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## “The Duties” – Don’t Forget

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**Abstract** — Our Constitution provides fundamental rights to safeguard individual liberty and for ensuring social, economic and political justice for every member of the community. Now-a-days, there are many areas which create awareness regarding the fundamental rights among the people. Whether it’s a media platform or political platform, film industry or educational institutions, all these areas play an important role to stimulate and aware general people towards their fundamental rights. But, the other side of the coin is the “Duty”, which we should not forget as a responsible citizen. Article 51A [Part IVA] provides 11 fundamental duties for the citizen of India. There can be no rights, where there are no duties. If we all discharging our duties in proper way, definitely the rights will not be far to seek. It is our moral responsibility to obey the constitutional duty.

**Index Terms** — Fundamental Rights, Preamble of Constitution, Fundamental Duties, Enforcement

**Introduction** – The people of India, specially the younger generation, are very enthusiastic and aware about their rights. Yes, I am talking about ‘Fundamental Rights’, which is given under the constitution. Whether it’s a print media or electronic media or different social media platforms, each and every platform has their special corner to debate, argue or discussions on the topics related to fundamental rights and their violation. One of the positive thing about their kind of discussion and debates that it shows that the people are aware about their Constitutional Rights and also interested to read each and every articles of the Constitution in context there too. Another interesting area, which attract the folk on Constitutional and legal aspects are the titles and themes of the Films. ‘Section’ and ‘Article’ seem to be the new favorite words in Film Titles.

An official of the Indian Motion Picture Producer’s Association (IMPPA), says “IMPPA has received around 20 applications for the titles of the Films which include the words ‘Article’, ‘Dhara’, ‘Section’ in them. As the films Article 15 and Section 375 created quite a buzz, many producers are also interested in having these words in the titles. A committee will look into the plot and other aspects of the films and then decide who should be granted the titles.”

A source from the Indian Film & Television Directors Association (IFTDA), says, “we have registered 15 titles with ‘section’ and ‘Article’ in them for feature films. We also have several other applications for titles including citizenship (Amendment) Act in them.”

As we know, most of the films are imbued with social issues and the stories have that magnetic power which can touch the emotions of the common people. If you really want to put or inject something in the mind of the people “story telling” works brilliantly, that’s what people fascinated about films.

There are so many movies which are based on the Preamble of the Constitution of India, the fundamental rights, and different sections of IPC and so on. The very fact, that the constitution of India is the Product not of a political revolution but of the research and deliberations of body of eminent representative of the people. The preamble is the key to understand the mind of the makers. It is an opening statement that summaries the key principles of the Constitution.

Just take a look of the Preamble to the Constitution of India:

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCILIST SECULAR DEMOCRATIC

REPUBLIC and to secure to all its citizens;

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity; and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

Films which depict the idea of the Preamble are:

- “Mulik” directed by Anubhav Sinha, is a 2018 Indian drama film based on “Secularism”.
- “Nayak” directed by S. Shankar – this film depicts the Republic idea in a nation and shows power of the people.
- “Pink” directed by Aniruddha Roy Chowdhury – film shows the principle of justice.
- “Jolly LLB” directed by Subhas Kapoor – the film depicts the idea of equality.

Apart from the above movies, “Jai Bhim” (Tamil Movie) is one of the recent finest movies in this context, which create buzz and get very warm response from the public. The movie deals with the police brutality and discrimination against tribal individuals. It clearly denotes the Article 15 of the constitution. Article 15 of the constitution of India forbids discrimination on grounds only of religion, race, caste, sex or place of birth.

Keeping all the above things in mind we can say that the constitutional rights are the burning issue among the general public.

### The ‘Duties’

There can be no rights in a society, where there are no duties. Duties and Rights are inseparable. For every right, there is a corresponding duty.

*There are two sides of everything  
Whether it is a transaction or statement  
Rules, Regulation, Act or enactment  
Talking about only rights, is this a right thing?*

When Gandhiji was requested to give his thoughts on the Universal Declaration of Human Rights, he said – “The source of right is duty. If we all discharging our duties, rights will not be far to seek. If leaving duties unperformed, we run after rights, they will escape us like will-o’-the-wisp – the more we pursue them, the further they will fly.” It is the responsibility of the citizens to coordinate between their duties and rights. It is also interesting to discuss about the rights given by the constitution, only, when we follow our obligations properly.

The fundamental duties are 11 in number, incorporated in Article 51A [Part IVA], which has been inserted by the 42<sup>nd</sup> Amendment Act, 1976. Under this Article, it shall be the duty of every citizen of India –

- (i) To abide by the constitution and respect its ideals and institutions, the National Flag and National Anthem;
- (ii) To cherish and follow the noble ideals which inspired our national struggle for freedom;
- (iii) To protect the sovereignty, unity and integrity of India;
- (iv) To defend the country;
- (v) To promote the spirit of common brotherhood amongst all the people of India;
- (vi) To preserve the rich heritage of our composite culture;
- (vii) To protect and improve the natural environment;
- (viii) To develop the scientific temper and spirit of inquiry;
- (ix) To safeguard public property;
- (x) To strive towards excellence in all spheres of individual and collective activity.
- (xi) Every 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 are one of the valuable parts of the constitution. The Verma Committee [Ministry of Human Resource Development, Government of India, 1999] on fundamental duties said:

*“Essentially all that is contained in the fundamental duties is just a codification of tasks integral to the Indian way of life.....it would be essential to create public awareness of the need to appreciate and internalize the concept and practice of fundamental duties – with particular emphasis on the necessity of creating a harmonious society with a scientific outlook, free from tensions and turmoils.”*

### Enforcement of Fundamental Duties

Of course, there is no provision in the constitution for direct enforcement of any of these duties nor for any sanction to prevent their violation. But it may be expected that in determining the constitutionality of any law, if a court finds that it seeks to give effect to any of these duties, it may consider such law to be “reasonable” in relation to Article 14 or 19, and thus save such law from unconstitutionality. It would also serve as a warning to reckless citizens against anti-social activities such as burning the constitution, destroying public property and the like.

The Supreme Court has held that since the duties are obligatory for a citizen, it would follow that the state should also strive to achieve the same goal. The court may, therefore, issue suitable directions in these matters, in appropriate cases.

The recent trends of protest shows the different thought process of the people. People forget that they have some duties towards their nation also. Shouting about the rights and forgetting about the duties, is this a sign of a conscious citizen?

Following are the current example, which shows how people forget their duties:

- i. *Anti- Agnipath protest-* As per the report “The Hindu” 16<sup>th</sup> June 2022, Anti – Agnipath Protest turn violent. The Indian Railways said, 34 trains had been cancelled and 72 trains are running late due to the protests and attacks

against trains. In Bihar, protesters set afire train bogies in Kaimur and Chapra districts, and blocked train movements in Siwan, Ara, Jahanabad, Nawada, Saharsha, Chapra and other places.

- ii. *Farmers Protest*- Our Constitution gives every citizen the right to free speech and peaceful protest, but the insult of the national tricolor and the Republic Day itself by protesting farmers was “very unfortunate” said President Ram Nath Kovind while addressing the joint sitting of the two Houses of Parliament on the opening day of the Budget session of 2021.

The 11 Fundamental Constitutional Duties for citizens are binding on all of us and a good responsible citizen is always law abiding. It is our responsibility to perform the duty in letter and spirit. It will lead to a strong parallel balancing between rights and duties. Every citizen of India is fundamentally obliged to develop a scientific temper and humanism.

### Conclusion

From the above discussion we can conclude that the Constitution of India gives us different Fundamental Rights which makes the life more meaningful. But rights are connected with some moral duties, which we are obliged to follow. Rights and duties are the different side of the same coin. At present there are many people to discuss about rights but it is our moral responsibility to obey the constitutional duties. Correct understanding of duties and rights makes us a better citizen. And a dutiful citizen can lead the country towards success.

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