



Significance of fundamental duties in Indian perspective

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Abstract

Fundamental duties are the fundamental principles that a citizen follows voluntarily as they owe them to the country and the society. Fundamental duties are mentioned in the Indian constitution under Article 51A or Part IV A which mentions 10 duties which have now been amended to 11 in the 86th amendment. The fundamental duties reflect the basic behaviour that a citizen must adopt in their daily lives towards society. These duties contain both moral and civic obligations of the citizens of India and breach of this holds the wrongdoer accountable for the same. The fundamental duties are simply responsibilities that every Indian citizen and foreigner in some cases must adopt to have an Indian way of life and live freely. These responsibilities have their base in Indian mythology, customs and religion. Fundamental duties play an important role in reminding the citizens about being responsible and even exercising their rights whenever required. It plays an important role in ensuring that there is no defamation of the country and that morality and ethics are alive among the people. Qualitative research from existing books and journal on this topic has enabled gain a deep insight into the significance of fundamental duties in the Indian Perspective.

Keywords: fundamental duties, responsibility, Indian citizen, significance, moral and ethics, Indian constitution

Introduction

Fundamental duties are the basic human morals and ethics that have been developed from the Indian culture and tradition. Currently, the Indian constitution involves 11 such duties that are basic responsibilities to be followed by the citizens. These moral obligations are contained in the Part IV-A of the constitution of India and help in fostering a sense of patriotism and unity among the people. These duties are a reminder of the obligation that the citizens have to pay for the rights utilised under the constitution. The article will focus on an in-depth understanding of the need and importance of these duties in India. It will also throw light on the significance of each of these duties in the lives of people and the success of the nation. There are only a few nations that adopt a such list of duties and India is one among them.

Fundamental duties are an essential part of the Indian Constitution. They are a set of duties that every citizen of India must fulfill. They were introduced in the Indian Constitution in 1976 through the 42nd Amendment Act. The significance of fundamental duties in the Indian perspective cannot be overstated. They play a critical role in shaping the citizens' behaviour and fostering a sense of responsibility towards the nation.

Constitutional Aspects of fundamental duties in India

The Article 51A of the Indian constitution focuses on the 11 fundamental duties of Indian Citizens that have been designed based on the basic principles of ethics and morality. The constitution provides Indian citizens with both rights and duties that help in living better life in India. The fundamental duties require citizens to abide by certain democratic conduct and behaviour as rights and duties are correlative and both must be adopted by the Indian Citizens. The fundamental duties are not unenforceable in the court of law but these are taken into account in the process of adjudication. Fundamental duties are the responsibilities of an Indian Citizen in response to the rights that he or she

enjoys being a part of the country. These responsibilities help a person to lead a respected and effective lifestyle in society. The fundamental duties are spread across people through the use of media and by including it in school and college syllabus ^[1]. This is essential to develop literacy and awareness among the people. There are countries such as Canada, the USA and Australia that do not even have any duties mentioned in the constitution. This results in a lack of obligation, responsibility and moral conduct which is observed in India. The duties have been formulated through old traditions, religions, traditions and practices.

The adoption of fundamental duties helps a country to move towards development. India is known to be a developing nation as it has adopted the various concepts of duties and rights which help in achieving democracy. For instance, the protection of the environment is a duty which helps in mitigating and managing the climatic crisis. This helps in development without being much affected by a disaster. Democracy cannot be achieved if the citizens do not become responsible. India has always strived to achieve a balance of "Kartavya" which requires a focus on fulfilling all obligations effectively. It is the prime duty of every individual of India to work and contribute towards the development of the country ^[2].

In the year 1976, the Swaran Singh Committee suggested the first list of fundamental duties whose emergency requirement was then felt in the year 1975-77. The Swaran Singh committee presented more than 10 duties but all of them were not accepted. Finally, a set of 10 duties were to be followed by the citizens as moral duties. In the year 2002 with the 86th amendment, the 11th duty was formulated due to the importance that these duties hold in developing a sense of patriotism and democracy ^[3]. This took place due to the decision of the Supreme Court in the case law of M.C Mehta Vs Union of India where the importance and need for education were identified. Fundamental duties hold a strong significance in the Indian constitution as it is the base of a strong foundation of humanity and morality. Upliftment of

the society and the country is possible if equality and gap elimination is adopted by every person. Duties form an internal part of every citizen and anyone performing an anti-social act must not be forgiven. Duties help in making citizens active members of the country instead of a spectator.

The objective of introducing fundamental duties in the Indian Constitution was to promote patriotism, national integration, and a sense of responsibility among citizens. The duties were introduced as a corollary to fundamental rights, which have been part of the Indian Constitution since its inception.

Judicial Aspects of fundamental duties in India

The fundamental duties laid in the Indian constitution are also known as the "basic responsibilities" of humans ^[4]. These duties even if not mentioned in the constitution must be followed by every individual as it is morally and ethically right behaviour. These are a codification of those behavioural patterns and attributes that is vital to the culture of India. In the moral and ethical sense, there are a large number of responsibilities to be adopted by the people but some of the basic duties have been mentioned in the relevant article of the constitution. These duties are highly important in creating a systematic and disciplined environment in the country. Some of the fundamental duties include protecting the natural environment of the country, promoting harmony and peace, preserving the rich culture and heritage of the country, defending the country and serving national services and many more. Every legal system involves the role of both duties and rights, they are both correlative and help in the smooth operation of the country. Fundamental duties are not enforceable by law, and there are no penalties for those who fail to fulfil them. However, the courts have recognized the importance of fundamental duties in shaping the behaviour of citizens. The Supreme Court of India has observed that fundamental duties are a means to awaken citizens' social consciousness towards the nation's well-being. In several cases, the court has held that fundamental duties are not just moral obligations but also legal duties that every citizen must fulfill.

Though fundamental duties cannot be directly presented in the court effective judicial reforms of the court allow for taking its benefits time and again. The case judgement of Chandra Bhavan Boarding and Lodging Vs State of Mysore (1996) was based on the use of fundamental duties. It was observed that the court ordered the hotel owners to focus on social justice as an important part of humanity. It was stated that minimum wage was an essential ingredient of fundamental duties and that every employer must abide by the same. There are many such examples where fundamental duty was not the direct cause of the case but indirectly was involved in the matter. A deep discussion on the significance of fundamental duties in India reveals that every Indian citizen has been habituated to this basic behaviour and adopted them in their daily lifestyle ^[5].

In the case of M.C. Mehta v. Union of India, the Supreme Court held that fundamental duties are an essential part of the Constitution and must be given equal importance along with fundamental rights. The court observed that fundamental duties act as a reminder to citizens that their rights are not absolute and come with responsibilities. The fundamental duties written in the constitution allow for

ensuring basic humanity among the people and respect for all.

The study of various case laws enriches the public with the fact that fundamental duties help in creating a distinction between social and anti-social activities. Further, courts are also benefitted by clearly examining and determining the constitutional relevance of law. The significance of fundamental duty extends beyond moral duty and also considers the civic duty of citizens. These duties include respect and honesty towards the nation, its flag and the anthem. This helps in developing a sense of belongingness of people with their nation. Duties are a codification of the Indian way of life. These duties not only abide by Indian citizens but also creates restrictions for the foreigners that reside in India. The Indian constitution specifies the fact that one not abiding by the duties will have no imposition on the rights as well.

Scope and Significance of Fundamental Duties in India

The scope of fundamental duties in India is wide-ranging. They are not limited to the individual citizen but also extend to institutions and the state. For instance, it is the duty of the state to promote scientific temper, protect the environment, and promote international peace and security. The scope of fundamental duties also includes protecting the country's rich cultural heritage and preserving its natural resources. It is the duty of every citizen to contribute to the welfare of society and to promote harmony and the spirit of brotherhood.

The most important fact about the fundamental duties is that it includes the basic behaviour of people that would have been followed even if they were not mentioned. These are the basic attributes of humanity that everyone as a human must adopt and follow. The fundamental duties are significantly important as they serve as a warning to the public against any anti-social, immoral or unethical behaviour and ensure that no such act is performed by the public which leads to defamation of the country and its people such as burning the national flag of India, creating any disruption to the public property and the monuments and disrupting public order ^[6].

The fundamental duties are designed in such a manner that it contributes to peace, harmony and a feeling of patriotism in every citizen of the country. It assists towards the achievement of national goals through the active participation of people. The fundamental duties are designed after passing it as an order of the court, this helps in achieving its legal enforceability in an indirect sense. The breach of fundamental duties holds the person liable for penalties and punishments. This makes fundamental duties stricter and more effective to adopt by the citizens. Fundamental duties are the essence of Indian constitution and its written and accepted format acts as a reminder to the public of an obligation to pay back to society for the rights that have been utilised. Duties act as a brigade in protecting any kind of unfair and unethical behaviour by the citizens towards the country and society in which they live ^[7].

An in-depth discussion about fundamental duties suggests that these play an integral role in regulating the effective behaviour of the citizens and reaching excellence in all spheres of humanity. A well-devised set of fundamental responsibilities acts as a guide for the people to take its indirect benefit in lawsuits and legal actions. It acts as a light that shows the path towards righteousness and

freedom. India being a secular country involves people belonging to distinct nationalities, races, castes and cultures which somehow leads to a feeling of discrimination among the public. The implementation of fundamental duties and their legal circumstances restricts people to cause any harm to any person either by words, expression or action^[8].

The 11 fundamental duties have their benefits in the Indian constitution. The first duty of abiding by the National Flag and the Anthem helps develop a sense of respect towards the country and public property. Upholding the principles of freedom and independence helps in living life freely and letting others enjoy their own space. It reduces the feeling of slavery among the people. Safeguarding the unity and integrity of the country helps in developing a sense of teamwork and togetherness among the people. Working for the national services of the country helps in being active citizens of the country and helping its people in need. A feeling of universal brotherhood helps in promoting a sense of equality in the secular nation. It helps in treating everyone equally that belong to different culture, background and nationality and creed. Preserving the rich heritage of the country develops a sense of belongingness with the country and allows for managing diversity^[9].

One of the duties involves the protection of the natural environment which helps in developing compassion for the living and ensuring that no beauty of the country is caused any harm. Developing a scientific temperament and reforming mentality helps in achieving humanism and showing respect, love and care for all its citizens. The protection of public property and avoiding violence show the basic moral rights of not hurting others. It helps in non-interference in any matter of others. Striving for success in all spheres of life helps in the development and success of the nation. A nation tends to succeed when its citizens grow and prosper. Lastly, providing educational opportunities for kids acts help in making every individual independent so that they can lead a comfortable and standardised lifestyle^[10]. Each of these duties has separate significance in the constitution and ignoring any one of them results in reduced morality and ethical values. Apart from the combined significance of fundamental duties, each one of the duties mentioned in the act has its importance in building an effective and developed nation.

The formulation of fundamental duties holds many criticisms as well. Researchers have pointed out various critics that go against these responsibilities but the significance of it in the lives of people helps in achieving the national goal of the country. Many authors believe that these duties have not been specified in the Constitution, they are highly ambiguous. Many important duties have been ignored such as the right to vote and pay taxes which is the ethical responsibility of the people. Fundamental duties are not justiciable and their benefit cannot be taken by the aggrieved party for non-obey. Many such negative comments have been stated by the authors but their significance cannot be underestimated which makes it an integral part of the Indian constitution^[11].

Conclusion

The above article focuses on the significance of the fundamental duties in India. Although unenforceable, fundamental commitments constitute the foundation of a democratic state like India. If its population are reluctant to actively participate in governance and take charge of the

nation's greatest interests, a democratic state cannot survive. The fact that many of these obligations are now enshrined in separate laws and subject to legal enforcement does not lessen the significance of the Article 51 obligations. The finest part is the phrase "Fundamental" before the requirements; it equates the obligations to Fundamental Rights and develops connectivity between them. The significance of these duties is not reduced because of fact that they cannot be enforced in a court of law.

Fundamental duties play a vital role in shaping citizens' behaviour and fostering a sense of responsibility towards the nation. They are an integral part of the Indian Constitution and promote patriotism, national integration, and a sense of social consciousness. While not enforceable by law, the courts have recognized their significance and emphasized their importance. The scope of fundamental duties is wide-ranging and extends to citizens, institutions, and the state. It is crucial that citizens fulfil their fundamental duties and uphold the Constitution's values to ensure the nation's progress and development.

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