

### Fundamental Duties

- Derived from USSR Constitution.
- The 42<sup>nd</sup> Constitutional Amendment act inserted Article 51A following the constitution of Japan, based on the recommendation of Swaran shigh committee.

#### 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 certain recommendations of the Committee were not accepted by the Congress Party and hence, not incorporated in the Constitution. These include:
  - 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 on the ground of repugnancy to any other provision of the Constitution.
  - Duty to pay taxes should also be a Fundamental Duty of the citizens.

#### It shall be duty of every citizen of India:

- **Article 51A (a):** To abide by the constitution and respect its ideals and the institutions, the National Flag, the National Anthem.
- **Article 51A(b):** To cherish and follow the noble ideals which inspired our National Struggle for freedom.
- **Article 51A(c):** To uphold and protect the sovereignty, unity and integrity of India
- **Article 51A(d):** Define the country and render National service when called up to do so.

- **Article 51A(e):** To promote harmony and the spirit of common brotherhood among all the people of India, transcending religious, linguistic and regional or sectional diversities to renounces practices, derogatory to the dignity of women.
- **Article 51A(f):** To value and preserve to rich heritage of our composite culture.
- **Article 51A(g):** To protect and improve the natural environment including forest, lakes, rivers and wildlife and to have compassion living creatures.
- **Article 51A(h):** To develop the scientific temper, humanism and the spirit of inquiry and reforms
- **Article 51A(i):** To safeguard public property and to abjure violence.
- **Article 51A(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.
- **Article 51A(k):** Inserted 86<sup>th</sup> Constitutional Amendment act 2002, who is a parent/guardian to provide opportunities for education to his child one as the case may be what between age of 6-14years.

#### **Significance of Fundamental Duties:**

- They 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 to their fellow citizens.
- They serve as a warning against the antinational and antisocial activities like burning the national flag, destroying public property and so on.
- They serve as a source of inspiration for the citizens and promote a sense of discipline and commitment among them.
- They create a feeling that the citizens are not mere spectators but active participants in the realisation of national goals.
- They help the courts in examining and determining the constitutional validity of a law.
- In 1992, the Supreme Court ruled that in determining the constitutionality of any law, if a court finds that the law in question seeks to give effect to a

fundamental duty, it may consider such law to be ‘reasonable’ in relation to Article 14 (equality before law) or Article 19 (six freedoms) and thus save such law from unconstitutionality.

- They are enforceable by law.
- Hence, the Parliament can provide for the imposition of appropriate penalty or punishment for failure to fulfil any of them.

