

FUNDAMENTAL DUTIES

MA SEM I PAPER V: CONSTITUTION AND ADMINISTRATION

SHILPI TANWAR

According to Part IV A, Article 51 A, of the Constitution of India, it shall be the duty of every citizen of India to fulfil the following duties-

Fundamental Duties



- (a) To abide by the Constitution and respect 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 people of India transcending religious, linguistic and regional or sectional diversities and 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 Endeavour and achievement."
- (k) to provide opportunities for education by the parent the guardian, to his child, or a ward between the age of 6-14 years as the case may be.

FEATURES OF FUNDAMENTAL DUTIES

- Fundamental Duties were inspired by the Constitution of erstwhile USSR.
- The original Constitution did not contain the Fundamental Duties. They were incorporated by 42nd Constitutional Amendment Act, 1976, on basis of the recommendations of Sardar Swaran Singh Committee (1976).
- The 11th Fundamental Duty was added through the 86th Constitutional Amendment Act, 2002.
- Fundamental Duties are to be fulfilled by Indian citizens only, and do not apply to all persons.
- They are non-justiciable like the Directive Principles of State Policy. The Constitution does not provide for their direct enforcement by the courts (writs).
- They can be enforced by the Parliament, through legislation. For eg. The Prevention of Insults to National Honour Act (1971), Flag Code of India (2002) etc.
- Some Fundamental Duties are moral duties, eg. cherishing noble ideas that inspired the national struggle for freedom.
- Some Fundamental Duties are civic duties, eg. respecting the Constitution, National Flag and National Anthem.

SIGNIFICANCE OF FUNDAMENTAL DUTIES

The Fundamental Duties-

- provide inspiration and promote discipline among citizens.
- serve as warnings against anti-social and anti-national activities.
- help courts in clearing ambiguities in statutes and determining validity of laws.
- establish a democratic balance by making citizens aware of their duties along with their rights as it is said with rights come duties.

CRITICISM OF FUNDAMENTAL DUTIES

- Fundamental duties are ambiguous. Terms such as “composite culture” and “scientific temper” are beyond the understanding of common man.
- They are incomplete, as they do not cover important duties like voting, paying taxes, family planning etc.
- Since they are non-justiciable, some critics consider them as moral precepts only.

CONCLUSION

Oscar Wilde once said that, “Duty is what one expects from others”. For smooth running of the government and achievement of national goals it is important that all citizens of a nation acknowledge and perform their due role just as they expect from other citizens as well as the government. It is this task that the fundamental duties seek to fulfil. They remind people of the do’s and don’t’s of being responsible citizens, such that they constantly contribute towards national growth and development and “the nation constantly rises to higher levels of achievement”.