

Fundamental Duties

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Swaran Singh Committee and Fundamental Duties:

- In 1976 the congress government set up Sardar Swaran Singh committee to make recommendations about fundamental duties.
- The committee recommended the inclusion of a separate chapter on fundamental duties in the constitution.
- It stressed that the citizens should become conscious that in addition to the enjoyment of rights, they also have certain duties to perform as well.
- Based on the recommendations of the committee, the Congress government enacted the 42nd Amendment Act in 1976.
- This amendment added a new part namely, Part IVA to the constitution which consist of only one Article, i.e. 51A.

List of Fundamental Duties:

- According to Art 51A, it shall be the duty of every citizen of India –
 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 that inspired the national struggle for freedom,
 3. To uphold and protect the sovereignty unity and integrity of India,

Duties

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 the people of India transcending religious, linguistic, regional or sectional diversities and to renounce practices derogatory to the dignity of women
6. To value and preserve the rich heritage of the country's composite culture.

Introduction:

- The original constitution of India did not contain any provision for fundamental duties of the citizens.
- The framers did not feel it necessary to incorporate fundamental duties of the citizens in the constitution.
- However they incorporated the duties of the state in the form of directive principles of state policy.
- Later in 1976 the fundamental duties of the citizens were added in the constitution.

Duties

7. To protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures,
8. To develop scientific temper, humanism and the spirit of inquiry and reform,
9. To safeguard public property and to abjure violence,

Duties

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; and
11. To provide opportunities for education to his child between the age of six and fourteen years. This duty was added by the 86th constitutional amendment Act, 2002.

Features of Fundamental Duties:

- Following are the characteristic features of the fundamental duties enshrined in the Art. 51A under Part IVA –
 1. Some these duties are moral duties while others are civic duties. For example, cherishing the noble ideals of freedom struggle is a moral duty whereas respecting the constitution, National Flag and Anthem are civic duties.
 2. The fundamental duties are confined to citizens only and do not extend to foreigners.
 3. The fundamental duties are not justiciable. There is not legal sanction against their violation.
 4. It essentially contains just a codification of tasks integral to the Indian way of life.

Criticisms:

- Some important criticisms against them are –
 1. The list of duties is not exhaustive as it does not cover other important duties such as casting vote, paying taxes, family planning and so on.
 2. Some of the duties are vague, ambiguous and difficult to be understood by common man. Phrases like noble ideals, composite culture, scientific temper can be interpreted differently by different people.

Criticisms

3. They have been criticized as a mere code of conduct due to their non-justiciable character. No legal action can be instituted against a person who do not perform these duties.
4. Their inclusion in the constitution was described by the constitution as superfluous. Citizens would have performed these duties even if they were not incorporated into the constitution.
5. Their inclusion under Part IV has reduced their value and significance. They should have been added to Part III so as to keep them on par with fundamental rights.

Significance of fundamental duties:

- In spite of the criticisms fundamental duties are considered significant from the following view points
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 - 1. They serve **as a reminder to the citizens** that while enjoying their rights, they should also be conscious of duties they owe to their country.
 - 2. They serve **as a warning against to anti-social and anti-national activities** like burning the national flag, destroying public property and so on.

Significance

3. They serve as a **source of inspiration for the citizens** and promote a sense of discipline and commitment among them. They create a feeling that citizens are active participants in the realization of the national goals.
4. **They help the courts** in examining and determining the constitutional validity of a law.
5. With a suitable legislation on the part of the parliament enables the enforcement of a fundamental duty.