

UNIT1
CHAPTER7
FUNDAMENTAL DUTIES

Rights and duties are the two sides of the same coin. They are the same things viewed from different angles. The condition of duty of one individual becomes the condition of right of others in society. In a democratic society, rights are now regarded by the citizens as their claims which they fight for.

But the enjoyment of rights involves fulfillment of certain obligations. Rights imply duties; rights and duties are correlative. The two go hand in hand. There is a common tendency on the part of the individual to be more aware of his rights than of his obligations towards his fellow citizens and the community. He needs the laws and the authority of the states to protect the privileges which his rights confer upon him. It follows from this that the individual owes some duties to the state. Laski has described the relation between rights and duties in its three aspects:

1. It is the imperative duty of a citizen to use his rights in such a way as contribute to social richness;
2. The enjoyment of his rights by an individual enjoins on him the duty to let others enjoy the same rights;
3. Since this state protects my rights, therefore, it is my duty to perform my obligations towards it.

Gandhiji attach far greater importance to duties than rights. Rights are the opportunity for self- realization. The way to self - realization is the realization of one's spiritual unity with others. Thus every right is the right to do one's duty. To quote Gandhiji "...the right to perform one's duties is the only right that worth living for and dying for. It covers all legitimate rights".

Origin of Fundamental Duties :

Originally in our constitution there was only Fundamental Rights, Fundamental Duties was not even in frame. After the war of India-Pakistan in 1971, the whole nation was suffering .So Indira Gandhi

implemented emergency all over the country. Emergency period that lasted for 2yrs(25june1975 to 21 March 1977) and this saw major changes. Indira Gandhi formed a committee under a chairmanship of Sardar Swaran Singh to study the question of amending the constitution in the light of past experiences.

The Fundamental Duties of citizens were added to the Constitution by the 42nd Amendment in 1976, upon the recommendations of the Sardar Swaran Singh Committee that was constituted by the government earlier that year.

Originally ten in number, the Fundamental Duties were increased to eleven by the 86th Amendment in 2002, which added a duty on every parent or guardian to ensure that their child or ward was provided opportunities for education between the ages of six and fourteen years

. Article 51A brings the Indian Constitution into conformity with these treaties Fundamental Duties The fundamental duties of every citizen of India according to the Constitution are:

- a.To abide by the Constitution and respect its ideals and institutions, 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 the people of India.
- 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. FD

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 endeavor and achievement.

k. It is the duty on the parent to provide opportunities for education to his child /ward between the age of six and fourteen years.

IMPORTANCE

- Environmental pollution has become a great cause of concern. These duties remind us to keep our environment free from pollutants.

- The inclusion of providing opportunity for education for children as a fundamental duty is a big step forward towards safeguard of human-rights and abolition of social injustices Utility and Significance

- The section 'Fundamental Duties' was not a part of the original constitution.

- These were added to the Constitution much later.

- . • The idea behind incorporation of fundamental duties was to remind the citizens of the country that they have certain obligations towards the country and society.

Non-enforceable and nonJusticiable nature

- This means that no one can be punished in case of their violation or non-compliance of any fundamental duty.

- Similarly these duties are nonenforceable in nature.

- That is no court can or any government body can directly enforce any of these duties on any particular citizen legally.

Conclusions

1. On the basis of different judicial interpretation it can be conclude that Fundamental duties are not only for the citizens of the country but these duties also applicable on the state.
2. Fundamental duties are enforceable when they supplement the reading of Rights, but enforceability is not Fundamental independent there.
3. In particular, no democratic polity can ever succeed where the citizens are not willing to be active participants in the process of governance by assuming responsibilities and discharging citizenship duties and coming forward to give their best to the country.
4. The true Importance of Fundamental duties can only be realise when the enforceability in its implementation and awareness will takes place through a suitable legislation.