

# Fundamental Duties

## What are Fundamental Duties?

The Fundamental Duties aid in regulating the conduct of the Indian citizens and bringing excellence to all the provinces of the citizens. The Fundamental Duties were added to the Indian Constitution to create & promote Indian Culture and reinforce the influences of the legislature in implementing these duties with regard to the fundamental constitutional rights.

Fundamental Duties only apply to Indian citizens and do not extend to foreigners.

The 11 Fundamental Duties are:

1. To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem.
2. To cherish and follow the noble ideals which inspired our national struggle for freedom.
3. To uphold and protect the sovereignty, unity and integrity of India
4. To defend the country and render national service when called upon to do so
5. 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
6. To value and preserve the rich heritage of our composite culture
7. To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures
8. To develop the scientific temper, humanism and the spirit of inquiry and reform
9. To safeguard public property and to abjure violence
10. 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
11. To 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.



# FUNDAMENTAL DUTIES

## THE CONSTITUTION OF INDIA



**51A. 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 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 and 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 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 age of six and fourteen years.**

## History of Fundamental Duties in India

The 11 Fundamental Duties are an indispensable element of the country's Constitution. These fundamental duties propose and represent several of the greatest morals or principles addressed by our social reformers, great ancient saints, philosophers, and administrative & constitutional chiefs. When the Act of fundamental duties commenced in the Indian Constitution in 1950, the citizens' duties were not included in the primary Constitution of India.

A provision The Swaran Singh Committee took the initiative and recommended the incorporation of the fundamental duties of Indian citizens to serve as responsible citizens of the country. Initially, the 42nd Constitutional Amendment Act of 1976 added ten fundamental duties to the constitution as a coequal to citizens' fundamental rights. The mutual cooperation between the nation and its citizens to sustain a better administrative system in India was the primary goal.

Later, an additional fundamental right was merged with the existing ten duties through the 86th Constitutional Amendment Act in 2002. Hence, the present regulations ask the citizens to stick to the eleven Fundamental Duties in Indian Constitution that they are obliged to their country as well as to other citizens.

## Swaran Singh Committee on Fundamental Duties

As per the Swaran Singh Committee, the Fundamental Duties should converse with citizens of India that they also have some duties to play toward the country along with enjoying constitutional rights. The government agreed and endured this suggestion of the committee. The Indian Constitution was updated with the section "Part IV-A," comprising only one article. Though the idea of Fundamental Duties by the Swaran Singh Committee was accepted, some of their recommendations were not acceptable.

The recommendations that were not accepted were:

- Parliament should stipulate penalties or punishment in case of citizens fail in obeying or refusing any Fundamental Duty.
- There should not be any law for questioning the obliging such penalties or punishment in the court whether it is based on violation of any Fundamental Right or because of repugnancy to any other anticipation of the Indian Constitution.
- The list of Fundamental Duties of citizens should also include the duty to pay taxes.

## Importance Of Fundamental Duties Under Article 51A

Both moral and civic duties have been laid down under the Fundamental Duties.

- Fundamental Duties remind the Indian citizens that they need to be mindful of their duties and that they owe to the country, society, and other fellow citizens while relishing their rights.
- Fundamental Duties are forewarning against all the activities that are anti-national and anti-social. These actions can include purposefully damaging the national flag, spoiling public properties, and many others.
- Fundamental Duties are a significant source of insight for the Indian citizens, promoting a sense of self-control and responsibility or liability among them.
- Fundamental Duties establish a belief that the citizens of the country are not ordinary audiences but active contributors to the accomplishment of national goals.
- Fundamental Duties have idyllic nature and rope the citizen into moving forward in the appropriate direction.

- Fundamental Duties also assist the courts in analysing and ascertaining whether any law is valid as per the Constitution or not.
- The most critical consequence of fundamental duties is defining the ethical responsibilities of all the Indian citizens, facilitating and encouraging the spirit of patriotism, and upholding the harmony of India.
- Fundamental Duties make Indian citizens conscious of their communal & citizenship accountabilities and shape such a society and environment where everyone becomes caring and thoughtful of the inalienable rights of their fellow citizens.

## Characteristics Of Fundamental Duties

Though the Fundamental Duties are inscribed as fundamental or basic, their few characteristics make them somewhat unique.

- **Disposition of Fundamental Duties:** Typically, these duties written in the Constitution are moral and civic responsibilities or promises of the citizens in the country and are legally non- obligatory.
- **Range of Fundamental Duties:** These duties are pertinent only to Indian citizens and do not cover foreigners visiting or living in the country.
- **Non- Defensible in the Courts of Law:** The Indian Constitution does not specify any absolute implementation of these duties by the courts. Thus, making them non-justiciable in the courts of law.
- **Association with traditions:** Fundamental Duties are associated with Hindu traditions and mythologies, such as recompensing regard to the country and endorsing the spirit of companionship and harmony.

## Verma Committee on Fundamental Duties

The Verma committee was established in 1999. The committee recognised certain legal specifications for reinforcing the Fundamental Duties.

The Verma Committee identified the existence of following legal provision:

- Representation of people Act (1951)
- Protection of Civil Right Act (1955)
- Prevention of insults to National Honour Act (1971)
- Wildlife Protection Act (1972) and Forest Conservation Act (1980)

## Criticism of Fundamental Duties

Even though the fundamental duties are recognised to remind citizens about their responsibility for the country and society and stimulate a sense of discipline, these duties are criticised on many grounds.

- The Critics have illustrated the FDs as a code of moral or ethical instructions because of their non-justiciable uprightness.

- Critics find adding these duties in the Constitution unessential because they believe that people or citizens of the country would perform the duties even if they were not inscribed in the Constitution as fundamental.
- Critics also state that specific duties are unclear, ambiguous, and challenging for ordinary people to understand.
- The list of Fundamental duties is not extensive or all-inclusive since it does not embrace other vital responsibilities such as casting votes, tax-paying, and many others. Indeed, the Swaran Singh Committee suggested including paying taxes as fundamental duty, but it was not accepted.
- The critics also mention that including the list of FDs as an accessory to the Constitution's Part IV-A has degraded their esteem and worth.
- According to critics, FDs must have been supplemented or combined after Part III of the Indian Constitution to keep them equivalence with Fundamental Rights.

## Facts regarding Fundamental Duties in India

The Fundamental Duties also ask us to value and maintain the country's diverse culture's rich legacy, to care for and safeguard the natural environment, including woods, lakes, rivers, and wildlife, as well as to have compassion for all living things, cultivate a scientific mindset, humanism, and an inquiry and reform attitude, to protect public property, and to abstain from violence.

As a result, citizens' Fundamental Duties inspire them not only to encourage a sense of discipline and devotion to the territory and people but also to warn them against any anti-social or anti-national activity. To conclude, we can say that the eleven Fundamental Duties in Indian Constitution help the country to execute democratic behaviour nationwide. There are two major categories of Fundamental Duties; Moral Duties & Civic Duties. Moral Duties appreciate the honourable morals of the freedom struggle. In contrast, civic duties imply liabilities of citizens to respect the National Honors such as the Indian Constitution, National Flag, National Anthem, and many more.

- FDs essentially comprise the classification of duties vital for the Indian way of life.
- Unlike some Fundamental Rights, the FDs are pertinent only to Indian citizens and do not cover foreigners visiting or living in the country.
- FDs are non-justiciable because the Indian Constitution does not state the courts' absolute implementation of these duties.
- They cannot be taken to court as no legal punishments are for their violation.
- FDs are listed in Part IV-A of the Indian Constitution has only one Article 51 A.
- Initially, there were only 8 fundamental duties, then amended to 10, and the last amendment included one more duty under 86th CAA 2002 – 51A(k).
- The inspiration for implying Fundamental Duties is taken from the Constitution of Russia (erstwhile Soviet Union).

## Supreme Court's Judgments On Fundamental Duties

According to the judgments of the Supreme Court, if any law seeks to provide sense to fundamental duties or influence them while the constitutional validity of the law is being determined, that particular law might be considered 'reasonable' in consideration of Article 14 or Article 19 of the Constitution. Thus, such a law is saved from unconstitutionality.

The court also mentioned that States could make their independent laws to foil violations of FDs.

TROs or court orders cannot impose Fundamental duties.

## Difference between Fundamental Duties And Fundamental Rights

Even though the Fundamental Duties and Fundamental Rights are interlinked and cannot exist without each other, there are some differences between them.

<b>Fundamental Duties</b>	<b>Fundamental Rights</b>
These are the legal accountabilities given to the citizens of India to accomplish in favour of the country and society.	Fundamental Rights are the liberties or eases ensured or promised to the citizens of India by the Constitution. No one and nothing can take away these rights from any citizen of the country.
Fundamental Duties are the ethical obligations or restraints for all Indian citizens. They must be accomplished to attain prosperity and maintain unity and harmony in the nation.	They are contemplated or believed to be the prescriptive policies of freedom for all the citizens to attain a peaceful and free lifestyle.
Fundamental Duties are non-justiciable as the Indian Constitution does not specify any absolute implementation of these duties by the courts.	Fundamental Rights are collectively presented to all citizens of India heedlessly of class, religion, status, race, gender or birthplace. They are justiciable and thus can be taken to court if exploited.