

A Moral Obligation For All Indians

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Abstract: Rights and Duties are inseparable. Enjoyment of ones rights demands performance of his duties. Duty implies moral commitment that every individual is expected to perform. The constitution of India incorporated certain Duties for its citizens in part IV and are commonly known as Fundamental Duties. Though brought in by 42nd amendment Act 1976, it constitutes one of the most significant part of our constitution. The Duties enshrined in Indian constitution are in consonance with article 29 (1) of the Universal declaration of human rights which says :

“Everyone has duties to the community in which alone the free and full development of his personality is possible.”

These duties represent Indian thought and traditions which were greatly emphasized through the ages. It basically refers to such values as have been a part of the Indian tradition, mythology, religions and practices. In fact, these duties dictate certain ethical principles or moral obligations to be followed by every Indians. Performance of these duties are very essential for a healthy and well organize society. But in practice, it is one of the most neglected part of the constitution.

The objective of this paper is to reflect on these Fundamental Duties and also to find out values and importance for grater interest of Indian community.

Keywords : Rights, Duties, Enshrined, Community, Tradition, Constitution .

Introduction:

The term ‘Duty’ is very significant for a civilized society. It can be considered as the foundation of a healthy social structure that promotes the sense of responsibility among individuals. Society consist of individuals and if everyone in society performs his duty well, then an ideal society can emerge. Duty can be defined as obligation or moral commitment which an individual expected to perform. It is an expression of respect which arise from a system of ethics or morality. For instance a son is under a duty to feed his depended parents. It implies obedient conduct of ones own job. Duties are created by law which include a codified punishment of liability for non-performance. The liability is accepted by a person as a part of his position or job role. Sometime performing one’s duty may require sacrifice of self-interest.

Fundamental Duties :

The constitution of India included such more principles by 42nd amendment of the constitution which become constitutional law on December 1976. These moral principals are named as Duties, which created a new article 51 A to constitution originally, 10 fundamental duties were later on, in the year 2022, the 86th amendment Act, 11th duty was added. The eleven fundamental duties are enumerated as under :

- 51-A Fundamental Duties - It shall be the duty of every citizen of India -
- (a) To abide by the constitution and respect its ideals and institutions, the national Flag and the National Anthem;
 - (b) To cherish and follow the noble ideals which inspired our national struggle for freedom;
 - (c) To uphold and protect the sovereignty, unity and integrity on India;
 - (d) To defend the country and render national service when called upon to do so;
 - (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;
 - (f) To value and preserve the rich heritage of our composite culture;
 - (g) To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;
 - (h) To develop the scientific temper, humanism and the spirit of inquiry and reform;
 - (i) To safeguard public property and to abjure violence;
- 6) To strive that the nation constantly rises to higher levels of endeavor and achievement.
- (k) Who is a parent or guardian to provide opportunities for education to his child, as the case may be, ward between the age of six and fourteen years."

Importance of Fundamental Duties :

It is well-known that Fundamental Duties constitute a Non-Judiciable part of our constitution. There is no legal sanction behind them like the Directive principles of state policy. These duties are considered as 'directory' as it cannot be enforced through the Writ of Mandamus. These serve as basic reminder of our national goals and basic norms of political order. They inspire an individual to inculcate in himself/herself a sense of social responsibility. It can be used to interpret any statue which is uncertain and provide educational and psychological value to the citizens of India. It upholds the sprit of Democracy and patriotism. N.P. the ministry of Social Justice and Empowerment on 19th November, 2015 notified the decision of the Government of India to celebrate the 26th day of November, every year as 'Constitution Day' to promote constitutional values among citizens. Following of Fundamental fDuties plays a vital role in promoting Harmony and to encourage the feelings brotherhood among citizens. It

is very essential in upholding and protecting the Sovereignty Unity and Integrity of our country. It reminds the citizens that Rights and Duties go hand in hand. These will strengthen the constitutional values as enshrined by the 'preamble' to the constitution of India.

As an ancient concept, duty constitute an aspect of human behaviour known as 'Dharma'. It encompassed in the eastern Jurisprudence and luminaries like Lokamanya Tilak and Mahatma Gandhi were its staunch admirers. The great Indian Epics like Bhagavad Geeta, Ramayana and Mahabharata also enshrined duty as part of ones Dharma. Thus the Eastern jurisprudence is duty oriented and right is considered as ancillary to duty or consequence of performing duty. The individuals are the fundamental organ of a state and these organs of a state are require to work unselfishly to achieve the goal of a welfare state. Our constitution enshrines in its preamble 'for the people of India', the principal of justice liberty equality and fraternity. The preamble primarily focusses on rights in all spheres of life to protect and secure its citizens. Duties are counter parts of rights. So, Fundamental duties play an important role in India, seek to achieve set parameters of progress which cannot be achieved without citizens performing their duties. In to-days world it is particularly important as a mode of civilized and disciplined society.

A democratic state cannot survive when their citizens are not willing to take an active part governance and assuming responsibilities for the best interest of the country. The inclusion of Fundamental Duties to the constitution has a great educative and moral value. It enlighten the citizens to perform their duties towards their motherland and these are for common good. The citizen will be in a position to realize that for proper enjoyment of rights they should render their duties first.

On the basis of above discussion, the following points of conclusion can be made regarding the significance of Fundamental duties :

- i) They warn citizens against anti-social and anti - national activities and providing a platform to citizens for active participation in the society and also playing a constructive role in its development. Article 51 A created a strong base for a concrete national character and strong harmony among all the citizens.
- ii) They help the count in examining and determining the constitutional validity of a law.
- iii) They inspire citizens and promote a sense of discipline and commitment among them. They also serve as constant reminder that there exists a balance between rights and duties which inculcate among citizens a sense of social responsibility.

Conclusion:

The inclusion of Fundamental Duties are an important aspect of Indian constitution like other progressive democratic countries of the world e. g. USA, UK, Canada, Australia etc. They are also in line with Article 29 (I) of the Universal Declaration of Human Rights. It not only allows people to enjoy their rights but also reminds to perform their duties towards the upliftment of nation building process. In modern context, It inspires citizens to inculcate the civic obligations. So, the non-justiciable character of 'Fundamental Duties' won't affect its importance. Since the word 'fundamental' attached with these duties, they are of equal importance as the fundamental rights. The people should also be conscious enough about their role in society which inculcate a sense of social and moral responsibility. The decision of the government of India to observe 'Har Ghar Tiranga' as a part of 75th years of Independence is also an important step to create consciousness among the people all over the country. It creates a strong and well organize public opinion to implement these constitutional values. At the same time, it is to mention that, a strong well organized public opinion is an urgent need to implement Fundamental Duties. Public opinion and public awareness may be considered as the main force behind them. It will be the greatest force behind Fundamental Duties which will pave the way for a healthy and prosperous country.

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