



FACULTY OF JURIDICAL SCIENCES

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Lecture-21



Need for Fundamental Duties

Rights and duties are correlative. The fundamental duties serve as a constant reminder to every citizen while the Constitution specifically conferred on them certain fundamental rights. Certain basic norms of democratic conduct and democratic behaviour must be observed by the citizens. The then ruling party, Congress, claimed that what the framers of the Constitution failed to do is being done now. This omission was rectified by introducing a chapter on citizen's duties towards the nation. In India, people lay more emphasis on rights and not on duty.

This view was wrong. In this country, there has been a tradition of performance of one's duties even in partial disregard of one's rights and privileges. Since time immemorial emphasis was on individual's KARTAVYA which is the performance of one's duties towards society, his/her country and his/her parents. The Geeta and Ramayana also provide that people should perform their duties without caring for their rights.

Traditional duties have been given a constitutional sanction. If one clearly looks in the Constitution not only he/she will discover his/her rights but also the duties. A careful look at the Constitution will definitely solve the question of the people who claim that the Constitution only provides for the rights to the citizen and not the duties of the persons towards the society. The Fundamental Rights that are provided to all the citizens are present in the Preamble of the Indian Constitution like liberty of thought, expression, belief, faith and worship. These are not absolute rights as the state can put reasonable restrictions on them in the interest of society. The remaining Preamble put emphasis on the duties like justice, social, economic and political.

Importance of fundamental duties

The government in order to create a strong foundation with a strong national character introduced fundamental duties. It not only lay emphasis on human dignity but also creates a feeling of harmony in the community. Our society can only be uplifted if each and every citizen focuses on bridging the gaps that have been created in the society, by performing their duties towards the society. Judicial reforms help in enforcing such duties from time to time because there is no provision in the Indian Constitution for their enforcement. If every person wants their fundamental rights to be realized then everyone should fulfill their duties.

The importance of fundamental duties are as follows:

1. Fundamental duties act as a constant reminder that the citizens while enjoying their fundamental rights should not forget about their duties towards the nation.
2. These duties act as a warning signal for the people against any type of antisocial activities.
3. These duties gives a chance to the people to have an active participation in the society rather than being a spectator.
4. These duties promote a sense of discipline and commitment towards the society.
5. The courts can use fundamental duties for determining constitutionality of law. If any law is challenged in court for its constitutional validity and if that law is providing force to any of the fundamental duties then that law will be held reasonable.
6. If the fundamental rights are enforced by a law then in case of its violation the Parliament can impose penalty or punishment for the same.

The Supreme Court of India ordered cinema halls to play National Anthem while portraying the Nation Flag. This was a remarkable step taken by the Supreme Court while giving the importance to the fundamental duties.

Criticism of fundamental duties

There were various grounds for criticism for fundamental duties. These include:

1. Critics don't consider the list of fundamental duties as exhaustive. They feel that many more important duties like paying taxes, casting votes that were also suggested by the Swaran Singh Committee were not included in this list.
2. A common man cannot understand the complex words like composite culture that are present in the fundamental duties. Due to lack of understanding, the true meaning cannot be established. For him/her such words are difficult to understand. Moreover some duties are ambiguous in nature.
3. These duties cannot be enforced by a court of law so, critics feels that it is of no use to include these duties in the Constitution.
4. Some duties are of such a nature that they are being performed by the citizen in each and every case like paying respect to the National Flag and National Anthem. So there was no need to include these duties in the Constitution.
5. These duties are placed in Part IV-A of the Indian Constitution that is after the Directive Principles of the State Policy, that's why not much importance is given to them. According to the critics it should be placed in Part III after the Fundamental Rights.