

Mahatma Gandhi aptly stated that:

"The true source of right is duty. If we all discharge our duties, rights will not be far to seek. Rights accrue automatically to him who performs his duties. The right to perform one's duties is the only right worth living for and dying for. It covers all legitimate rights."

The Fundamental Duties are defined as the moral obligations of all citizens to help promote a spirit of patriotism and to uphold the unity of India. These duties set out in Part IV-A of the Constitution, concern individuals and the nation.

Fundamental Duties	
Particulars	Fundamental Duties
Covered	Part IV A, Article 51 –A
Inspired from	USSR
Amendment	42nd Amendment 1976, introduced Article 51 A in the constitution
Recommended by	Swaran Singh Committee.
Numbers	Originally -10 duties Now -11 duties (added by 86th Amendment Act, 2002)
List of Fundamental Duties	<ol style="list-style-type: none"> 1. Abide by the Constitution and respect national flag & National Anthem 2. Follow ideals of the freedom struggle 3. Protect sovereignty & integrity of India 4. Defend the country and render national services when called upon 5. Sprit of common brotherhood 6. Preserve composite culture 7. Preserve natural environment 8. Develop scientific temper 9. Safeguard public property 10. Strive for excellence 11. Duty of all parents/guardians to send their children in the age group of 6-14 years to school

Nature

Neither there is a direct provision in the Constitution for the enforcement of these duties nor there is hardly any legal sanction in order to prevent violation of these duties. These duties are obligatory in nature.

The reason for not making these duties enforceable is because the majority of the population being illiterate in India, many are unaware of their Constitutional

obligations. In this scenario, if the fundamental duties were enforced, it would have resulted in causing chaos and harassment among people.

How did Fundamental Duties become part of the Constitution?

- ❑ In 1976 Swaran Singh Committee was formed to 'formulate some proposals for inclusion in the Constitution certain fundamental duties and obligations which every citizen owes to the nation. The need and necessity of which was felt during the operation of the internal emergency (1975–1977).
- ❑ The committee recommended the inclusion of a separate chapter on fundamental duties in the Constitution. It stressed that the citizens should become conscious that in addition to the enjoyment of rights, they also have certain duties to perform as well.
- ❑ By November 1976, both Houses of Parliament passed the 42nd amendment. This amendment added a new part, namely, Part IVA to the Constitution, which included a new fundamental duties chapter to the Constitution containing 10 duties.
- ❑ In 2002, one more duty was added to the list. It said that every citizen '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 year'.

11 Fundamental Duties in detail

Only one Article that is Article -51A is there in Part-IV-A of the Indian Constitution that deals with fundamental duties. It was added to the Constitution by the 42nd Amendment Act, 1976. For the first time, a code of 10 fundamental duties was provided to the citizens of India(11th Fundamental Duty was added later by 86th Amendment Act of 2002). Article 51-A states that it is 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) To protect and improve the natural environment including forests, lakes, rivers, wildlife 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 endeavour 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 age of six to fourteen years.

Need & Importance of Fundamental Duties

- ❑ Any ambiguous statute can be interpreted with the help of fundamental duties.
- ❑ In case there is a violation of fundamental duties, Article 51A of the Constitution categorizes it as contempt of the constitution which is punishable under Prevention of Insults to National Honour Act, 1971.
- ❑ The court can consider the law reasonable if it gives effect to any of the fundamental duties. In this way, the court can save such law from being declared as unconstitutional.
- ❑ These duties were drafted on the lines of moral, ethical, and cultural code of conduct which is to be followed by the people to uphold and protect the sovereignty, unity, and integrity of our country.

- ❑ These duties are a constant reminder to citizens to build a free, healthy, and responsible society and they are expected to not act as recklessly and not indulge in anti-social activities.
- ❑ For the growth of a democratic country like India, it is imperative that all fundamental duties are followed by the citizens while respecting the integrity and promotion of cultural harmony in the country.
- ❑ These duties of an Indian citizen provide education to children, especially to children below 14 years of age, safeguards the human rights, and is a major step towards the abolition of social injustice that is prevalent in the society today.
- ❑ Environmental pollution has become a great cause of concern, not only for Indians but for humanity around the globe. Unless we all take the pledge to keep our environment free from pollutants, there remains the threat of undesirable consequences.

Relationship between Fundamental Rights and Fundamental Duties

- ❑ Fundamental rights and duties do not contradict each other. They are, on the other hand, extremely compatible and even complementary to each other when it comes to announcing the rights and duties of the citizens.
- ❑ Even though fundamental duties are not legally enforceable before the Court unlike the fundamental rights. The judiciary has time and again stated that the duties will not be taken for granted and strict implementation of these principles will be seen by the Government.
- ❑ In the case of Chandra Bhawan Boarding v. State of Mysore 1970, the court had opined that it is a grave mistake to think that the Constitution only primarily guarantees the Fundamental Rights and not the duties. The Supreme Court further stated that Part IV and Part IV A of the Constitution are also present that aims at establishing Indian society as welfare – oriented society both nationally and internationally.
- ❑ The Fundamental Duties have been defined as the moral obligations of all the citizens to help promote the welfare of the country and to uphold the unity of the nation. These duties are set out in Part IVA of the Indian Constitution concerning the individuals

and the nation. Just like the Directive Principles, these duties represent guidelines that the citizens should obey for the welfare of a democratic nation.

The 11 fundamental duties are not merely the expression of morals or religion, as the courts can take

cognizance in the matter to enforce and give effect to these constitutional obligations. Under Article 51A and as per the definition of fundamental duties, it's the responsibility of the citizens to build a free and healthy society, where all citizens are treated equally.