



Enforcing Fundamental Duties

For Prelims: Fundamental Duties

For Mains: Significance of Fundamental Duties, Swaran Singh Committee, Enforcing Fundamental Duties.

Why in News?

Recently, the [Supreme Court](#) issued a notice to the Centre and states to respond to a **petition to enforce the [Fundamental Duties](#) of citizens**, including patriotism and unity of the nation, **through comprehensive, well-defined laws.**

- Fundamental Duties are specified under **Article 51A (Part IVA)** of the Constitution, they **strive to uphold the country's ideals and contribute to its growth and betterment.**

What are Fundamental Duties?

- The idea of Fundamental Duties is inspired by the **Constitution of Russia (erstwhile Soviet Union).**
- These were incorporated in Part IV-A of the Constitution by the **42nd Constitutional Amendment Act, 1976** on the recommendations of the **Swaran Singh Committee.**
- Originally **10 in number**, one more duty was added through the **86th Constitutional Amendment Act, 2002.**
- Like the [Directive Principles of State Policy](#), the Fundamental duties are also **non-justiciable in nature.**
- **List of Fundamental Duties:**
 - To abide by the **Constitution and respect its ideals and institutions**, the **National Flag and the National Anthem**,
 - To cherish and follow the **noble ideals that inspired the national struggle** for freedom,
 - To uphold and protect the **sovereignty, unity and integrity of India**,
 - To defend the **country and render national service** when called upon to do so,
 - To 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,
 - To value and **preserve the rich heritage** of the country's composite culture,
 - To protect and improve the **natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures**,
 - To develop **scientific temper, humanism** and the spirit of inquiry and reform,
 - To safeguard **public property and to abjure violence**,
 - 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
 - To provide opportunities for **education to his child or ward between the age of six and fourteen years** (added by the 86th Constitutional Amendment Act, 2002).

What is the Significance of Fundamental Duties?

- **Rights and duties are correlative.**
 - The Fundamental Duties are intended to serve as a **constant reminder to every citizen** that while the Constitution specifically conferred on them **certain fundamental rights**, it also requires citizens to observe **basic norms of democratic conduct and democratic behaviour**.
- These **serve as a warning to the people against the anti-social activities** that disrespect the nation like burning the flag, destroying the public property or disturbing public peace.
- These **help in the promotion of a sense of discipline and commitment towards the nation**. They help in realising national goals by the active participation of citizens rather than mere spectators.
- **It helps the Court in determining the constitutionality of the law.** For instance, any law passed by the legislatures, when taken to Court for constitutional validity of the law, if it is giving force to any Fundamental Duty, then such law would be taken as reasonable.

What is the Need to Legally Enforce Fundamental Duties?

- Since time immemorial the emphasis in **Indian society in accordance with the dictates of the ancient scriptures** has been on the individual's **'Kartavya'**.
 - This is the performance of one's duties towards society, the country and especially towards one's parents.
- The **Gita and the Ramayana** enjoin people to perform their duties without caring for their rights.
- In the **erstwhile Soviet Union Constitution**, the rights and duties were placed on the same footing.
 - There is a pressing need to **enforce and implement at least some of the fundamental duties**.
 - For instance, to uphold and protect sovereignty, unity and integrity of India, to defend the country and render national service when called upon to do so and to disseminate a sense of nationalism and to promote the spirit of patriotism to uphold the unity of India.
 - These fundamental duties assume significance after the **emergence of China as a superpower**.
- The **Verma Committee on Fundamental Duties of the Citizens (1999) identified the existence of legal provisions** for the implementation of some of the Fundamental Duties. The committee provided with the provisions like:
 - No person can disrespect the **National flag, Constitution of India and the National Anthem under the Prevention of Insults to National Honour Act, 1971**.
 - The **Protection of Civil Rights Act (1955)** provided for punishments in case of any offence related to caste and religion.
- It was argued in the petition that the **non-adherence of the Fundamental Duties** has a direct bearing upon the **Fundamental Rights guaranteed under Articles 14 (Equality before Law), 19 (Protection of certain rights regarding freedom of speech) and 21 (Right to Life) of the Constitution of India**.
 - For example, the need to enforce fundamental duties arises due to the **new illegal trend of protest by protestors** in the garb of freedom of speech and expression.

What is the Supreme Court's Stand on Fundamental Duties?

- The Supreme Court's **Ranganath Mishra judgment 2003** held that fundamental duties should not only be enforced by **legal sanctions but also by social sanctions**.
- In **AIIMS Students Union v. AIIMS 2001**, it was held by the Supreme Court that **fundamental duties are equally important like fundamental rights**.
 - Though fundamental duties are not enforceable like fundamental rights they cannot be overlooked as duties in Part IV A.
 - They are prefixed by the **same word fundamental** which was prefixed by the founding fathers of the Constitution to 'right' in Part III.

Way Forward

- There is a **need for a uniform policy** for the "proper sensitisation, full operationalisation and

enforceability” of fundamental duties which would “substantially help citizens to be responsible”.

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