

TNPSC GROUP I / II - PRELIMINARY INDIAN POLITY - WORKSHEET

FUNDAMENTAL DUTIES

Basic Concepts

Though the rights and duties of the citizens are correlative and inseparable, the original constitution contained only the fundamental rights and not the fundamental duties.

In other words, the framers of the Constitution did not feel it necessary to incorporate the fundamental duties of the citizens in the Constitution

However, they incorporated the duties of the State in the Constitution in the form of Directive Principles of State Polity.

Later in 1976, the fundamental duties of citizens were added in the Constitution.

In 2002 one more Fundamental Duty was added.

The fundamental Duties in the Indian Constitution are inspired by the Constitution of erstwhile USSR. Japanese Constitution is, perhaps, the only democratic Constitution in world which contains a list of duties of citizens.

SWARAN SINGH COMMITTEE RECOMMENDATIONS

In 1976, the Congress Party set up the Sardar Swaran Singh Committee to make recommendations about fundamental duties, the need and necessity of which was felt during the operation of the internal emergency (1975-1977).

The Congress Government at Centre accepted these recommendations and enacted the 42nd Constitutional Amendment Act in 1976. This amendment added a new part, namely, Part IVA to the Constitution. This 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.

Though the Swaran Singh Committee suggested the incorporation of eight Fundamental Duties in the Constitution, the 42nd Constitutional Amendment Act (1976) included ten Fundamental Duties.

LIST OF FUNDAMENTAL DUTIES

According to Article 51 A, 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 that inspired the 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 and to renounce practices derogatory to the dignity of women;
- (f) to value and preserve the rich heritage of the country's composite culture;
- (g) to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures;
- (h) to develop 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; and
- (k) to provide opportunities for education to his child or ward between the age of six and fourteen years. This duty was added by the 86th Constitutional Amendment Act, 2002.

FEATURES OF THE FUNDAMENTAL DUTIES

Following points can be noted with regard to the characteristics of the Fundamental Duties:

1. Some of them are moral duties while others are civic duties.

2. Unlike some of the Fundamental Rights which extend to all persons whether citizens or foreigners, the Fundamental Duties are confined to citizens only and do not extend to foreigners
3. Like the Directive Principles, the fundamental duties are also non-justiciable. The Constitution does not provide for their direct enforcement by the courts. Moreover, there is not legal sanction against their violation. However, the Parliament is free to enforce them by suitable legislation.

VERMA COMMITTEE OBSERVATIONS

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. They are mentioned below:

1. The Prevention of Insults to National Honour Act (1971) prevents disrespect to the Constitution of India, the National Flag and the National Anthem.
2. The Protection of Civil Rights Act (1955) provides for punishments for offences related to caste and religion.
3. The Indian Penal Code (IPC) declares the imputations and assertions prejudicial to national integration as punishable offences.
4. The Unlawful Activities (Prevention) Act of 1967 provides for the declaration of a communal organisation as an unlawful association.
5. The Representation of People Act (1951) provides for the disqualification of members of the Parliament or a state legislature for indulging in corrupt practice.
6. The Wildlife (Protection) Act of 1972 prohibits trade in rare and endangered species.
7. The Forest (Conservation) Act of 1980 checks indiscriminate deforestation and diversion of forest land for non-forest purposes.