

# Fundamental Duties

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# outlay

- What are they?
- Where do we find them?
- Why do we need them?
- How do we access them?
- How have they been interpreted?
  - 11 duties
  - Durga Dutt v. UOI

# What are they?

- Fundamental duties are duties of the citizen
- While claiming rights, citizens also have duties towards one another and towards the state
- “The very right to live accrues to us only when we do the duty of citizenship of the world. From this one fundamental statement, perhaps it is easy enough to define the duties of man and woman, and correlate every right to some corresponding duty to be first performed. Every other right can be shown to be usurpation hardly worth fighting for.“ M.K.Gandhi

# 1. To abide by the constitution...

- A.51A(a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- The constitution calls for state to respect fundamental rights, the duty makes it necessary for citizens to respect fundamental rights-discrimination in housing, in food habits, in attire, in education and employment

## 2.Ideals of the national struggle....

- (b) to cherish and follow the noble ideals which inspired our national struggle for freedom;
- Ability to speak truth to power
- “Rights spring only from duties well done. Such rights alone are becoming and lasting..Holding the views I do, and having acted on them and made others act on them over the last fifty years I have no interest left in fighting for personal rights. I shall therefore advise Harijan brethren that they should think only of their duties. They may be sure that rights will follow fast on the heels of duties done.“ M.K.Gandhi

### 3.Unity and integrity....

- (c) to uphold and protect the sovereignty, unity and integrity of India;

## 4. To defend the country

- (d) to defend the country and render national service when called upon to do so;
- Distinguished from defending the state?
- National service means forsaking practices like caste-Ambedkar has called caste as anti-national
- Corruption is anti-national
- Election duties

## 5.Dignity of women....

- (e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;

## 6.Composite culture

- (f) to value and preserve the rich heritage of our composite culture;
- ***AIIMS Students Union v. AIIMS 2001***, it was held by the Supreme Court that **fundamental duties are equally important like fundamental rights**. Though fundamental duties are not enforceable like fundamental rights they cannot be overlooked as duties in Part IV A.
- They are prefixed by the **same word fundamental** which was prefixed by the founding fathers of the Constitution to 'right' in Part III.

## 7.Compassion....

- (g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;
- Stray dogs issue

## 8. Scientific temper

- (h) to develop the scientific temper, humanism and the spirit of inquiry and reform;
- This would require us to examine superstitious belief, blind faith, use reason and not blind faith

## 9. Abjure violence...

- (i) to safeguard public property and to abjure violence
- Violent protests, vigilantism, violence in the home

## 10.excellence

- (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;

# 11. To educate his child

- [(k) who is 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.]
- Expenditure on education was less than 1% for the decades following independence
- Movement on 9 is mine
- Right to education act in 2002 after the Supreme Court said that after 44 years does not the dpss become a right?
- Prosecution of parents?

# conclusion

- There is no constitutional mechanism to provide for their enforcement
- Various statutes such as the right to education Act, the Environment Protection Act give effect to the provisions of this part
- Resources:
- <https://www.thehinducentre.com/the-arena/current-issues/article38363802.ece>
- <https://www.mkgandhi.org/articles/gondutiesrights.php>