
UNIT 6 FUNDAMENTAL DUTIES*

Structure

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6.0 OBJECTIVES

After reading this unit, you should be able to:

- Describe the nature and meaning of Fundamental Duties;
- Discuss the inclusion of Fundamental Duties in the Constitution; and
- Explain the significance of Fundamental Duties.

6.1 INTRODUCTION

Fundamental Duty is a notion which conveys a sense of moral obligation and commitment to someone or to something. People must perform different kind of duties in daily life namely duties towards their family, work place and ultimately modern state. Ancient Roman philosopher Cicero also discusses duty in his work 'De Officiis' (On Duties) where he opines that duties may come from four different sources viz. wisdom, justice, courage and temperance. In unit 4, you have read about the fundamental rights. They can be properly realized, if the citizens perform their fundamental duties. Thus, the fundamental rights and the fundamental duties are inter-related. If someone performs his or her duties properly, it signifies that the basic rights of others are safeguarded and vice-versa. Indeed, no one can enjoy rights without performing his or her due duties. In other words, if a person fulfils of his or her duties then he or she must be in a moral position to get his/her basic rights. Several countries included Fundamental Duties in their constitutions. Examples of such countries are erstwhile Soviet Union, People's Republic of China, India, Poland, Albania, Czechoslovakia, the Netherlands, Yugoslavia, the Democratic Republic of Vietnam, Japan and Italian Republic. In fact, the USSR was the first country of the world to adopt fundamental duties in its constitution.

6.2 ENTRY OF THE FUNDAMENTAL DUTIES IN THE CONSTITUTION

Initially, the Indian Constitution did not have provisions of Fundamental Duties. But as an exception, Article 33 provided for some Fundamental Duties. According to this Article, the armed forces and police were supposed to maintain discipline

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and perform duties even when Fundamental Duties were not part of Indian Constitution. However, the 42nd and the 86th Constitutional Amendments provided for inclusion of Fundamental Duties in the Constitution. The 42nd Constitutional Amendment in 1976 added a new section to Article on Fundamental Duties. The 42nd Amendment was passed during the period of Emergency (1975-1977). According to this Amendment, the people including those not belonging to armed forces and police were expected to perform certain Fundamental Duties. The 86th Constitutional Amendment in 2002 made it Fundamental Duty of parents of children from 6-14 years of age to provide them education. This Amendment also made the education of the children as Fundamental Right. Following these Amendments, Fundamental Duties are mentioned in Article 51 A, Part IVA of the Constitution mentions certain Fundamental Duties of the people. The Fundamental Duties enshrined in Article-51A have similarity with Article 29(1) of the Universal Declaration of Human Rights which states “everyone has duties to the community in which alone the free and full development of his personality is possible”. After the passage of the 42nd and 86th Constitutional Amendments, there are 11 Fundamental Duties of the citizens of India. These are as follows:

- 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) 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?

The Fundamental Duties have some salient features as given below:

- a) Fundamental Duties are both civic and moral in nature.
- b) It emphasized on the Indian way of life especially respecting and preserving Indian culture.
- c) This provision is not applicable upon the foreigners, only citizens of India will obey these constitutional duties.

- d) There are clear differences between Fundamental Rights and Fundamental Duties.
- e) It is non-justiciable and non-enforceable.

The 42nd Constitutional Amendment was made in the light of the recommendations of the Swaran Singh Committee Report. The Swaran Singh Committee was set up in 1976 by Indira Gandhi Government. Swaran Singh was the Chairman of the Committee. The Committee had recommended to include a new part in the Constitution of India on the Fundamental Duties of the Indian citizen. Based on the recommendations of the committee government brought some changes to the constitution through 42nd amendment of the constitution and that came into effect on 3 January, 1977. The Swaran Singh Committee suggested eight items to be incorporated in the constitution as duties of the citizen. These are mentioned below:

- i) To respect and abide by the constitution and the laws.
- ii) To uphold the sovereignty of the nation and to function in such a way as to sustain and strengthen its unity and integrity.
- iii) To respect the democratic institutions enshrined in the constitution, and not to do anything which may impair their dignity or authority.
- iv) To defend the country and to render national service including military service when called upon to do so.
- v) To abjure communalism in any form.
- vi) To render assistance and cooperation to the State in the implementation of Directive Principles of State Policy, and to promote the common good of the people so as to sub serve the interests of social and economic justice.
- vii) To abjure violence; to protect and safeguard public property and not to do anything which may cause damage or destruction to such property.
- viii) To pay taxes according to the law.

However, then Congress government led by Prime Minister Indira Gandhi did not accept all suggestions or recommendations made by the Swaran Singh Committee.

Check Your Progress Exercise 1

- Note:** 1) Use the space below for your answers
 2) Check your answers with the model answers given at the end of this unit.

1) Which Constitutional Amendment introduced Fundamental Duties in the Constitution?

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- 2) Write a few lines about the Fundamental Duties for protection of environment.

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6.3 NON-JUSTIFIABILITY OF THE FUNDAMENTAL DUTIES

The Fundamental Duties are non-enforceable and non-justiciable. There is no provision in the constitution for direct enforcement of these duties. It means that no citizen can be punished by a court for violation of a Fundamental Duty. In this regards, Fundamental Duties are like Directive Principles of State Policy of Part-IV. Fundamental Duties were not placed at the end of Part-III of Indian Constitution which is justiciable but included in Part-IVA that is non-justiciable and non-enforceable. India's case is different from some other examples regarding the enforceability of the Fundamental Duties. These examples included erstwhile USSR, Yugoslavia and Albania. Unlike India, constitutions of these countries made Duties legally enforceable. You have read in the preceding section of this unit that most of Fundamental Duties have been included in Indian Constitution on according to the recommendations of Swaran Singh Committee Report. VKRV Rao (Rao and Singh 1976) criticized the recommendations of Swaran Singh Committee Report on the ground that Fundamental Duties cannot be followed if there is no legal action for their violation. He argued that people lack courage and willingness to obey duties. Therefore, duties can not be properly obeyed if they are not legally binding. Right do not have ethical basis, they can be properly enjoyed with enforceable duties. On the need to obey Fundamental Duties, the Supreme Court of India issued a notice in 1998 to the Government of India enquiring about its plan to teach Fundamental Duties to the citizens of the country. In response to this notice, Government of India established a committee under the chairmanship of Justice J S Verma Committee, known as Verma Committee on *Fundamental Duties of the Citizens* (1999) to examine operational aspects of Fundamental Duties and recommend steps which can teach and educate people about the need to obey Fundamental Duties. The Verma Committee made the following recommendations:

- a) Fundamental Duties will raise standards of the citizen in public life. Therefore, every individual should obey and promote these duties.
- b) Public office holders should avoid selfishness or nepotism. Their foremost priority must be to serve public interests rather than individual interests.
- c) Integrity should be the main principle in the functioning of public office.

- d) Holders of public office must be accountable for their decisions and actions to the public.
- e) They should be as open as possible about all the decisions and actions which were taken by them.
- f) Public officials should maintain honesty while in office.
- g) Leadership is very important in the sense that holders of public office should promote these principles by leadership skill and set an example

Fundamental Duties can strengthen the foundation of society and nation. But mere legislation is not enough to fulfill them. An effective implementation of the rules is essential for an effective fulfillment of duties. That is possible if favourable attitudes and commitment to obey duties are created among the citizens of India. To increase the awareness among the people of India concerning Fundamental Duties, Verma Committee had identified few existing acts by which a proper implementation of such duties can be accomplished. These are discussed below:

- a) The Representation of People Act, 1951: According to this act, membership of any member of the Indian Parliament or State Legislatures can be rejected if he or she found involved with corrupt activities.
- b) The Unlawful Activities Protection Act, 1967: Sectarian organizations within the national boundaries of the country must be banned in view of making a peaceful and stable society.
- c) The Protection of Civil Rights Act, 1955: Offenders who preach and practice untouchability must be punished in accordance with the act.
- d) The Wildlife Protection Act, 1972: It aims at protecting and preserving rare and the perishing animals, birds and plants. For this reason, this act strongly prohibits the illegal trading of animals.
- e) The Prevention of Insults to National Honour Act, 1971: By this act insults and disrespects of the national anthem, flag, the constitution of the land have been firmly prohibited.
- f) The Forest Conservation Act, 1980: The act strongly prohibits the destruction of natural forest keeping in mind its increasing degradation. It also prohibits the usage of forest for other human activities.

The Supreme Court of India has issued directions to governments to create a conducive environment for effective fulfillment of duties. In this regard, the Supreme Court, directed the Central Government in August 2003 to implement the recommendations of the National Commission to Review the Working of the Constitution (2000) and Verma Committee (1999). Anupama Rao criticized the recommendations of Justice Verma Committee Report in an article published in *Economic and Political Weekly* (2003). She argues that Justice Verma's report puts disproportionate emphasis on duties of citizens in relation to the state and nation. Such emphasis on duties undermines citizens as equals, and duty as a precondition for citizenship.

Check Your Progress Exercise 2

Note: 1) Use the space below for your answers

2) Check your answers with the model answers given at the end of this unit.

1) What is the relationship between Fundamental Rights and Fundamental Duties?

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2) What are the main features of Fundamental Duties?

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6.4 SIGNIFICANCE OF FUNDAMENTAL DUTIES

Fundamental Duties have ethical, social and economic significance. If a citizen performs his/her duties, he/she has moral claims on his/her rights. Fulfillment of duties can help in sustenance of environment and economic development. This in turn can help in achieving human development of society. The consciousness and realization to fulfill Fundamental duties have increased in India during past some decades. The court and civil society organizations, political parties and governments have also underlined the significance of Fundamentals Duties for overall development of society. As you have read earlier in this unit, the Fundamental Duties were included in the Constitution through 42nd Amendment passed by Indira Gandhi government during Emergency. The Morarji Desai government which was formed by the opponent of Indira Gandhi did not change the provisions about the Fundamental Duties. This indicated the importance given to Fundamental Duties across political parties. Acknowledging the significance of Fundamental Duties Supreme Court said that it was intended to regulate behaviour and to inspire fellow citizens to strive towards excellence. For instance, some vested interests were harming bio-diversity and environment in Mussoorie-Dehradun belt (which was part of UP before formation of Uttarakhand state). They were violating Fundamental Duty to protect the environment and bio-diversity. Regarding this, in *Rural Litigation & Entitlement Kendra vs. State of Uttar Pradesh*, 1988, the Supreme Court banned illegal mining in Mussoorie-

Dehradun belt suggested several regulatory directions for protection of bio-diversity and environment. Thus, the court underlined the significance to protecting the biodiversity and environment a Fundamental Duty and made direction for its protection.

Constitution Review Commission chaired by M.N. Venkatachaliah too recommended some initiatives to be taken by the government for the successful implementation of Fundamental Duties. Some of his recommendations included as follows:

- a) The Union and State governments should sensitize the people and create general awareness about Fundamental Duties amongst the citizens.
- b) Right to freedom of religion and other freedoms must be jealously guarded and rights of minorities and fellow citizens respected.
- c) People should be sensitized about their duty to vote in elections, pay taxes and actively participate in the democratic process of governance.
- d) Recommendations of Justice Verma Committee on operationalisation of Fundamental Duties of Citizens should be implemented at the earliest.
- e) The industrial organizations should provide education to children of their employees.

Check Your Progress Exercise 3

Note: 1) Use the space below for your answers

2) Check your answers with the model answers given at the end of this unit.

1) How are Fundamental Duties linked with ethical values?

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6.5 LET US SUM UP

Fundamental Duties lead to national integration, unity and cultural harmony among the members of different castes and creeds within Indian society. Though erstwhile USSR was the first country in the world to adopt Fundamental Duties in its Constitution, now both communist and non-communist countries of the world have provisions for Fundamental Duties. Initially, except for the armed forces and police, Fundamental Duties were not mentioned in the Indian Constitution. They were first included in the constitution only through 42nd Constitutional Amendment Act (1976). These were introduced following the recommendations of the Swaran Singh Committee’s recommendations. Later,

the 86th Constitutional Amendment provided for giving education to children in age group (6-14 years) a Fundamental Duty of parents. There are differences between Fundamental Duties and Fundamental Rights. Fundamental Rights are enforceable and justiciable by the court while Fundamental Duties can not be legally enforced. P V. K. R. V. Rao opined that for effective implementation of the Article-51A, there should provisions for punishing those who violated their Fundamental Duties. Fundamental Duties have greater relevance in the 21st century.

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6.7 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress Exercise 1

- 1) The 42nd Constitutional Amendment in 1976 and 86th Constitutional Amendment in 2002.

- 2) To protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living beings.

Check Your Progress Exercise 2

- 1) Fundamental Duties and Fundamental Rights are different. Fundamental Duties are not justiciable, while Fundamental Rights are justiciable.
- 2) Main features of Fundamental Duties are:
 - a) Fundamental Duties are both civic and moral in nature.
 - b) This provision is not applicable to the foreigners, only citizens of India will obey these constitutional duties.
 - c) There are clear differences between Fundamental Rights and Fundamental Duties.
 - d) Fundamental Duties are non-justiciable and non-enforceable.

Check Your Progress Exercise 3

- 1) Fundamental duties can not be implemented through legal means only. For them to be successful, the people have to be morally concerned.



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