

Fundamental Duties (Article 51A)

Description

Fundamental Duties (Article 51A)

Fundamental Duties are a set of moral and community obligations that citizens are expected to fulfil for the well-being of the society and nation.

Cherished in Part IV-A (Article 51A) of the Constitution, these duties were added by the 42nd Amendment in 1976.

There are 11 Fundamental Duties outlined.

The fundamental duties of citizens were added in the Constitution on the recommendations of the **Swaran Singh Committee**.

The Fundamental Duties in the Indian Constitution are inspired by the Constitution of the erstwhile USSR.

- At the time of its inception in 1950, Original Constitution did not mention of Fundamental Duties.
- Fundamental Duties were incorporated in the Constitution by the **42nd Amendment in 1976**, after the recommendations of the Swaran Singh Committee.
- Fundamental Duties influence citizen's behaviour and help to achieve excellence in all aspects of life.
- There are two types of fundamental duties: Moral and civic duty.
 - **Moral Duty:** Upholding the great goals of the freedom fight.
 - **Civic duty:** Respect for the Constitution, the National Flag, and the National Anthem
- The Fundamental Duties of the Indian Constitution are modelled after the Constitution of the former Soviet Union.
- Notably, none of the Constitutions of major democratic countries such as the United States, Canada, France, Germany, Australia, and others include a list of citizens' obligations or Fundamental duties.
- **Fundamental Duties** are regarded as the moral responsibilities of all people to encourage patriotism and protect India's unity.
- **Article 51A of Part IV A** of the Indian Constitution addresses the **Fundamental Duties**.
- The required Fundamental Duties represent some of the noblest values proclaimed by our great saints, philosophers, social reformers, and political leaders.

Features of the Fundamental Duties

- Some of them are **moral duties** while others are **civic duties**. For example, cherishing noble ideals of freedom struggle is a moral precept while respecting the Constitution, National Flag and National Anthem is a civic duty.
- They essentially contain just a **codification of tasks integral to the Indian way of life** like Indian tradition, mythology, religions, and practices.
- The Fundamental Duties are **confined to citizens only** and do not extend to foreigners.
- They are also **non-justiciable**, and the Constitution does not provide for their direct enforcement by the courts.

Swaran Singh Committee (1976) Recommendations

- It **recommended the inclusion of a separate chapter on fundamental duties** in the Constitution.
- It stressed that the citizens should become conscious that in addition to the enjoyment of rights, they also have certain duties to perform as well and **suggested the incorporation of eight Fundamental Duties** in the Constitution.
- The Central Government accepted these recommendations and **enacted the 42nd Constitutional Amendment Act in 1976**, which **added a new part**, namely, **Part IVA to the Constitution**.
- The **new part consists of only one Article, that is, Article 51A** which for the first time specified a **code of ten fundamental duties of the citizens**.
- Interestingly, **certain recommendations of the Committee were not accepted** and hence, not incorporated in the Constitution which includes:
 - The Parliament may provide for the imposition of such penalty or punishment as may be considered appropriate for any non-compliance with or refusal to observe any of the duties.
 - No law imposing such penalty or punishment shall be called in question in any court on the ground of infringement of any of Fundamental Rights or the ground of repugnancy to any other provision of the Constitution.
 - Duty to pay taxes should also be a Fundamental Duty of the citizens.

Verma Committee to Review Fundamental Duties

- Justice Verma Committee was constituted in 1998 to **plan a strategy and to work out a methodology for operationalizing a program** initiated countrywide to teach fundamental duties and make it enforceable in every educational institution and initiate in-servicing training.
- It recommended that the duty to vote at elections, actively participate in the democratic process of governance, and pay taxes should be included in Article 51A of the Constitution.
- It also **identified legal provisions for the implementation** of some of the Fundamental Duties such as:
 - The **Protection of Civil Rights Act 4 (1955)** provides for punishments for offenses related to caste and religion.
 - The **Prevention of Insults to National Honour Act (1971)** prevents disrespect to the Constitution of India, the National Flag, and the National Anthem.
 - The **Unlawful Activities (Prevention) Act of 1967** provides for the declaration of a communal organization as an unlawful association.

86th Constitutional Amendment 2002

- The 86th Constitutional Amendment in 2002 introduced Article 21A, mandating the State to offer free and

compulsory education to all children aged six to fourteen.

- Additionally, a new clause (k) was added to Article 51A, making it a fundamental duty for parents or guardians to provide educational opportunities for their children between the ages of six and fourteen.
- This amendment underscores the dual responsibility of both the State and parents in ensuring access to education for every child in this age group.

List of Fundamental Duties

Article	Provisions
51 A (a)	To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem.
51 A (b)	To cherish and follow the noble ideals which inspired our national struggle for freedom.
51 A (c)	To uphold and protect the sovereignty, unity, and integrity of India.
51 A (d)	To defend the country and render national services when called upon to do so.
51 A (e)	To promote harmony and the spirit of common brotherhood amongst all the people of India transcending differences of caste, creed, language, and religion; to renounce practices derogatory to the dignity of women.
51 A (f)	To value and preserve the rich heritage of our composite culture.
51 A (g)	To value, protect and improve the natural environment including forests, lakes, rivers, and wildlife and to have regard to the interests of the community in using natural resources.
51 A (h)	To develop the scientific temper, humanism, and spirit of inquiry and reform.
51 A (i)	To safeguard public property and to abjure violence.
51 A (j)	To strive towards excellence in all spheres of individual and collective activity so that the nation constantly achieves progress and perfection.
51 A (k)	Duty of the parent or guardian to provide opportunities for education to his child, as the case may be, and to see that the child attends school. (added by 86th Amendment Act, 2002).

Scope of Fundamental duties

- Fundamental duties are obligatory in nature however, the constitution has no provision for direct enforcement of these responsibilities.
- There is also no penalty provision to prohibit their infringement. However, the following facts demonstrate the importance of fundamental duties:
 - A person should equally respect his or her fundamental rights and obligations because, in any situation, if the court learns that a person who wants his or her rights to be enforced is careless about his or her duties, the court will not be lenient in his or her case.
 - Any confusing legislation can be read using fundamental duties.
 - If the legislation gives effect to any of the fundamental obligations, the court may find it reasonable. In this manner, the court can prevent such legislation from being deemed unconstitutional.

Need for Fundamental Duties

- Rights and duties are mutually exclusive.
- The essential obligations serve as a continual reminder to all citizens, and the Constitution expressly grants them certain fundamental rights.
- Citizens must adhere to some fundamental principles of democratic conduct and behaviour.
- If one carefully examines the Constitution, he or she will uncover not only his or her rights, but also his or her duties.

her obligations.

- The Preamble of the Indian Constitution contains the Fundamental Rights guaranteed to all people, such as freedom of opinion, speech, belief, faith, and worship.
- These are not absolute rights since the state can limit them in the interests of society.
- The remaining Preamble emphasised obligations such as justice, social, economic, and political.

Significance Of Fundamental Duties

- The significance of fundamental duties is that they define the moral obligations of all citizens to contribute to the promotion of patriotism and the preservation of India's unity.
- **Serve as a reminder to the citizens** that while enjoying their rights, they should also be conscious of duties they owe to their country, their society, and their fellow citizens.
- Serve as a **warning against anti national and antisocial activities**.
- Serve as a **source of inspiration for the citizens** and promote a sense of discipline and commitment among them.
- **Help the courts** in examining and determining the constitutional validity of a law.
- They are **enforceable by law**. Hence, the Parliament can provide for the imposition of appropriate penalties or punishment for failure to fulfill any of them.

Criticism of Fundamental Duties

- **Criticism of Fundamental Duties**
 - **They have been described by the critics as a code of moral precepts due to their non-justiciable character.**
 - The list of duties is not exhaustive as it **does not cover other important duties** like casting votes, paying taxes, family planning, and so on.
 - **Some of the duties are vague, ambiguous, and difficult to be understood** by the common man.
 - For example, different interpretations can be given to the phrases like "noble ideals", "composite culture", "scientific temper", etc.
 - **Superfluous**– Because the duties included in the Constitution as fundamental would be performed by the people even though they were not incorporated in the Constitution.

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