

FUNDAMENTAL RIGHTS AND DUTIES

One of the salient feature of the Indian constitution is the incorporation of formal declaration of Fundamental Rights. Part III of the constitution contains a long list of fundamental rights. This chapter of the constitution of India has very well been described as the 'Magna Carta' of India. The term 'Right' generally means justified, recognized and protected (violation of what is unlawful). Fundamental rights are prohibition against the state. The state cannot make a law which takes away or abridges any of the right of the citizens guaranteed in the Part III of the constitution. If it passes such a law it may be declared unconstitutional by the court. The rights which are given to the citizens by way of fundamental rights as included in part iii of the constitution are a guarantee against state action as distinguished from violation of such right from private parties. Although, for smooth and effective functioning of a democratic government fundamental rights are absolutely necessary where governments are elected by the majority and full freedom is granted to the minority.

Originally, seven Fundamental Rights were enshrined in Part-III of the Indian Constitution. These included the Right to Property which was removed from the list of Fundamental Rights by the 44th Constitutional Amendment. Now there are only six Fundamental Rights. These are:

- (i) Right to equality,
- (ii) Right to freedom
- (iii) Right against exploitation
- (iv) Right to freedom of religion
- (v) Cultural and educational rights
- (vi) Right to constitutional remedies

Fundamental Duties :

Human rights and fundamental freedoms offer all people to develop themselves by using their qualities, talents, conscience and satisfying their spiritual and material needs. Rights and duties go side by side.

The Part IV-A of the Constitution which consists of only one Article 51-A, was added by the 42nd Amendment 1976. This Article, for the first time specifies a code of Ten fundamental duties for citizens. The duties incorporated by the 42nd Amendment are statutory duties and shall be enforceable by law. Parliament by law will provide penalties to be imposed for failure to fulfil those duties and obligations.

Fundamental duties are sacred commandments. They infuse a feeling of patriotism in all citizens to dedicate themselves to the cause of the nation. The fundamental duties are unique in

character because it intends to develop the specific, temper, humanism and the spirit of inquiry and reform. According to Article 51-A the duty of every citizen of India is-

- ❖ To abide by constitution and respect its ideal and institution, the National Flag and National Anthem.
- ❖ To cherish and follow the noble ideals which inspired our national struggle for freedom.
- ❖ To uphold and protect the sovereignty, unity and integrity of India.
- ❖ To defend the country and render national service when called upon to do so.
- ❖ 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.
- ❖ To value and preserve the rich heritage of our composite culture.
- ❖ To protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures.
- ❖ To develop the scientific temper, humanism and the spirit of inquiry and reform.
- ❖ To safeguard public property and to abjure violence.
- ❖ To strive towards excellence in all sphere of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievements.

For accomplishment of national goal and objectives, every citizen must discharge the duties specified by the constitution.

Proposed duties:

- The Swaran Singh Committee on constitutional reform proposed an eight point code of fundamental duties. These are-
- To respect and abide by the constitution and the law.

- To uphold the sovereignty of the Nation and to function in such a way as to sustain and strengthen its unity and integrity.
- To respect the democratic institution, enshrined in the constitution, and not to do any thing which may impair their dignity or authority.
- To defend the country and to render national service including military service when called upon to do so.
- To abjure communalism in any form.
- To render assistance and co-operation to the state in the implementation of the directive. Principles of state policy and to promote the common good of the people so as to subserve the interest of social and economic justice.
- To adjure violence to protect and safeguard public property and not to do any thing which may cause damage and destruction of such property.
- To pay tax according to law.

Indeed, fundamental duties are aid to interpretation of constitutional provisions.

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