable by law.

4.3. Fundamental Duties keep equality among the people

To assess and safeguard the rich heritage of the India, Article 51A will be desirable to take care of all human beings equally, to value each religion and to impound it toward the concealed sphere and not make it a bone of argument between diverse communities of this land.

4.4. Fundamental Duties reconcile the claims of the civic society

The most significant task before us is to the claims of the individual inhabitant and those of the public society. To attain this, it is important to familiarize the individual citizen to subsist conscious of his social and civic responsibilities and so figure the society that we all turn out to be solicitous and thoughtful of the undeniable rights of our fellow citizens.

4.5. Fundamental Duties help to clear understanding of rights

Realization of our civic duties is as important as responsiveness towards our rights. Every right implies a consequent duty, but every duty does not imply a consequent right. Men do not live for him alone. He lives for the good of others as well as himself. It is this familiarity with what is precisely and wrong that makes a man accountable to himself and toward the society and this knowledge is inculcated by imbibing and evidently understanding one's citizenship duties.

4.6. Fundamental Duties encourage civilized life

Fundamental duties are the basics of human dignity along with national creed, color, and language, mainly the malaise of the present day policy might be contained, if not eradicated, in addition to the society as a whole be uplifted. Rich or poor, in authority or absent of command, compliance with citizenship duty, at every cost and risks, is the core of civilized life.

5. KEY NOTES ON FUNDAMENTAL DUTIES



- a) The Fundamental Duties of citizens were added to the Constitution by the 42nd Amendment in 1976, upon the recommendations of the Swaran Singh Committee that was constituted by the government earlier that year.
- b) Fundamental duties are applicable only to citizens and not to the aliens.
- c) India borrowed the concept of Fundamental Duties from USSR.
- d) The inclusion of Fundamental Duties brought our Constitution in line with the article 29 (1) of the Universal Declaration of Human Rights and with provisions in several modern Constitutions of other countries.
- e) Out of the eleven clauses in article 51A, six are positive duties and the other five are negative duties. Clauses (b), (d), (f), (h), (j) and (k) require the citizens to perform these Fundamental Duties actively.
- f) It is suggested that a few more Fundamental Duties, namely, duty to vote in an election, the duty to pay taxes and duty to resist injustice may be added in due course to article 51A in Part IVA of the Constitution.



6. CONCLUSION



The fundamental duties have not been made enforceable similar to fundamental rights nevertheless it cannot be overlooked as duties in Part IV A is prefixed by the similar word fundamental which was prefixed by the founding fathers of the Constitution to fundamental rights in Part III. Though Article 51A does not provide any fundamental duty of the state, the fact remains to adopt the duty of every citizen as the collective duty of the State.¹ Rights and duties are correlative, the fundamental duties, are, therefore, intended to provide a constant reminder to every citizen that while the Constitution specifically conferred on them certain fundamental rights, it required citizens to follow certain basic norms of democratic conduct and democratic behavior.

¹ AIIMS Students Union v AIIMS, JT 2001 (8) SC 218 1