

These stellar notes by Dr. Sidharth Arora cut through the noise to deliver a clear, exam-ready narrative

COMPREHENSIVE STUDY NOTES: FUNDAMENTAL DUTIES (PART IV-A)

Tailored for UPSC Civil Services Examination Source Material: Polity Lecture Series by Dr. Sidharth Arora

I. Introduction to Fundamental Duties (FDs)

In the original Constitution of India, there was no provision for Fundamental Duties; the focus was primarily on Fundamental Rights and Directive Principles of State Policy. The concept of duties is rooted in the philosophy that rights and duties are correlative. For a democracy to thrive, citizens must not only enjoy freedoms but also fulfill specific obligations toward the state and society.

II. Historical Genesis and Evolution

The inclusion of Fundamental Duties was a product of a specific political and historical context in India.

- **The Internal Emergency (1975–1977):** The need for a specific chapter on duties was felt during the Internal Emergency. The government argued that citizens had become too focused on their rights and needed to be reminded of their obligations.
- **The Swaran Singh Committee (1976):** Sardar Swaran Singh was appointed as the chairperson of a 12-member committee to study the question of amending the Constitution in light of past experiences.
 - **Members included:** Swaran Singh (Chairman), A.R. Antulay, S.S. Ray, Rajni Patel, H.R. Gokhale, V.A. Sayed Muhammed, V.N. Gadgil, C.M. Stephen, D.P. Singh, Dinesh Goswami, Vasanth Sathe, and B.N. Banerjee.
- **Constitutional Amendments:**
 - **42nd Constitutional Amendment Act (CAA), 1976:** Based on the committee's recommendations, a new Part IV-A and Article 51-A were added to the Constitution.
 - **86th Constitutional Amendment Act, 2002:** This amendment added the 11th Fundamental Duty regarding the education of children.

- **Global Inspiration:** India drew inspiration for FDs from the Constitution of the USSR. Notably, most Western democracies do not have a list of duties in their constitutions; Japan is a rare exception among democratic nations to have such a provision.
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III. Salient Features of Fundamental Duties

- **Non-Justiciable Nature:** Unlike Fundamental Rights, FDs are non-justiciable. This means they cannot be directly enforced by the courts through writs. However, the Supreme Court has noted that they are "reminders" to citizens and help in strengthening the democratic fabric.
 - **Applicability:** FDs are applicable only to citizens of India and do not extend to foreigners.
 - **Amendability:** Fundamental Duties can be amended by Parliament, as evidenced by the addition of the 11th duty in 2002.
 - **Status vs. Fundamental Rights:** In the *AIIMS Students Union v. AIIMS (2001)* case, the Supreme Court held that Fundamental Duties are equally as important as Fundamental Rights.
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IV. Detailed Analysis of Article 51-A

Article 51-A prescribes eleven duties for every citizen of India:

1. **Abide by the Constitution:** To respect its ideals, institutions, the National Flag, and the National Anthem.
2. **Cherish Noble Ideals:** To follow the ideals that inspired the national struggle for freedom.
3. **Sovereignty and Unity:** To uphold and protect the sovereignty, unity, and integrity of India.
4. **National Service:** To defend the country and render national service when called upon.
5. **Promote Harmony:** To promote common brotherhood among all people, transcending religious, linguistic, and regional diversities, and to renounce practices derogatory to the dignity of women.
6. **Composite Culture:** To value and preserve the rich heritage of the nation's composite culture.

7. **Natural Environment:** To protect and improve forests, lakes, rivers, and wildlife, and to have compassion for living creatures.
 8. **Scientific Temper:** To develop scientific temper, humanism, and the spirit of inquiry and reform.
 9. **Public Property:** To safeguard public property and abjure violence.
 10. **Strive for Excellence:** To strive toward excellence in all spheres of individual and collective activity so the nation rises to higher levels of achievement.
 11. **Duty of Education (Added in 2002):** A parent or guardian must provide opportunities for education to their child or ward between the ages of 6 and 14 years.
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V. Legal Enforcement: The "Toothless" Debate

A common criticism is that FDs are "toothless" because they are non-justiciable. However, the sources clarify that many FDs have a legal backbone where separate laws mandate compliance and prescribe punishments for violations.

1. Respect for National Symbols (Art 51-A(a))

- **Prevention of Insults to National Honour Act, 1971:** Prohibits the desecration of or insult to the National Flag, Constitution, National Anthem, and the map of India.
- **Punishment:** Insulting the flag or Constitution can lead to imprisonment for up to three years, or a fine, or both.
- **Flag Code of India, 2002:** Provides detailed descriptions of the flag (3:2 ratio, hand-spun khadi) and rules for its display by the public and private organizations.

2. Sovereignty and Integrity (Art 51-A(c))

- **Bhartiya Nyaya Sanhita (BNS) / Old IPC Sections:**
 - **Section 124-A (Sedition):** Relates to acts bringing hatred or contempt toward the government established by law.
 - **Section 121:** Waging war against the Government of India is punishable by death or life imprisonment.

3. Harmony and Dignity of Women (Art 51-A(e))

- **Religious Harmony (BNS Sections):**

- **Section 302:** Punishes uttering words with deliberate intent to wound religious feelings (up to 1 year imprisonment).
- **Section 299:** Punishes deliberate and malicious acts intended to outrage religious feelings (up to 3 years imprisonment).
- **Protection of Women:** Several laws support the duty to renounce practices derogatory to women, including:
 - **Immoral Traffic (Prevention) Act, 1956.**
 - **The Dowry Prohibition Act, 1961.**
 - **The Commission of Sati (Prevention) Act.**
 - **Protection of Women from Domestic Violence Act, 2005.**
 - **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.**

4. Environment and Wildlife (Art 51-A(g))

- **The Environment (Protection) Act, 1986:** Provides the framework for protecting and improving the environment and preventing pollutants.
- **The Wild Life (Protection) Act, 1972:** Establishes authorities to protect wildlife and prohibits hunting or poaching.
- **Prevention of Cruelty to Animals Act, 1960:** Sets up the Animal Welfare Board and prohibits unnecessary pain or suffering to animals.

5. Public Property and Violence (Art 51-A(i))

- **BNS Section 191 (Rioting):** Use of force or violence by an unlawful assembly is punishable by up to two years imprisonment (or five years if armed with a deadly weapon).
- **Murder (BNS Section 101 / Old IPC 300):** Defines culpable homicide as murder and prescribes punishments to curb violence.

VI. Committee Recommendations and Unimplemented Duties

The Justice Verma Committee was established to examine the implementation of Fundamental Duties. While most of our current FDs align with their study, certain proposed duties have not been implemented into the Constitution.

- **Duty to Pay Taxes:** Recommended by the Swaran Singh Committee but not included because it was deemed a legal obligation rather than a moral/fundamental one.
- **Duty to Vote:** There has been a long debate regarding making voting mandatory. In 2019, a "Compulsory Voting Bill" was discussed in the Lok Sabha, but the government argued that mandatory voting is not practical in a democracy.
 - **Center's Stance:** Democracy is about "government for the people," and citizens cannot be punished for not voting. Compulsory voting could lead to legal challenges and harassment of daily laborers.
- **Duty to Help Fellow Citizens (Good Samaritan):**
 - While not a Constitutional FD, this is being encouraged through the Motor Vehicles Act (Section 134-A), which protects "Good Samaritans" from civil or criminal liability when they help accident victims.
 - Supreme Court's *Pt. Parmanand Katara v. Union of India (1989)*: Held that every doctor has a professional obligation to extend services to protect life, and hospitals must provide immediate aid.

VII. Key Judicial Interpretations

UPSC aspirants should note these landmark rulings mentioned in the sources:

- **Ranganath Mishra Judgment (2003):** The Supreme Court held that Fundamental Duties should be enforced not only by legal sanctions but also by social sanctions.
- **All India Students Union Case (2001):** Reaffirmed that duties are as vital as rights in the constitutional scheme.
- **Bombay High Court Observation (2020):** During the Coronavirus lockdown, the court reminded citizens that promoting harmony and common brotherhood is a fundamental duty, especially in "difficult times".

VIII. Critical Concepts for Mains Examination

- **Fraternity and Citizenship:** The Preamble's value of "fraternity" is deeply linked to Fundamental Duties. As noted in the sources, Aristotle's view of citizenship—being a being that knows both how to rule and how to be ruled—is central to the idea of "fellow-feeling".

- **Scientific Temper vs. Superstition:** Article 51-A(h) encourages rational thinking and inquiry, moving away from superstitions, which is essential for national progress.
- **The "Reminder" Role:** FDs act as a warning against anti-social activities like burning the flag or destroying public property.

IX. Quick Reference for Prelims

Feature	Detail
Part	IV-A
Article	51-A
Amendment (Addition)	42nd CAA 1976 (10 duties)
Amendment (11th Duty)	86th CAA 2002
Source Country	USSR
Committee	Swaran Singh Committee
Enforceability	Non-justiciable (but supported by various laws)
Target Audience	Citizens only

Note to Aspirants: For the most effective preparation, Dr. Arora recommends reading NCERT Class 6-12, Laxmikanth, and maintaining a regular habit of reading *The Hindu* or *The Indian Express*. Maintain discipline in study and keep a "spirit of inquiry" as mandated by Article 51-A(h).

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