

ROLE OF FUNDAMENTAL DUTIES & ITS SIGNIFICANCE

BY:

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Abstract:

The basic tasks were inserted by the 42nd Constitutional Amendment Act, 1976, into Section IV-A of our Constitution. Under article 51-A, we actually have 11 basic duties in our constitution, which are legislative duties that are enforceable by statute. The concept behind the adoption of fundamental rights was to stress the citizen's responsibility in return for the integral fundamental rights they enjoyed. The Indian Constitution's Section IVA deals with Basic Obligations. As of today, there are 11 basic obligations. These responsibilities were initially not included in the Constitution of India. The 42nd and 86th Constitutional Amendment Acts incorporated basic obligations. People are constitutionally bound to perform these duties by the Constitution. However, they are non-justifiable, like the Directive Standards, lacking any judicial penalty in the event of their failure or non-compliance.

KEYWORDS: Article 51-A; Constitution of India; Fundamental Duties.

INTRODUCTION

It should help to weld our people into one country to honor and conserve the rich heritage of the mosaic that is India, but it will take far more than Article 51A to treat all human beings fairly, to honor each religion and to confine it to the private sphere and not make it a bone of contention between the various cultures of this world. To balance the claims of the private citizen and those of civil society is the most critical challenge before us¹.

To do this, it is necessary to lead the individual person to be mindful of his social and citizenship obligations and to mold society so that we all become vigilant and considerate of our fellow citizens' inalienable rights. Knowledge of our citizenship responsibilities is, thus, as critical as awareness of our rights².

It is important to note here the relationship between rights and duties that the right of one is the duty of another and it is obligatory for a person that one should also perform his duty when enjoying the rights in order to respect other persons, communities, society and the

¹ India, "Constitution of India," 2011.

² *Ibid.*

country. Without carrying out the activities, one cannot enjoy the rights. Under Article 32 of the Constitution of India, fundamental rights are protected by the supreme court of India and the commitments implied by fundamental rights are of an obligatory kind[2]. Fundamental rights are protected by the Supreme Court of India under Article 32 of the Indian Constitution, and the obligations implied by fundamental rights are of an obligatory nature.³

Constitutional privileges are the other rights enshrined in the Constitution of India, and the basic obligations of Chapter IV-A are not a legislative duty, rather a spiritual and social obligation. The DPSP issued under Chapter IV of the Constitution of India is not enforceable by the statute, which is the government's guidance. Through doing our roles, we protect the freedom of everyone⁴.

What the people are is the country. If a nation's people do not strive for their country's advancement, so that nation will not succeed. The entire duty lies on the people to carry their country to greater heights. Sovereignty in India rests in the hands of India's people. It is the obligation of people to bear on their shoulders the responsibility of ensuring that order, justice and liberty are retained.⁵

Our task is to see our nation stand out as the finest expression of racial, cultural, communal and religious unity within the comity of nations. We have responsibilities to our motherland. Knowledge of our obligations is as important as understanding of our rights. Guy should not exist only by himself. He lives for the benefit of both people and himself. In order to improve the lives of all, citizens should work for the improvement of their nation⁶.

Just as we have privileges, we also have some obligations. In 1976, on the recommendations of the Swaran Singh Committee, the Fundamental Duties of citizens were added to the Constitution by the 42nd Amendment. In Part IVA, Article 51 A was included in the Constitution of India. Originally ten in number, by the 86th Amendment in 2002, the Fundamental Duties were increased to eleven. Article 51 A of the Indian Constitution starts with the words " It shall be the duty of every citizen of India".⁷

DISCUSSION

Our country, India, has the world's longest written constitution. "In this, every individual's rights are kept in mind. The three state organs, however, cannot make this country self-reliant

³ "New Constitution Of India," Int. Aff., 1937, doi: 10.2307/2603026.

⁴ *Ibid.*

⁵ *Ibid.*

⁶ S. Chatterjee, "Is data privacy a fundamental right in India?: An analysis and recommendations from policy and legal perspective,"

⁷ Int. J. Law Manag., 2019, doi: 10.1108/IJLMA-01-2018-0013.

until they also receive the proper support from the citizens. There are, therefore, certain fundamental duties that are expected to be carried out by citizens. In this article, we will discuss the fundamental duties that the citizens of our country are expected to carry out. It is a moral obligation for citizens to preserve the feeling of patriotism and unity among all the nation's citizens.⁸

It is important to understand that if citizens are not willing to participate actively by discharging their duties that are expected to be done by them, no democratic system could ever succeed. Our Constitution has given us different rights and expects us to perform certain duties in return. Article 51(A) deals with these fundamental duties and has 11 basic duties that citizens are expected to fulfil (there were 10 earlier and 11th was added later by the 86th amendment). First, these 11 fundamental tasks will be discussed and then we can move on to the next topic, whether or not it is necessary.⁹

The need for a fundamental duty in our constitution can easily be understood from these fundamental duties. The sovereignty of our nation is required to be protected. To keep our nation's unity and integrity. Rights and responsibilities go hand in hand and are not separable at any cost. Fundamental obligations and fundamental rights are two sides of a coin that we know cannot be separated from each other. It is also found to be the need for the hour in our constitution to introduce fundamental duties.¹⁰

Nowadays, we can see clearly that people are going to begin protesting and how often it gets violent. There are many instances where protests have become violent and people are beginning to vandalize public property and disrespect the government. Citizens go beyond the line here and often forget their moral obligation to the nation. During the National Emergency of 1976, there was a similar condition in our country where our country's then ruling party, i.e. The Sardar Swaran Singh Committee was formed by India's National Congress.¹¹

The main purpose of this committee was to propose an amendment to India's Constitution (mainly for the recommendations of fundamental duties). This committee suggested that citizens should know that they also have some duties in order to enjoy their rights and that

⁸ "National Policy for the Empowerment of Women (2001)," Indian J. Public Adm., 2014, doi: 10.1177/0019556120140328.

⁹ *Ibid.*

¹⁰ R. K. Yadav, "Right to Education in India: A Study," SSRN Electron. J., 2012, doi: 10.2139/ssrn.2014933.

¹¹ *Ibid.*

they should comply with those duties. 8 points of fundamental duties were recommended by this committee.¹²

Finally, we can conclude that we have come to know about every aspect of Fundamental Duties in this article and can clearly understand the need and significance of Fundamental Duty by reading every aspect of it. As our government realized that a civil society (discussed earlier in this article) cannot be created by the state alone, it was added to our constitution. Our nation's citizens need to play a vital role in achieving the fundamental purpose of our constitution. As mentioned in Article 51A of our Constitution, they can do this by following their duties towards the nation.¹³

We can clearly understand that there is a direct relationship between fundamental rights and fundamental duties by reading all the fundamental rights and fundamental duties together. In some or other way, they are connected. It often becomes hard for one to relate to them. But the assignment becomes much simpler if we read it together. Article 21(A), for example, is similar to Article 51 A (k).¹⁴

Both of these papers talk about a child's education between the ages of 6-14. On the other hand, while Article 21(A) imposes an obligation on the state to ensure that no one is deprived of the right to education, Article 51 A(k) imposes an obligation on the citizen to ensure that no child is deprived of schooling. The ultimate objective of the constitutional provision under Article 21(A) for the provision of education for children is, therefore, to be fulfilled by this fundamental obligation (Article 51A(k)). We can therefore clearly understand here by this illustration that Fundamental Duties assist in the interpretation of any constitutional provision.¹⁵

It is the duty of every citizen to respect the ideals of freedom, justice, equality, brotherhood and institutions, namely, the executive, the legislature and the judiciary, to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem. Therefore, by not indulging in any activities that violate them in letter and spirit, all of us are meant to maintain the dignity of the constitution. It also states that if a citizen shows disregard for the constitution, the National Anthem or the National Flag by any open or covert act, it would doom all our rights and very existence as citizens of a sovereign nation.¹⁶

¹² A. Mondal, "Free and Compulsory Primary Education in India Under the British Raj: A Tale of an Unfulfilled Dream," SAGE Open, 2017, doi: 10.1177/2158244017727037.

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ *Ibid.*

The citizens of India must cherish and follow the noble ideals that inspired our national struggle for freedom, and the noble ideals that inspired the national struggle for freedom must be cherished and followed. These ideals were those of building a just society with liberty, equality, non-violence, brotherhood and world peace, and a united nation. If the citizens of India remain conscious of these ideals and committed to them, we will be able to rise above the various separatist tendencies that now and then, here and there, raise their ugly heads".¹⁷

It is one of the preeminent national duties of all people of India to preserve and defend the dignity, stability and dignity of India. India is a large and complex nation of various castes, religions, races, and linguistic individuals; if the country's independence and stability are jeopardized, then it is not possible to unify the nation. Therefore, authority rests with the people in every way. It should be recalled that fair limitations on freedom of speech and expression are allowed for the sake of the dignity and independence of India, which were first alluded to in the preamble and even under 19(2) of fundamental rights.¹⁸

It is the responsibility of any person to protect our country from foreign enemies to defend the country and make national service when called upon to do so. Both people are bound to be aware of any such elements entering India and should also be able to take up arms to protect themselves when in need. It is meant for all civilians, rather than those belonging to the military, the navy and the air force.¹⁹

Promoting unity and the spirit of collective brotherhood among all the people of India, transcending ethnic, linguistic and regional or sectional diversities; renouncing activities that are disrespectful to the equality of women; the presence of one flag and one citizenship reinforces the spirit of brotherhood among citizens, considering the vast diversity among people. It notes that citizens in all fields of social operation should rise above limited cultural distinctions and aspire for excellence.²⁰

Our cultural heritage is one of the noblest and richest, and it is also part of the heritage of the world, to honor and conserve the rich heritage of our composite society. Hence, it is our duty to defend, conserve and pass on to future generations what we have inherited from the past. India is now one of the world's most ancient civilisations. The world is well aware of our

¹⁷ T. Allen, "Property as a Fundamental Right in India, Europe and South Africa," *Asia Pacific Law Rev.*, 2007, doi: 10.1080/10192557.2007.11788172.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Ibid.*

contributions to poetry, technology, literature, and this land is also the birthplace of Hinduism, Jainism, and Buddhism.²¹

To conserve and enhance the natural world, including trees, streams, rivers and animals, and to have respect for living beings, these natural reserves are our country's most valuable properties, so it is the responsibility of any person to protect them. Rising emissions and large-scale habitat destruction are causing tremendous damage to all human lives on earth. The spike in natural hazards is evidence of this. It is also enhanced by other legislative requirements in compliance with Article 48A, i.e. Directive Values of State policy on the conservation and development of the environment and the protection of trees and wildlife.²²

It is a recognized reality that it is important to benefit from the events and changes around the world for our own growth and cultivates the scientific temperament, humanism and spirit of inquiry and change. In order to keep pace with the constantly developing climate, it is the responsibility of any person to preserve and encourage the scientific temper and spirit of inquiry.²³

It is sad that in a nation that preaches non-violence to the rest of the world, we ourselves see from time to time acts of senseless violence and degradation of public property in order to protect public property and to abjure violence. In the present scenario where strike, revolt, etc. have become a regular practice, this one carries a great significance among all the fundamental duties. Whenever there is a strike or bandh or march, the crowd creates a mind-set to damage public assets such as buses, buildings and to rob them and make silent spectators of people who are protectors.²⁴

In all fields of individual and social practice, to aspire for perfection such that the country continually grows to greater standards of endeavour and achievement. As conscientious people, whatever work we do should be targeted at reaching the target of perfection in order to continually lift our nation to greater standards of effort and accomplishment. Not only does this provision have the ability to rebuild and restore the government, but also to lift it to the highest degree of excellence practicable.

Who is a father or guardian to provide his child with educational opportunity or, as the case may be, ward between the ages of six and fourteen, was the National Commission's proposal to revisit the constitutional work to make schooling a basic right to all children up to the age

²¹ P. Sourlas, "Human dignity and the constitution," *Jurisprudence*, 2016, doi: 10.1080/20403313.2015.1066556.

²² *Ibid.*

²³ *Ibid.*

²⁴ E. M. Serfontein, "The nexus between the rights to life and to a basic education in South Africa," *Potchefstroom Electron. Law J.*, 2015, doi: 10.4314/pej.v18i6.07.

of 14. However, the 86th Constitutional Amendment Act, 2002 provided for free and compulsory schooling for all children from the ages of 6 and 14 as a constitutionally enforceable basic right.²⁵

MAJOR CASE LAWS

The role of precedent in the legislative process is one of the most essential features of common law countries, so it is important to assess judgments that have evolved over the years. The following are discussed some of the important case laws:

*M.C. Mehta v. Union of India & Ors*²⁶

In a petition before the Court, the petitioner, a well-known legal person, complained of the lack of sufficient attention by the Government and the people to stop the pollution of the River Ganga, and the step must be taken to protect the River Ganga from pollution and to maintain it clean.

The Supreme Court had concluded that it was a central government duty under Article 51A(g) to introduce compulsory courses at least for one hour in a week in all the country's educational institutions for the protection and enhancement of the natural environment. The central government was instructed to provide written books on the topic and guidance for the free distribution in educational institutes. The suggestion was made for organising events such as cleaning the city, keeping the city clean, keeping the village clean at least once a year in each city, town and village throughout India, to encourage citizens and attract an interest among them and for active involvement.

*A.I.I.M.S. Students Union v. A.I.I.M.S. & Ors*²⁷

The internal reservations policy of A.I.I.M.S. was exceeded by 50% of Central Government reservations for its internal students in the postgraduate programme. It was in violation of Article 14 of the Constitution, and the Court of Justice stated that, while fundamental duties cannot be performed by the courts, they are considered important because they provide valuable guidance and are an important tool in interpreting many constitutional and other

²⁵ *Ibid.*

²⁶ 1987 SCR (1) 819; AIR 1987 965

²⁷ AIR 2001 SC 3262

legal issues. When doubts exist about the fundamental duties as the mandate of the people, Article 51A is essential not only to resolve the problem, but also to develop new and trend-setting ideas as a relief provided by the court. All tasks are essential, and each task consists of a sense of duty that is within its constitutional limits, respecting Constitutional values.

In addition, the Court observed that, although the provisions of Article 51A expressly do not impose any basic duty on the State, it remains that the obligation of every individual Indian citizen constitutes the collective duty of the State. It was observed for the first time that these tasks can also be carried out by the State.

*Aruna Roy v Union of India*²⁸

The Supreme Court has challenged the constitutional validity of a national curriculum for school education that it violates Article 28 of the Constitution and that it contravenes our nation's secular fabric. It gave value to the development of education in relation to the major world religions. The court held that no religious instructions were imparted under Article 28 in accordance with the National Curriculum. These are aimed at promoting harmony, the spirit of common fraternity, irrespective of caste, creed, culture and language, should be maintained among all the peoples of India and it must work to abdicate various praxis which is detracting from the dignity of a woman.

CONCLUSION & IMPLICATION

Finally, however, it can be seen that government efforts cannot be successful until the country's people usually engage in the government's decision-making process. And unstated obligations such as voting should be successfully discharged by the voters. In order to take an interest in local neighbourhood issues, politically spirited individuals and politicians should come forward. These tasks are a daily reminder to us of both the national priorities and the universal norms of democratic order. They can urge us to inculcate a sense of social responsibility in ourselves.

The Directive Principles of State Policy and Fundamental Duties (Directive Principles of State Policy and Fundamental Duties) are parts of the Indian Constitution which prescribe the fundamental obligations of the State to its people and the duties of citizens to the State. The Fundamental Duties are defined as all citizens' moral responsibilities to help spread a spirit of patriotism and to maintain India's unity. These obligations, laid down in Section IV-A of the Constitution, concern persons and the country. People are constitutionally bound to perform

²⁸ AIR 2002 SC 3176

these duties by the Constitution. However, the Basic Obligations are not technically enforceable, i.e. in case of their infringement or non-compliance, without any judicial penalty.

There is a need for all people to be bound by these obligations, subject to the State imposing the same by a valid statute, or else the law is in a very disadvantageous role. Finally, in this respect, the Supreme Court gave instructions to the State with a view to rendering the provisions functional and encouraging people to exercise their duties properly. This initiative was an effort to verify the enforceability of the basic obligations under the various laws referred to in the Indian Constitution.



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