



FUNDAMENTAL DUTIES IN INDIAN CONSTITUTION

Fundamental Duties Overview

Introduction	<ul style="list-style-type: none">- Part IVA of the Indian Constitution deals with Fundamental Duties.
	<ul style="list-style-type: none">- Added by the 42nd and 86th Constitutional Amendment Acts.
	<ul style="list-style-type: none">- Originally absent in the Constitution.
Number of Duties	<ul style="list-style-type: none">- Initially, 10 Fundamental Duties were added by the 42nd Amendment Act (1976).
	<ul style="list-style-type: none">- The 86th Amendment Act (2002) added the 11th Fundamental Duty.
Committee Recommendations	<ul style="list-style-type: none">- The Swaran Singh Committee in 1976 suggested 8 Fundamental Duties.
	<ul style="list-style-type: none">- 42nd Amendment Act (1976) incorporated 10 Fundamental Duties.
Nature and Compliance	<ul style="list-style-type: none">- Citizens are morally obligated by the Constitution to perform these duties.
	<ul style="list-style-type: none">- Non-justifiable, lacking legal sanction in case of violation or non-compliance.

<p><u>SWARAN SINGH</u> <u>COMMITTEE</u> <u>RECOMMENDATIONS</u></p>	
<p>Formation</p>	<p>- Set up in 1976 by the Congress Party.</p>
<p>Purpose</p>	<p>- Recommendations made during the internal emergency (1975-1977).</p>
<p>Suggestions</p>	<p>- Proposed incorporation of 8 Fundamental Duties.</p>
<p>Amendments</p>	<p>- Resulted in the 42nd Amendment Act (1976) adding 10 Fundamental Duties.</p>

42ND CONSTITUTIONAL AMENDMENT



42ND AMENDMENT ACT WAS ENACTED BASED ON RECOMMENDATIONS OF SWARAN SINGH COMMITTEE



CAME INTO FORCE UNDER THE REGIME OF INDIRA GANDHI IN 1976

PURPOSE OF THE AMENDMENT ACT:

- I. EXCLUDE THE COURTS ENTIRELY FROM ELECTION DISPUTES;
- II. TO STRENGTHEN THE CENTRAL GOVERNMENT VIS-à-VIS THE STATE GOVERNMENTS AND ITS COMPATIBILITY TO RULE THE COUNTRY AS A UNITARY, NOT A FEDERAL, SYSTEM;
- III. TO GIVE MAXIMUM PROTECTION FROM JUDICIAL CHALLENGE TO SOCIAL REVOLUTIONARY LEGISLATION;
- IV. 'TO TRIM' THE JUDICIARY, SO AS TO 'MAKE IT DIFFICULT FOR THE COURT TO UPSET PARLIAMENT'S POLICY IN REGARD TO MANY MATTERS'

Facts about Fundamental Duties

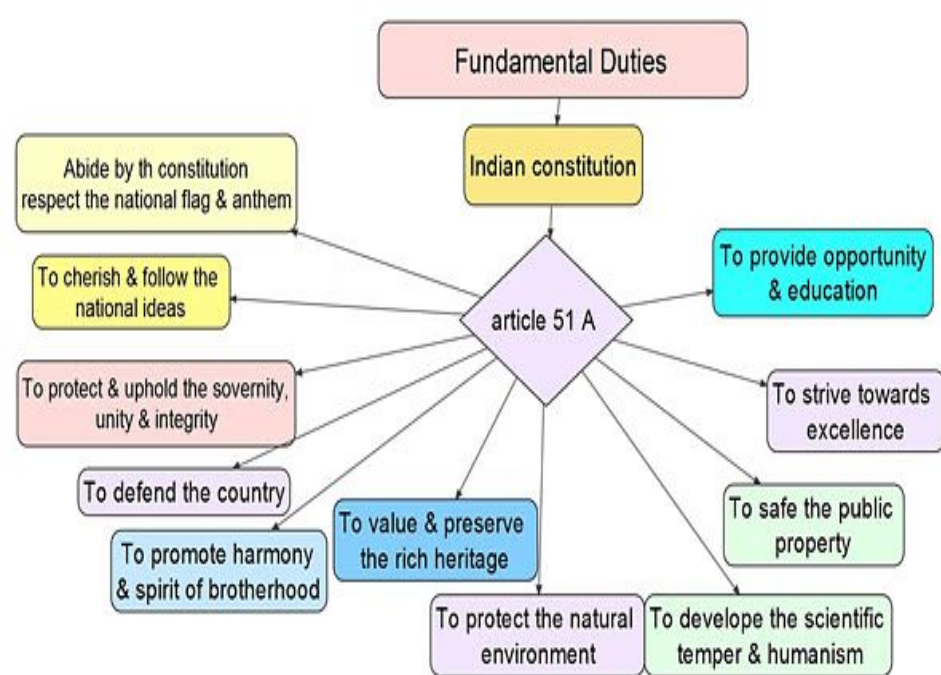
Categorization	- Divided into Moral Duty and Civic Duty.
Content	- Essentially codification of tasks integral to Indian life.
Applicability	- Confined to Indian citizens only, non-justiciable.
Legal Sanction	- No legal sanction against their violation.

- Moral Duty: cherishing noble ideals of freedom struggle
- Civic Duty: respecting the Constitution, National Flag and National Anthem

Significance

Reminder	- Remind citizens to be conscious of duties while enjoying rights.
Inspiration	- Inspire citizens towards nation-building and discipline.
National Goals	- Remind citizens of their role in achieving national goals.
Strengthening Democracy	- Indira Gandhi believed they strengthen democracy.

S. No	Importance of Fundamental Duties
1.	They remind Indian Citizens of their duty towards their society, fellow citizens and the nation
2.	They warn citizens against anti-national and anti-social activities
3.	They inspire citizens & promote a sense of discipline and commitment among them
4.	They help the courts in examining and determining the constitutional validity of a law
5.	They are enforceable by law



S. No	11 Fundamental Duties
1.	Abide by the Indian Constitution and respect its ideals and institutions, the National Flag and the National Anthem
2.	Cherish and follow the noble ideals that inspired the national struggle for freedom
3.	Uphold and protect the sovereignty, unity and integrity of India
4.	Defend the country and render national service when called upon to do so
5.	Promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women
6.	Value and preserve the rich heritage of the country's composite culture
7.	Protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures
8.	Develop scientific temper, humanism and the spirit of inquiry and reform
9.	Safeguard public property and to abjure violence
10.	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.	Provide opportunities for education to his child or ward between the age of six and fourteen years. This duty was added by the 86th Constitutional Amendment Act, 2002

❖ **Nature of Fundamental Duties:**

- Positive and Negative Duties:
 - Out of the ten clauses in Article 51A, six are positive duties, and five are negative duties.
- Active Performance Required:
 - Clauses (b), (d), (f), (h), (j), and (k) necessitate active performance by citizens.

❖ **Suggested Additions to Fundamental Duties:**

- A consultation paper recommends adding the following duties:
 - Duty to Vote:
 - Active participation in elections.
 - Duty to Pay Taxes:
 - Fulfilling financial obligations to the state.
 - Duty to Resist Injustice:
 - Taking a stand against unjust practices.

❖ **Enforceability of Fundamental Duties:**

- Contrary to the notion of being mere reminders:
 - Compulsory Compliance:
 - Fundamental Duties have an element of compulsion regarding citizens' compliance.
- No longer accurate to assert that Fundamental Duties are not enforceable.

Legal Provisions for Fundamental Duties Enforcement

Objective

- Operationalizing a nationwide program for teaching Fundamental Duties in educational institutions.

Justice Verma Committee (1998)

- Identified lacuna in the implementation strategy, not a lack of concern or enforceable provisions.

Prevention of Insults to National Honour Act, 1971

- Ensures no disrespect to the National Flag, Constitution, and National Anthem.

Emblems and Names (Prevention of Improper Use) Act, 1950

- Prevents improper use of the National Flag and National Anthem.





Flag Code of India

- Provides instructions for the correct display of the National Flag. Distributed to all State Governments and Union Territories.

Criminal Laws on Enmity and Hatred (IPC)

- Sections 153A and 153B of the Indian Penal Code punish activities promoting enmity between groups and assertions prejudicial to national integration.

Unlawful Activities (Prevention) Act, 1967

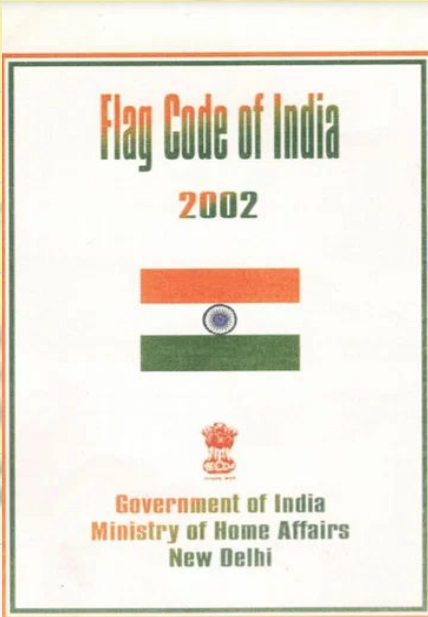
- Declares communal organizations unlawful.

Offences Related to Religion (IPC Sections 295-298)

- Criminalizes acts prejudicial to religious harmony.

Protection of Civil Rights Act, 1955

- Addresses offences related to untouchability.



Indian National Flag

Symbol of Pride & Sovereignty

Do's	Don'ts
• We must respect the flag above all.	• Should not be discarded or thrown on the ground.
• Saffron colour should be topmost	• Not to be used for receiving, delivering or carrying anything.
• Shall be destroyed in private with dignity.	• Shall Not be used as costume, handkerchief, napkins, or any dress material.
• In open, to be flown from sunrise to sunset.	• Littering shall not be put upon the flag.
• It should occupy the position of honour and be distinctly placed.	• Shall not be intentionally allowed to touch the ground.
• Shall always be hoisted briskly and lowered slowly and ceremoniously.	• Shall not be used for covering building.
• The flag should be of given standard size.	

Insulting or showing disrespect to the Indian National Flag is an offence punishable under Prevention of Insults to National Honour Act, 1971

Representation of People Act, 1951

- Sections 123(3) and 123(3A) declare soliciting votes on religious grounds or promoting enmity as corrupt practices.

Disqualification (Representation of People Act, 1951)

- Section 8A allows disqualification for engaging in corrupt practices.

Parliament of India



सत्यमेव जयते

Representation of The People Act 1951

SECTION 11 IN THE REPRESENTATION
OF THE PEOPLE ACT, 1951

Criticism of Fundamental Duties:

- ❖ **Code of Moral Precepts:** Critics describe Fundamental Duties as a code of moral precepts due to their non-justiciable character.
- ❖ **Superfluous Inclusion:** Inclusion in the Constitution is deemed superfluous as these duties were expected to be performed even without constitutional incorporation.
- ❖ **Vagueness and Ambiguity:** Some duties are criticized for being vague, ambiguous, and difficult for the common man to understand.
- ❖ **Exhaustiveness Issue:**
 - The list is not exhaustive, lacking coverage of important duties like casting votes, paying taxes, and family planning.
 - Swaran Singh Committee recommended the duty to pay taxes, which was not included.
- ❖ **Placement in the Constitution:** Criticism for being placed as an appendage to Part IV instead of after Part III (Fundamental Rights), reducing their perceived value.
- ❖ **Unaccepted Committee Recommendations:**
 - Swaran Singh Committee recommended more than 10 Fundamental Duties, including:
 - Citizens to be penalized by Parliament for non-compliance, with penalties immune from court challenges.
 - Duty to pay taxes.
 - These recommendations were not accepted.

Conclusion

- And for the enjoyment of valuable fundamental rights, firstly we need to obey our fundamental duties seriously, as a law-abiding citizen, and must realise that he has certain duties towards the Nation to achieve the objective of Part IV-A that is National integrity and respect because as Salmond said,

“there can be no right, without a corresponding duty.”

