

## FUNDAMENTAL DUTIES

**T**he Fundamental Duties of the citizens are incorporated in Article 51A, Part IVA of the Constitution. Inserted by the **Constitution (Forty-second Amendment) Act, 1976** it was part of a large number of changes brought about during the Emergency. But after the end of the Emergency, when the new Parliament reviewed the whole position and in most cases restored the pre-emergency position, article 51A was one that emerged unscathed because it was considered by all parties to be an unexceptionable charter of principles which citizens could usefully absorb and practice. This inclusion was made on the recommendation of the **Swarn Singh Committee**. The new Part was entitled as Fundamental Duties and it gives a list of ten Fundamental Duties. Article 51 A was amended by the **Constitution (Eighty- Sixth Amendment) Act, 2002**. This amendment act added the 11<sup>th</sup> fundamental duty. Article 51 reads as follows:

**Article 51A** — It shall be the duty of every citizen of India—

- (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 transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
- (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;
- (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 endeavour and achievement.
- (k) Who is a 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 of age.

An analysis of the different fundamental duties enumerated in Part IV A of the Constitution lead us to the conclusion that it has provided a guideline to the citizens to follow some path while enjoying their rights. The fundamental duties can further be analyzed under the following heads:

1. **To abide by the constitution and respect its ideals and institutions, the national flag and the national anthem:** The first and the foremost duty assigned to every citizen of India is to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem. These are the very physical foundations of our citizenship. All of us are supposed to maintain the dignity of the Constitution by not indulging in any activities in violation of the letter or spirit of the Constitution. Ours is a vast country with many languages, sub-cultures and religious and ethnic diversities, but the essential unit of the country is epitomized in the one Constitution, one flag, one people and one citizenship. We are all governed and guided by this Constitution irrespective of caste, religion, race, sex, etc. The Constitution is the result of the many commitments, promises and pledges made



by nationalist leaders to the people of India. Also, it embodies efforts of reconciliation, accommodation and compromise. All of us and the Fundamental Rights of each of us are protected by it. Similarly, the National Flag and the National Anthem are symbols of our history, sovereignty, unity and pride. If a citizen of India by any overt or covert act shows disrespect to the Constitution, the National Anthem or the National Flag, it would be not only an anti-social and anti-national activity but it would also spell doom to all our rights and very existence as citizens of a sovereign nation. Each citizen must therefore not only refrain from any such activity but also do his best to prevent any miscreant trying to show disrespect to our national symbols. Every nation is proud of its citizens because of their dedication, sincerity and patriotism. We, the citizens of India, have to be equally proud of our nation, our Constitution, our National Flag and our National Anthem. We must put the nation above our narrow personal interests and then only we will be able to protect our hard-earned freedom and sovereignty.

**2. To cherish and follow the noble ideals which inspired our national struggle for freedom:** Some of the noble ideals which inspired our national struggle for freedom were:

- I. to achieve freedom from foreign rule so that the people of India have self-government which would establish a society where there will be no exploitation of man by man, no poverty, no disease, no illiteracy.
- II. The above objective can be achieved only when all citizens have opportunities for all round development of their personality.
- III. For all round development of personality, man-making education is required.
- IV. Such education can be inculcated when precept is coupled with practice,
- V. Country is placed above self.

The citizens of India must cherish and follow the noble ideals which inspired the national struggle for freedom. The battle of freedom was a long one where thousands of people sacrificed their lives for our freedom. It becomes our duty to remember the sacrifices made by our forefathers for the cause of the country. But, what is much more important is to remember, imbibe and follow the ideals which pervaded our unique struggle. It was not a struggle merely for political freedom of India. It was for the social and economic emancipation of the people all over the world. Its ideals were those of building a just society and a united nation of freedom equality, non-violence, brotherhood and world peace. If we, the citizens of India remain conscious of and committed to these ideals, we will be able to rise above the various fissiparous tendencies raising their ugly heads now and then, here and there. Parties and politicians who use religion, casteism, separatism, etc. for political ends and for capturing power are clearly violating their Fundamental Duties under the Constitution.

**3. To uphold and protect the sovereignty, unity and integrity of India**

To protect the sovereignty, unity and integrity of India is a pre-eminent national obligation of all citizens of India. In a democratic system of governance, sovereignty lies with the people. To defend our sovereignty is our own responsibility. If the freedom and unity of the country are jeopardized, the nation ceases to exist and if there is no nation, who lives?

It may be recalled that the values of sovereignty, unity and integrity of the nation are first mentioned in the Preamble to the Constitution. Under article 19(2) of the Fundamental Rights, reasonable restrictions are permitted on freedom of speech and expression in the interests of the "sovereignty and integrity of India." The Fundamental Duty enshrined in clause (c) of article 51A is essentially addressed to those citizens who belong to the defence forces or responsible for the maintenance of law and order. It can be said that this Fundamental Duty has been well effectuated. This clause, by necessary implication, imposes a Fundamental Duty on every citizen of India that he shall not do anything derogatory of upholding or protecting the sovereignty, unity or integrity of India. It is a duty prohibitory in nature addressed to traitors and spies. Practically, the



whole of Chapter VI of the Indian Penal Code (IPC) relating to offences against the State is relevant for protecting the sovereignty and integrity of India. If liberty resides in the minds of men and women, the same is true of unity. Any conduct which seeks to destroy or damage unity is punishable under Section 153-A of the IPC; Imputations and assertions prejudicial to national integration are punishable under Section 153-B of the IPC. Statements or reports containing alarming news which tend to promote enmity etc. are punishable under Section 505 (2) of the IPC.

**To defend the country and render national service when called upon to do so:** The primordial origins of the State are said to be in the need to defend ourselves against external enemies. In modern nation-States, it is considered axiomatic that every citizen is bound to be ready to defend the country against war or external aggression. The present day wars are not fought on the battlefield only nor are they won only by the armed forces; the citizens at large play a most vital role in a variety of ways. Sometimes, civilians may be required also to take up arms in defence of the country; the citizens are fighting only to defend their own liberty and that of their posterity.

Here, mention may be made of article 23(2) wherein State is allowed to impose "compulsory service for public purposes" subject to the condition that no discrimination is made on grounds of religion, race, caste or class or any of them.

The Fundamental Duty enshrined in clause (d) of article 51A is contingent on the citizens being called upon to defend the country and render national service. It is obviously addressed to all citizens other than those who belong to the army, the navy and the air force. It is a Fundamental Duty entrusted to the common man as indicated by the expression "when called upon to do so". Those citizens who belong to any of the three defence forces are entrusted constantly with this Fundamental Duty. This Fundamental Duty has not so far been tested as there has been no occasion when the common man was called upon to render national service and to defend the country from any external aggression. The defence of the country may be needed against external aggression and war mongering armed rebellion within the country.

**To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women:**

The duty to promote harmony and the spirit of common brotherhood amongst all the people of India essentially flows from the basic value of fraternity enshrined in the Preamble to the Constitution. India is a country of different castes, languages, religions and many cultural streams but we are one people with one Constitution, one flag and one citizenship. Spirit of brotherhood should come very normally among the citizens of a country like India where the norm has been to consider the entire world as one family. The Constitution also casts upon us the Fundamental Duty of ensuring that all practices derogatory to the dignity of women are renounced. This again should come normally to a country where it is an aphorism that Gods reside where women are worshipped. (*yatra naryastu pujiyante ramante tatra devata*). It is for us to rise above the later day degenerations and aberrations which tarnished the image of our society. Incidentally, it may be noted that under article 23(1) of the Fundamental Rights, traffic in human beings is prohibited.

The first part of the clause (e) deals with the duty of citizens to promote harmony and spirit of common brotherhood among all the people of India. The harmony and brotherhood are to "transcend" religious, linguistic and regional or sectional diversities.

This part does not necessarily involve the elimination of various types of diversities. It is true that diversities will exist but they should be "transcended". Without eliminating their existence, the citizens can still develop a mental outlook that will enable them to go beyond those diversities. They are required to rise above narrow cultural differences and to strive towards excellence in all spheres of collective activity.

The second part of the clause gives a mandate to remove prejudices and prejudicial or harmful concepts based on diversity on point of sex. Public opinion, in general, and even the opinion of women themselves, may fluctuate from time to time, and region to region, even from individual to individual. The central core of the concept is indignity to women. The passing of the Commission





of Sati (Prevention) Act, 1987 emphasizes the importance of the duty. Many laws have been passed by the Union Government and the State Governments which punish practices derogatory to the dignity of women. The significance of clause (e) lies in its call to every citizen to renounce such practices. This clause easily lends itself to its effectuation in a concrete case because of its comparatively precise dimension." (Vishaka vs State of Rajasthan, 1997)

### **To value and preserve the rich heritage of our composite culture**

To preserve the rich heritage of our composite culture is another Fundamental Duty of every Indian citizen. Our cultural heritage is one of the noblest and the richest. Also, it is part of the heritage of the earth. What we have inherited from the past, we must preserve and pass on to the future generations. In fact, each generation leaves its footprints on the sands of time. We must hold precious and dear what our fore-fathers have created and their successive generations bequeathed to us as symbols of their artistic excellence and achievements. Generations to come always draw inspiration from past history which stimulates them to aim at ever greater heights of achievement and excellence. It becomes the ardent duty of every citizen to ensure that these monuments and pieces of art are not in any way damaged, disfigured, scratched or subjected to vandalism or greed of unscrupulous traders and smugglers.

Every culture stands for some noble ideals. In India the foundation, the background, the life centre is spirituality – the keynote of the whole music of national life. Spirituality is a repository of noble ideals and they are essential in preserving the rich heritage of our composite culture.

One of the most ancient civilizations of the world, India can take legitimate pride in having been a civilizational unity without a break for more than five thousand years. We all are part of this great civilization and culture. Our contributions in the field of art, sculpture, architecture, mathematics, science, medicine, etc. are well known. Some of the oldest, deepest and most sublime philosophical thoughts and literature were born in India. We have several historical monuments of great archaeological value spread over the entire

country. These include forts, palaces, temples, cave paintings, mosques, churches, etc. Also, this territory has had the honour of being the birthplace of several great religions like Hinduism, Buddhism, Jainism and Sikhism. Our past has shown us the path of peace, love, non-violence and truth. As citizens of this country, it is the responsibility of all of us to work for the preservation of this rich heritage and its cultural values and live in love and harmony.

### **To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures:**

In the face of the menace of the increasing pollution and environmental degradation, it is the duty of every citizen to protect and improve natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures. The rising air, water and noise pollution and large-scale denudation of forest are causing immense harm to all human life on earth. The mindless and wanton deforestation in the name of needs of development is causing havoc in the form of natural calamities and imbalances. By protecting our forest cover, planting new trees, cleaning rivers, conserving water resources, reforesting wastelands, hills and mountains and controlling pollution in cities, villages and industrial units, we can help save the future of our fellow citizens and of planet earth itself. What is needed is a concerted effort at, an awareness campaign and a planned strategy to move forward through voluntary citizen initiatives. Governmental steps alone cannot help bring about a pollution-free atmosphere to live now and in the future.

The mention of protection of environment, etc. as a duty of citizens, is intended to reinforce the other constitutional provision - article 48A under the Directive Principles of State Policy which enjoins the State to protect and improve the environment and safeguard the forests and wild life.

This duty has received intensive and extensive, legislative and executive attention during the last few years. The Environment (Protection) Act, 1986, is an important step in that direction. The range of its provisions and the far-reaching measures that can be undertaken through statutory rules and orders that can be issued under the Act, show that the duty to protect and improve the natural



environment has been spelt out quite elaborately in our law.

**To develop the scientific temper, humanism and the spirit of inquiry and reform:**

One of our great founding father, Jawaharlal Nehru always laid great emphasis on the need for Indian citizens developing a scientific temper and a spirit of inquiry - an inquisitiveness for learning from developments around the world. This was particularly necessary because of the most revolutionary scientific advances during this century and in the context of our background of superstitions and obscurantism. Nehru laid the foundations of the modern industrialised India by building the necessary scientific and technological infrastructures. Now, it is the bounden duty of every citizen to preserve and promote a scientific temper and a spirit of inquiry to keep pace with the fast changing world. Also, the Constitution ordains that science and technology must be tempered with a sense of humanism because ultimately the end of all progress is the human being and the quality of life and relationships that is developed.

Scientific temper means outlook founded on organised knowledge and experience. Scientific temper is based on reason and rationality in contradistinction to superstition or blind faith. Scientific temper discards obsolete learning. It requires thirst for knowledge and urge for research for facts and a zeal for setting things right.

Humanism is primarily rational coupled with emotional quality. Every citizen has three elements inherent - animality, humanity and divinity. Caution and control are required against falling into animalism. Humanism is outstanding in man's nature. There must be its incessant manifestation in conduct and behaviour. Every citizen should strive for development or rise towards divinity - qualities higher than human. No one can aspire to be divine unless he/she strives in thought, word and deed to be first a human.

To cause harm in body, reputation or property to others by any word, deed or thought is animality. To advance in one's career or in any activity without causing harm to any one is humanity. To go forward taking along another towards his progress and even pushing another ahead of oneself - selfless service - is divinity. Spirit of inquiry

and reform is prerequisite for every right action, progress and development.

**To safeguard public property and to abjure violence:**

It is most unfortunate that in a country which preaches non-violence to the rest of the world, we see from time to time spectacles of senseless violence and destruction of public property indulged in by a few of its citizens. This is why it became necessary to prescribe the responsibility "to safeguard public property and abjure violence" as a fundamental citizenship duty.

**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:**

The drive for excellence in all spheres of individual and collective activity is the demand of times and a basic requirement in a highly competitive world. Nothing but the best would have survival potential in tomorrow's world. This would include respect for professional obligations and excellence. Whatever work we take up either as individual citizens or as groups, our effort should be directed to achieving the goal of excellence. Also, special emphasis is called for in the area of collective activity.

In Dr. Dasarathi Vs. State of Andhra Pradesh case 1985, it was held that under article 51A (j) of the Constitution, we all owe a duty to ourselves to strive towards excellence in all spheres of individual and collective activity so that this nation may constantly rise to higher levels of endeavour and achievement. When the State undertakes to promote excellence, it can do so only through the methods which our Constitution permits to adopt. Rewarding of sycophancy only helps to retard the growth of efficiency and excellence.

Thus, an analysis of the different fundamental duties enshrined in Article 51 A may lead us to conclude that these are guidelines for the citizens, how to act so that their rights do not confront with the rights of others and there is peace and harmony in the society.

**Usefulness of Duties**

Fundamental Duties of citizens serve a useful purpose. 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. Some of the fundamental duties enshrined in article 51A have been incorporated in separate laws. For instance, the first duty includes respect for the National Flag and the National Anthem. Disrespect is punishable by law. To value and preserve the rich heritage of the mosaic that is India should help to weld our people into one nation but much more than article 51A will be needed to treat all human beings equally, to respect each religion and to confine it to the private sphere and not make it a bone of contention between different communities of this land. In sum, the Commission believes that article 51A has travelled a great distance since it was introduced in the Forty-second Amendment and further consideration should be given to ways and means to popularise the knowledge and content of the Fundamental Duties and effectuate them.

The most important task before us is to reconcile the claims of the individual citizen and those of the civic society. To achieve this, it is important to orient the individual citizen to be conscious of his social and citizenship responsibilities and so shape the society that we all become solicitous and considerate of the inalienable rights of our fellow citizens. Therefore, awareness of our citizenship duties is as important as awareness of our rights. Every right implies a corresponding duty but every duty does not imply a corresponding right. Man does not live for himself alone. He lives for the good of others as well as of himself. It is this knowledge of what is right and wrong that makes a man responsible to himself and to the society and this knowledge is inculcated by imbibing and clearly understanding one's citizenship duties. The fundamental duties are the foundations of human dignity and national character. If every citizen performs his duties irrespective of considerations of caste, creed, colour and language, most of the malaise of the present day polity could be contained, if not eradicated, and the society as a whole uplifted. Rich or poor, in power or out of power, obedience to citizenship duty, at all costs and risks, is the essence of civilized life.

## Justice Verma Committee on Fundamental Duties

The Government constituted the Committee in July 1998 under the Chairmanship of Justice J.S. Verma, former Chief Justice of India to operationalise the suggestions to teach fundamental duties to the citizens of the country. The other members of the Committee included Dr. L.M. Singhvi, Dr. Karan Singh, Dr. J.S. Rajput, Dr. Subhash Kashyap and Dr. A.K. Sharma. The committee submitted its report in 1999.

The operationalisation strategy was based on the maxim that to discharge fundamental duties the onus is on every citizen and there is no one with higher credentials or superior authority to teach fundamental duties to others who alone may be required to imbibe these values and perform the duties. It must be remembered that education is a sub system of the total social system and it is in this context that the recommendations stated in this report should be viewed. Of course a long term strategy for developing a value based society can come only through the instrumentality of education and training.

The salient recommendations include (a) generating awareness and consciousness, (b) optimising benefits from existing schemes and programmes, (c) protection and improvement of environment, (d) re-orienting approaches to school curriculum, (e) elimination of gender bias, (f) re-orienting teachers' education programmes, (g) incorporating fundamental duties in higher and professional education, (h) people's representatives from Panchayat to Parliament, (i) public administration and civil servants, (j) administration of justice, k) business and industry, (l) and Media.

The committee has dwelt at length all these salient features to operationalise the suggestions to teach fundamental duties to the citizens of the country.

## The recommendations of the National Commission to Review the Working of the Constitution (2001)

Towards creating more awareness and consciousness of Fundamental Duties among citizens, the Committee recommends the following:

- ❑ Organizing advocacy and sensitization programmes.



- ❑ Preamble to the Constitution of India and the 10 clauses of article 51A on Fundamental Duties to be appropriately displayed on all government publications, diaries, calendars and at public places so that they always remain in the focus of the citizens.
- ❑ Radio and video spots, highlighting important messages related to Fundamental Duties, in the background of proper music and the National Flag, to be commissioned by All India Radio, Doordarshan, and other DD Channels. This should become a regular feature at least in all Doordarshan channels around the country, once or twice a day, to have significant impact over the years.
- ❑ January 3 to be observed as Fundamental Duties Day.
- ❑ Need to set up an autonomous body to act like ombudsman on Citizenship Values which could create a mechanism to act as catalyst towards overseeing operationalization of Fundamental Duties. The human resource of the senior citizens could be effectively utilized for discharging commitment of this nature. The financial implications for setting up this body which has also a state funding aspect will have to be taken into consideration.
- ❑ Small booklets on various aspects of Fundamental Duties written in a language easy to understand could also be developed for different levels of citizens. Such booklets should be particularly utilized by the citizens learning through Non-Formal Education (NFE) and Adult Education

(AE) programmes run by state governments and voluntary agencies. The concept of Fundamental Duties can form a major component of NFE and AE programmes.

- ❑ The media should exercise considerable circumspection on the programmes, serials, pictures, news and advertisements affecting the morality or the decency of our people and cultural heritage of the country.
- ❑ Environment issues need to get more space in the media. The media should take the role of an activist guard. It is not that it has to be a current topic or a part of political agenda that the media will pay attention to. Media people have to remain alive to their constitutional responsibilities arising from Fundamental Duties to see that subjects like environment do not become a casualty.
- ❑ Media has a duty to avoid presenting acts of violence, armed robberies and terrorist activities in a manner that glorifies the perpetrators' acts, declarations or death in the eyes of the public. Fundamental Duties are not only sacrosanct but also have the element of compulsion requiring obedience, provided the machinery of the state appreciates its true nature and motivates the implementation machinery towards this end. The primary need, therefore, is to ensure a faithful and effective implementation of the existing legislation in the area covered by legislation and for prompt measures to legislate in the remaining field to fill the legislative vacuum.

