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Relevance of Fundamental Duties in Indian Scenario

Shamim Bano

Assistant Professor

St. Wilfred's PG College

Abstract

Duties in Indian Scenario

The Indian tradition through the ages has laid greater emphasis on duties than on the rights of citizens. According to Ramayana “As words are made to fly and rivers to run, so the soul to follow duties”. Duty is derived from the word ‘Due’ which means something that we owe towards the society we are a part of. Thus we can consider duties as obligations or responsibilities towards the individual as well as the society. As The Father of the Nation had stated, “The true sources of rights is duty. If we all discharge our duties, rights will not be far to seek. If leaving duties unperformed we run after rights, they will escape us like a will-o’-the-wisp. The more we pursue them, the farther they fly”. Thus, as we trace the origin and evolution of duties, we can trace how the meaning has evolved over time and how it provides the farsightedness for an individual to make a better citizen.

The makers of the Constitution of India didn’t feel the necessity to incorporate the fundamental duties in Constitution because they might believe these were basic and inherent values which are practiced by each and everyone as they always were an integral part of the Indian ethics. But during the National Emergency, Indira Gandhi (Former Prime Minister of India) imposed some Fundamental Duties in Chapter IV(A) (Article 51a). The idea was borrowed from the Constitution of USSR but to implement it according to the demand of Indian political system, a committee was formed (named as Swarn Singh Committee) which recommended 10

duties initially out of which 7 were considered relevant. However, later in the 42th Constitution Amendment Act (CAA) which was also called Mini Constitution (1976), Ten Fundamental Duties became an integral part of the Constitution. In addition, one more duty was added by the 86th Constitution Amendment Act (CAA) thus we have Eleven Fundamental Duties in the present Indian Constitution. The 11th Duty was added by Former Prime Minister Atal Bihari Vajpayee who believed that Political Consciousness comes from Education. This research paper attempts to trace the concept of Fundamental Duties that exists in the past and its evolution in contemporary Indian Politics.

Key Words: Constitution of India, Fundamental Duties, Fundamental Rights, Directive Principle of State Policy, Swaran Singh Committee, 42th Constitution Amendment Act.

Introduction

According to Aristotle, a state has four elements: Territory, Demography, Government, and Sovereignty. Few thinkers added that there is a social contract between government and people, and rights and duties are an outcome of such a contract. Duty is therefore an obligation of citizens that they owe to each other and the state to maintain the social fabric.

Origin of duties: The origin of duty can be traced back to the development of ancient civilizations. For instance, the concept of “Dharma” in ancient India means righteousness and duty. Dharma consists of both legal and religious duties. Several religious texts dealt with the concept of duties such as duties of kings, citizens, and court proceedings etc. With the growth of new religions like Buddhism and Jainism, the emphasis on duties was observed as responsibility or Dhamma.

Evolution: Initially, duties were considered part of socio-religious life. Later on, with the discovery of the Iron plough,

It seems that the people in the country had been so much obsessed with rights that they tended to forget the importance of their duties and obligations towards the society and the nation which enabled them to claim; and exercise their rights.

Direction of Duties after Commencement of the Constitution

After the Independence of India during the making of Constitution, the Indian Constitution dreamers coined the idea of Fundamental Duties but it was rejected because they thought that Duties comes within the Rights itself. And also the concept of Duty was always a part of Indian Ethos. However, Dr. Rajendra Prasad observed that people have become ignorant towards lawfulness which deeply disturbed him. Yet they encompassed the Duties in shape of Chapter IV (Directive Principles of State Policy). The infamous National Emergency (1975) imposed by former Prime Minister Mrs. Indira Gandhi on the grounds of “internal disturbance” revoked the idea of incorporating Duties in the Constitution. The Fundamental Duties will play a vital role in establishing the legal order in the Country which was also justified by then Law Minister H.R. Gokhale who stated it will be a “Sobering Effect” on “Restless Spirits”. He said, “Fundamental Duties is a poem embodying noble ideas, rhythm and harmony”, with the impress of “the hand of the Prime Minister”.

The Swarn Singh Committee was formed in 1976 to make recommendations in regards to the Fundamental Duties and to be included as distinct division in the Constitution. The Committee consists of 12 members including the Chairman Sardar Swaran Singh. The member names are as follows; S.S. Ray, DP Singh, BN Banerjee, VN Gadgil, HR Gokhale, Dinesh Goswami, CM Stephen, Rajni Patel, A.R. Antulay, VA Sayed Muhammed and Vasant Sathe. On the recommendations of this Committee 10 duties were included in the Constitution in Chapter IV (A) under a single Article 51 (A). In addition, one more duty was added by 86th Constitution Amendment Act (CAA) thus we have Eleven Fundamental Duties in present Indian Constitution. The 11th Duty was added by Former Prime Minister Atal Bihari Vajpayee who believed that Political Consciousness comes from Education.

Nature of Fundamental Duties

- The concept of Duties is ancient in India than in Greek and Roman political system. Our mythological scriptures such as Bhagwat Gita and Ramayana also taught people to perform their duties dedicatedly. According to Indira Gandhi, “The moral value of Fundamental Duties would not be smother rights but to established a Democratic balance by making people conscious of their duties equally as they are conscious of their rights”

- Fundamental Duties are of moral and civic nature. Respecting the Constitution, National Flag and National Emblem, uphold and protect the sovereignty, unity and integrity of India comes under the civic domain while preserving rich heritage, countries composite culture, safeguard public property, protect and improve Natural Environment comes under moral domain.
- Fundamental Duties were created to teach Indians to live within a certain code of conduct.
- The constitution holds some Fundamental Rights for foreigners while all the Fundamental Duties are exclusively reserved for Indian citizens.
- Fundamental Duties are not-enforceable as there is no legal sanction behind them.

Implementation of Duties

Criticism

- The government is powerless to hold them accountable for their actions.
- The responsibilities are largely based on Indian mythology, religions, and customs.

Relevance

The Fundamental Duties serve as reminder to citizens that while abusing the rights, they must also be aware of the obligation they owe to their Nation, Society and fellow citizens. Although Fundamental Duties are not enforceable legally, Supreme Court of India has stated that it does not mean that Duties hold no significance in Case of *Minerva Mills Ltd. Vs Union of India* (1980)

Some acts have been brought by the Parliament and verdict by Supreme Court to make Fundamental Duties of the binding nature – Environment (Protection) Act, 1986; National Honour Act, 1971; The Forest (Conservation) Act, 1980; Justice Verma Committee, 1998.

Many nations across the world have transformed into developed economies by embodying the principles of “Responsible Citizenship” Responsible Citizenship: All the responsibilities and duties that citizens of a nation should exercise and respect. The USA is a classic example in this respect. The Citizens’ Almanac, issued by the US Citizenship

and Immigration Services, details the responsibilities of its citizens. Another example is Singapore, whose growth story has been fuelled by its emphasis on the relentless pursuit of duties by its citizens. As a result, Singapore has transformed from a less developed nation to a highly developed one in a short span of time.

Even three decades after the fundamental duties were incorporated, there's no adequate awareness among citizens. In 1998, Atal Bihari Vajpayee's government had appointed the Justice J.S. Verma Committee to operationalise the suggestions to teach fundamental duties to the citizens of the country. Today, it is important to emphasise the need to remember fundamental duties for the progress of India. 3/4 Fundamental duty enshrined under Article 51A(e) seeks to promote harmony and the spirit of common brotherhood, transcending the barriers of religion, language, etc. However, India's democratic setup, over six decades has not fully able to forge this common brotherhood. Similarly, there is a duty under Article 51A(g) to protect and improve the environment, but India has been severely affected by air & water pollution and the impact of climate change. Fundamental duty envisaged under Article 51A(h) developing a sense of oneness, a scientific temper and the spirit of inquiry, nor a healthy, secular attitude. On the contrary, the school environment and social milieu are such that children learn all the wrong things about each other and become victims of social prejudices. India has a composite culture (under Article 51A(f)), "Vasudhaiva Kutumbakam" sums up that perspective. However, presently there is growing intolerance in Indian society, reflected by cases of cow vigilantism, mob lynching, etc. Democracy cannot establish deep roots in society until the citizens don't complement fundamental rights with their fundamental duties. For a polity to survive, citizens should have a high sense of duty. Universally, great emphasis has been laid on citizens' duties. Article 29(1) of the Universal Declaration of Human Rights states: It states that "Everyone has duties to the community in which alone the free and full development of his personality is possible."

The fundamental duties were included in the constitution in Article 51A contained in Part-IV A by means of the 42nd Constitutional Amendment, often referred to as a "mini-constitution" or "Indira Constitution", in the year 1976.

The Bhagwad Gita and Ramayana also ask people to perform their duties. In the Gita, Lord Krishna ordains, "One should do one's duties without expectation of any fruits". According to Mahatma Gandhi the very performance of a duty secures us our right. Rights cannot be divorced from duties. Mahatma Gandhi held that "Satyagraha was born, for I was always striving to decide what my duty was."

Features of Fundamental Duties

- The fundamental responsibilities included both moral and civic obligations. Respecting the constitution, national flag, and national emblem, for example, is on the moral front line, while cherishing good values from the freedom struggle is on the civic front line.
- While some fundamental rights are provided to both foreigners and aliens, fundamental responsibilities are limited to Indian citizens and do not extend to foreigners.
- Fundamental Duties, like Directive Principles, are non-enforceable in nature. The government is powerless to hold them accountable for their actions.
- The responsibilities are largely based on Indian mythology, religions, and customs.
- Essentially, they were the responsibilities that codify chores that are essential to the Indian way of life.

Significance

Significance of Fundamental Duties

- It acts as a continual reminder to citizens that while exercising their rights, they must be mindful of their responsibilities to their country and to other citizens.
- These serve as a warning to the public against anti-social behaviours that defame the country, such as flag burning, harming public property, and disrupting public order.
- These contribute to the development of a sense of discipline and patriotism.
- They contribute to the achievement of national goals through active citizen participation rather than passive spectatorship.
- It aids the Court in determining the law's constitutionality. For example, any law passed by legislators would be considered reasonable when brought before a court for constitutional legality if it is enforcing any Fundamental Duty.
- They can be enforced by law; parliament has the authority to impose any sort of penalty or punishment for any violation of the Fundamental Duties.

Criticism

Fundamental Duties - Criticism

The soul of a democracy is opposition and criticism. There were no exceptions to this rule when it came to basic responsibilities. The following are some of the different grounds for criticism:

- There aren't many other significant citizen responsibilities on the list. The need to vote in elections and pay taxes on time, for example, are not included in the Swaran Singh Committee's list of fundamental tasks.
- Many of the responsibilities are poorly defined and vague. Words like 'noble ideals,' 'composite culture,' 'scientific temper,' and many more can be interpreted in a variety of ways.
- Due to their non-justifiable nature, these have been criticised as a moral rule of behaviour. As a result, the Swaran Singh Committee has suggested that those who fail to follow and observe these responsibilities be punished or fined.
- Various critics referred to these as redundant. People would fulfil rights that were either included or not included because these were deemed fundamental and there was no mention of other rights, making them redundant in nature.
- Critics have also questioned the placement of these responsibilities, believing that putting them under Part IV diminishes their worth and significance. These should be included in Part III, where fundamental rights are mentioned and might be linked to responsibilities.

Conclusion

Fundamental obligations are the essence of a democratic state like India, notwithstanding its non-enforceability. A democratic state cannot exist if its citizens are unwilling to participate actively in government and assume responsibility for the country's best interests. Many of these responsibilities have now been codified as separate laws and are enforceable by the courts, but this does not weaken the importance of the Article 51 responsibilities. The word 'Fundamental' before obligations is the best portion; it provides duties of equal rank with Fundamental Rights and can be connected.

