

FUNDAMENTAL DUTIES: FULCRUM OF A JUST SOCIETY

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Abstract:

The Constitution of India is a living document that outlines the framework of the country's political, legal, and social ethos. It guarantees a spectrum of Fundamental Rights to its citizens, ensuring freedom, dignity, and equality. However, the framers of the Constitution also envisioned that a democratic society cannot be sustained solely on rights; it must be equally founded on duties. These duties, codified in Article 51A of the Constitution through the 42nd Amendment Act of 1976, serve as the bedrock of responsible citizenship.

While Fundamental Rights empower citizens, Fundamental Duties are the ethical obligations expected of them. Together, they form a holistic vision of participatory democracy. Yet, in the practical domain, Fundamental Duties have remained largely symbolic, lacking legal enforceability. This paper argues that elevating the role of Fundamental Duties from peripheral to central is essential to achieving a just and equitable society.

Key Words : *living document, ethical obligations, just and equitable society.*

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Introduction:

India is in an exclusive club of few countries in the world that has a concept of both the rights and duties ingrained in its constitution which needs to be followed by a citizen since ancient times. A lot of religious texts like Ramayana and Bhagwad Gita asks people to perform their duties i.e., “Kartavyas”. The Fundamental duties, if followed properly by the citizen of India, will resolve almost every problem there is within Indian society.

Concept of Duty in Society:

The concept of justice, as articulated by thinkers like Plato, Aristotle, and more recently, John Rawls, hinges not only on institutional fairness but also on individual conduct. Rawls, in *A Theory of Justice*, emphasizes the role of the "reasonable citizen" in maintaining the fabric of justice. Similarly, Amartya Sen's capabilities approach links justice with the enhancement of societal conditions through participatory behavior.

In this framework, duties are not constraints but enablers of justice. They foster mutual respect, uphold rule of law, and encourage civic engagement. A society where citizens fulfill their duties is more likely to internalize democratic norms, reduce conflict, and promote inclusive development.

Duties and the Balance of Rights:

In any democratic society, there exists a dynamic equilibrium between rights and duties. Rights without duties may lead to a sense of entitlement and lawlessness, while duties without rights may breed oppression.

In India, this balance is vital. While citizens have the right to freedom of speech (Article 19), the duty to respect the Constitution and promote harmony acts as a normative check against hate speech or divisive behavior. Similarly, the right to religious freedom is counterbalanced by the duty to promote a spirit of common brotherhood.

The judiciary has occasionally emphasized this reciprocity. In *R. Chitrallekha v. State of Mysore (1964)* and *AIIMS Students' Union v. AIIMS (2001)*, the Supreme Court observed that while rights are important, duties are essential for the functioning of a democratic society.

Fundamental Duties enshrined under Part IV-A of the Constitution of India, 1950 form a core part of the constitutional and legal framework of the nation. Originally, ten Fundamental Duties were incorporated by way of the Constitution (Forty-Second Amendment) Act, 1976, upon the recommendations of the Swaran Singh Committee. Thereafter, an eleventh duty viz. the duty of a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years, was added by way of the Constitution (Eighty-Sixth Amendment) Act, 2002.

Verma Committee: A watershed moment:

However, the executive as well as the judiciary have always been aware that mere incorporation of these duties in Article 51-A is insufficient to ensure that they are actually effectuated, particularly given their non-justiciable status. To address these concerns, the Government of India, as far back as 1998, set up a Committee to Operationalize the Suggestions to Teach Fundamental Duties to the Citizens of the Country (“Verma Committee”) with the following Terms of Reference:

- (a) To develop a package for teaching Fundamental Duties at primary, secondary, senior secondary and university levels;
- (b) To decide the activities as part of curriculum and co-curricular activities;
- (c) To review the existing programme already being implemented by the NCERT under the National Curricular Framework and the need for identifying additional inputs into it;
- (d) To develop programme packages for preservice/in-service training of teachers at various levels;
- (e) To develop a separate package for the training of citizens through non-formal education/adult education programme/media (print, electronic, etc.)

After conducting an extensive consultation and deliberation process involving seeking views from the general public and other stakeholders, they submitted their final recommendations by way of their Final Report dated 31st October, 1999, including a recommendation for addition of some additional duties such as duty to vote in an election and duty to pay tax.

Giving effect to fundamental duties: A herculean task or a obligation?

It is pertinent to note here that the eleven fundamental duties, while legally placed on the same footing, are not all cast in the same mould. While some of these duties, such as those enshrined in Article 51-A (a), 2 (f), 3 (g) 4 and (i), 5 postulate more determinate aims and have received recognition in the legislative sphere as well. Other duties, such as the ones under Article 51-A (b), (h) and (j) seek to imbue citizens with the pursuit of ideals or philosophies, which may require multi-faceted approaches. In fact, these ideals have even been used by the judiciary as guiding principles for interpreting provisions or adjudicating the validity of actions taken, in certain instances

For instance, the fundamental duty “to safeguard public property and to abjure violence” is one that has received attention from this Hon’ble Court as also from the Central and State legislatures. In 2007, upon noticing the lack of adequate enforcement mechanisms for dealing with mob violence and destruction of public property as also the lacunae in the Prevention of Damage to Public Property Act, 1984, this Hon’ble Court had initiated suo motu proceedings, 7 and thereafter appointed two committees to look into these matters, one headed by Justice (Retd.) K.T. Thomas and another under Mr. Fali S. Nariman, Senior Advocate

Duties and Social Justice:

1. Civic Responsibility

Respecting the Constitution and its institutions promotes a culture of legality and civic virtue. It discourages lawlessness and fosters collective responsibility (Noorani, 2010).

2. Environmental Ethics

The duty to protect the environment (Article 51A[g]) has been invoked in landmark cases like *M.C. Mehta v. Union of India* (1987), leading to proactive environmental jurisprudence (Divan & Rosencranz, 2001).

3. Gender and Social Equality

Fundamental Duties support the elimination of discriminatory practices. In *Vishaka v. State of Rajasthan* (1997), the Supreme Court drew from constitutional morality to lay down guidelines against workplace harassment.

4. Scientific Temper and Rationality

In an era of misinformation, the duty to develop scientific temper fosters critical thinking and strengthens democratic discourse (Nanda, 2011).

Comparative Perspectives:

Other democracies also recognize civic duties:

- **United States:** While the U.S. Constitution does not list duties, concepts like jury duty, taxation, and allegiance are civic obligations enforced through laws.
- **Japan:** The Japanese Constitution includes duties such as the obligation to be educated and to work.
- **Russia:** The Russian Constitution explicitly mentions duties to protect the environment and cultural heritage. India’s model stands out for embedding duties within a constitutional text that also safeguards a wide array of rights, offering a nuanced approach to social responsibility.

Challenges and Criticisms:

1. Lack of Public Awareness

A majority of citizens are unaware of Fundamental Duties. This diminishes their impact and weakens civic engagement (Avasthi & Avasthi, 2006).

2. Symbolic Nature

Their non-justiciability means that violations carry no legal consequences, leading to a perception of irrelevance.

3. Misuse by Authorities

Some critics argue that excessive emphasis on duties could be misused to suppress dissent or to justify restrictions on rights (Mehta, 2017).

4. Educational Shortcomings

Civic education is inadequately emphasized in Indian schools. Despite policy recommendations, Fundamental Duties remain peripheral in textbooks.

Recommendations:

1. Enhanced Civic Education

Including Fundamental Duties in school and university curricula can foster early understanding and lifelong commitment.

2. Legislative Support

Selective legislation could provide enforcement mechanisms for duties like environmental protection or child education.

3. Public Campaigns

Mass media and social organizations should run awareness campaigns to make duties a part of public consciousness.

4. Judicial Encouragement

Courts should continue referencing Fundamental Duties in judgments to uphold constitutional balance and moral accountability.

Conclusion:

In order to fulfil their essential responsibilities, all Indians are required to contribute toward establishing a patriotic spirit and protecting India's national unity. The absence of a penalty for violating the Fundamental Duties in no way diminishes the seriousness of the responsibilities established in the Declaration of Independence. The Essential Duties are the moral compass of our Constitution; as such, they must be seen as fundamental ideals that every citizen is expected to promote. The Fundamental Duties inform each citizen of his or her obligation for the nation's well-being. The concept of basic obligations refers to a performance or responsibility that each of us has for the benefit of others and our nation. Even though they cannot be disputed in court, every Indian citizen is expected to strictly comply with the Fundamental Duties since doing so serves

the national interest. It is a commonly held notion in this country that our nation will operate at its highest level if everyone takes their responsibilities to follow the Fundamental Duties very seriously.

A just society thrives not merely on the assertion of rights but on the fulfilment of duties by its citizens. India's Fundamental Duties, though non-enforceable, act as moral guidelines essential for democratic integrity and social justice. They are a call to action, reminding citizens of their role in nation-building.

Reviving and reimagining Fundamental Duties in both public consciousness and policy discourse is not just desirable—it is indispensable for building an inclusive, harmonious, and just society.

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