

THE FORGOTTEN HALF: WHY FUNDAMENTAL DUTIES DESERVE EQUAL ATTENTION

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Abstract

We, the people of India, have six fundamental rights and eleven fundamental duties, as outlined in the legal grundnorm, i.e., the Constitution of India. This article highlights that in the Indian democratic setup; every citizen craves for their rights but isn't conscious about their duties. It tries to address the question of why there is a growing need to reconsider the enforceability of Fundamental Duties in the present context. Should certain duties be made legally binding to strengthen constitutional values and civic responsibility? Duties and rights, when seen in isolation from each other, may not lead a democratic society towards a state of equilibrium. Rights and duties are the two sides of the same coin, and a coin can't get its validation by only looking at either of its sides. Recently, there have been many union ministers and judges across the country talking about this tussle of rights and duties. The main question mark is why these fundamental duties are not enforceable like fundamental rights. Since ancient times, Indian society has followed the teachings of its holy books, which have always stressed that a person should focus on their duties and responsibilities, known as Dharma or Kartavya. Even the erstwhile Soviet Union Constitution placed rights and duties on the same footing. There are plethora of judicial pronouncements and ministers' speeches addressing this concern of 'rights v. duties', so it's time to align our democratic system with those pronouncements. The demand for a stable modern democratic system can be catered by making a proper balance between the fundamental rights and fundamental duties.

Key Words: Constitution, Fundamental Rights, Fundamental Duties, *Dharma*, Democratic Society.

INTRODUCTION

The word 'duty' comes from an Anglo-Norman French word "*Duete*," meaning obligation. The Fundamental Duties as enshrined in Part IV-A of the Constitution of India are said to be borrowed from the 'Citizens' duties' that were enshrined in the Constitution of the erstwhile Soviet Union (USSR). Initially, the Constitution didn't possess any such Fundamental Duties, but on the recommendation of the Swarn Singh Committee, these duties were added to the Constitution by the 42nd Constitutional Amendment Act, 1976. But some of the recommendations made by the committee weren't accepted by the government, one of the rejected recommendations was that the parliament may provide for the imposition of a penalty or punishment as may be considered appropriate for any non-compliance to observe any of such duties. For instance, the Vande Bharat train services, which started operating in

our country, faced stone-pelting incidents that ultimately led to a violation of Article 51A(i)¹, which states that it is the duty of every citizen to safeguard public property. Although these culprits may have faced various repercussions through different legal procedures, why can't these repercussions be considered as the punishment or penalty for violating fundamental duties as enshrined in the Constitution? Had it been that these fundamental duties were enforceable, the citizen may have been more conscious of their constitutional duties as well. In India, unless any omission or commission has legal sanctions, people are less likely to act accordingly. Often, one comes across signboards stating rules like “don't litter” or “don't paint on walls,” yet most people would never take these seriously until punishment is imposed. Thus, the enforceability of fundamental duties to some extent is the need of the hour.

LITERATURE REVIEW

The debate on fundamental duties in India has frequently been eclipsed by the emphasis on fundamental rights. This article is a response to available constitutional scholarship and judicial pronouncements, which highlight the imbalance between rights and duties. It is based on the **Swarn Singh Committee Report** (1976), which culminated in the incorporation of fundamental duties under the 42nd Constitutional Amendment. The article also makes mention of the **J.S. Verma Committee Report** (1999), whose thrust was on incorporating civic duties as part of educational curricula.

The review also includes a study of **landmark judicial pronouncements**, which have shaped the interpretation and application of fundamental duties in India. These cases serve as a crucial foundation for understanding the evolving nature of constitutional obligations.

Furthermore, the paper incorporates **ancient Indian texts**, most notably the **Bhagavad Gita**, to highlight the philosophical underpinnings of duty and moral responsibility in Indian tradition. The integration of such texts not only enriches the theoretical discourse but also establishes the continuity between ancient wisdom and modern constitutional values.

Together, these sources provide a comprehensive backdrop for the analysis, ensuring the paper is grounded in both **comparative constitutional theory** and **India's civilizational ethos**. The literature surveyed shows a lacuna in awareness, enforcement, and legalizing fundamental duties that this article endeavors to fill.

OBJECTIVES OF THE STUDY

This study aims to analyse the imbalance between fundamental rights and duties, emphasizing the urgent need to enhance awareness and promote responsible citizenship. It seeks to explore whether certain fundamental duties should be made enforceable, and how ancient texts, global practices, and judicial pronouncements support this shift. The paper also underlines the role of education and civic engagement in fostering a duty-conscious, ethically driven democratic society.

¹ India Const. art. 51A, cl. (i).

ANCIENT TEXT AND SOCIETY

The Sanskrit phrase "*Yato Dharmastato Jayah*", meaning "Where there is *Dharma*, there is victory," is stamped on the front door of the Supreme Court of India. Originating much before the *Mahabharata*, this maxim underscores the principle that duty, righteousness, and justice ultimately lead to triumph. Ancient legal texts were much duty-oriented, unlike modern legal texts that are rights-oriented. The verse in the *Bhagavad Gita* (3.22) directly mentions "*kartavya*" (duty). Lord Krishna emphasizes duties and says, "There is no duty for me (lord) to do in all the three worlds, O Parth, nor do I have anything to gain or attain. Yet, I am engaged in prescribed duties." This highlights the importance of duties in our personal as well as social lives; even heaven doesn't exempt its inhabitants from their duties. Famous leaders like Lokmanya Tilak and Mahatma Gandhi strongly believed in the old idea of *Dharma*, which means living a life of truth, duty, and righteousness.

In earlier times, maintaining public order and societal growth was not solely the responsibility of the state. Citizens were equally expected to contribute through ethical and responsible conduct, fostering a stable and progressive society. The same standard must prevail today. The state can provide a railway system like *Vande Bharat*², but it is the citizens' duty to use it properly and avoid causing harm. Similarly, while the state can guarantee the right to privacy, individuals must recognize and uphold their corresponding duty to respect privacy, both their own and that of others. A nation/state reaches its zenith only when governance and citizenry move in harmony.

CONSTITUTIONS & LEADERS ACROSS THE NATIONS

"Ask not what your country can do for you, ask what you can do for your country."³ These were the words of former U.S. President John F. Kennedy when he emphasized the importance of civic action and public service. Even M.K. Gandhi, one of the revolutionary freedom fighters for India, while emphasizing fulfilling one's responsibility, said, "a duty well performed creates a corresponding right"⁴.

Even various Constitutions across the globe include certain enforceable fundamental duties that promote civic awareness and ethical conduct among citizens. Some examples from different Constitutions are discussed below.

Article 131 of the Soviet Constitution of 1918 called upon every citizen of the U.S.S.R. to "safeguard and strengthen public, socialist property as the sacred and inviolable foundation of the Soviet system, as the source of the wealth and might of the country, as the source of the

² Stones Thrown at Vande Bharat, Windows Broken Days Before Flagging Off, NDTV (Sept. 15, 2024, 11:35 AM), <https://www.ndtv.com/india-news/stones-thrown-at-vande-bharat-windows-broken-days-before-flagging-off-6562893>.

³ President John F. Kennedy's Inaugural Address President John F. Kennedy's Inaugural Address (1961), National Archives, (Feb. 8, 2022), [President John F. Kennedy's Inaugural Address \(1961\) | National Archives](https://www.archives.gov/inauguration/1961/kennedy)

⁴ Mark Lindley, Gandhi On Corresponding Duties/Rights, Gandhi Sevagram Ashram, [Gandhi on Corresponding Duties/ Rights By Mark Lindley | Articles about Mahatma Gandhi](https://www.gandhisevagram.org/gandhi-on-corresponding-duties-rights-by-mark-lindley).

prosperous and cultured life of all the working people. Persons committing offences against public, socialist property are enemies of the people.”⁵

Article 59 of the Soviet Constitution of 1977⁶ stated that ‘exercise of rights and freedoms shall be inseparable from the performance by a citizen of his duties.’ Additionally, Article 61 of the Soviet Constitution of 1977⁷ stated that ‘citizens of the USSR are obliged to preserve and protect socialist property. It is the duty of citizens to combat misappropriation of socially owned property. Person encroaching in any way on socialist property shall be punished according to the law.’

Approximately nine countries worldwide enforce compulsory voting, with Australia being a prominent example. In Australia, enrolment and voting are mandatory for every citizen aged 18 years or older. Exemptions are granted for valid reasons, such as illness or travel. This practice has fostered a sense of civic responsibility among Australians. In 2022, 77% of Australians indicated they would still vote even if it were voluntary.⁸ Such obligations encourage citizens to respect their rights through ethical conduct. These are a few global examples highlighting the enforceability of fundamental duties and their significance in the present context.

JUDICIAL PRECEDENTS

There have been many judicial pronouncements that have dealt with the enforceability and effectiveness of the fundamental duties enshrined in Article 51A⁹. It is important to critically analyse these precedents to gain a clear understanding of the judiciary’s perspective on this matter.

- ***Bijoe Emmanuel v. State of Kerala***¹⁰

This case revolves around three students, Bijoe Emmanuel and his two sisters, who were Jehovah's Witnesses (religious belief). The students, who attended school in Kerala, refused to sing the national anthem, "*Jana Gana Mana*," during a school assembly. Their refusal was based on their religious belief that singing the anthem amounted to an act of worship, which was against their faith.

The SC, in its judgment, held in favor of the students and judged them not guilty. It ruled that the expulsion of the students for refusing to salute the national flag and sing the national

⁵ Stalin, J.V., *Constitution (Fundamental law) of the Union of Soviet Socialist Republics, Constitution (fundamental law) of the Union of Soviet Socialist republics*, (1936) <https://www.marxists.org/reference/archive/stalin/works/1936/12/05.htm>.

⁶ Constitution (Fundamental Law) of the Union of Soviet Socialist Republics, (Oct.19, 1977), [constitution-of-the-ussr-1977](#).

⁷ Constitution (Fundamental Law) of the Union of Soviet Socialist Republics, (Oct.19, 1977), [constitution-of-the-ussr-1977](#).

⁸ Koh Ewe, How compulsory voting works in Australia, BBC, (May 2, 2025), [Australia election: Why it's compulsory to vote](#).

⁹ India Const. art. 51A.

¹⁰ *Bijoe Emmanuel v. State of Kerala*, MANU/SC/0061/1986.

anthem violated their fundamental right to freedom of conscience and religion under Article 25¹¹ of the Indian Constitution.

Shockingly, the apex court gave full consideration to individual rights while overlooking the importance of raising awareness about and ensuring the effectiveness of fundamental duties. Article 51A(a) of the Indian Constitution states that every citizen shall abide by the Constitution and respect its ideals and institutions, the National Flag, and the National Anthem. In a democratic country, how can religious beliefs override national sentiments and integrity? If individuals can uphold their religious principles, they must also strive to uphold national and constitutional principles.

- ***Shri Ranganath Mishra v Union of India***¹²

In this case, the petitioner, the former Chief Justice of India, Shri Ranganath Mishra, had also sent a letter to the Chief Justice of India, stressing to raise awareness and education on the aspects of Fundamental Duties in general. In this letter, the Court treated it as a writ petition.

Later on, the Supreme Court directed the Centre to implement the recommendations of the Justice J.S. Verma Committee with respect to disseminating information on Fundamental Duties to the public and educational institutions. The Committee was set up in 1998 to suggest ways in which Fundamental Duties may be taught in schools. The Report, issued in 1999, recommended that awareness about Fundamental Duties be created in educational institutions. The Verma Committee further recommended that the duty to vote in elections and actively participate in the democratic process must be included as a Fundamental Duty.

Now, just look around and observe how many people discuss their constitutional duties, perhaps very few. Yet, it's common to hear individuals talk about their own rights and comforts. This reflects a certain hypocrisy: for instance, people are quick to intrude into others' lives but are adamant about their own privacy. Therefore, raising awareness about fundamental duties is both necessary and crucial for the health of our democratic setup.

- ***Durga Dutt v Union of India***¹³

A petition has been submitted to the Supreme Court requesting that both the central and state governments be instructed to draft detailed legislation promoting the observance of Part IV-A of the Indian Constitution. The petitioners aim to foster greater public understanding and awareness about the value and significance of Article 51-A, which outlines fundamental duties. They referred to the Supreme Court's 2003 ruling in *Shri Ranganath Mishra v. Union of India*, where the Court emphasized that these duties should be enforceable, not just in law but also in society. As of now, there has been no final verdict from the court on this petition. However, the filing of such petitions highlights the need for stringent action in this matter. Society is evolving in diverse ways, and the law must adapt to meet its changing needs.

¹¹ India Const. art. 25.

¹² Shri Ranganath Mishra v. Union of India, MANU/SC/0563/2003.

¹³ Durga Dutt v. Union of India, W.P.(C) No. 000067/2022.

WAY FORWARD

As the famous legal scholar *Roscoe Pound* defines, ‘law as the tool of social engineering.’ Thus, it is indeed necessary to use the law to establish a sense of harmony and accountability in society. There should also be greater public awareness about these duties through campaigns and meaningful initiatives. Recently, Dr. Rajendra Prasad National Law University, Prayagraj, launched an initiative called Sankalp@51A¹⁴, which helped reunite families during Mahakumbh 2025 and provided assistance to victims of the Pahalgam Attack, 2025. Similar efforts are needed from law schools, young citizens, and the government to promote awareness and responsibility in society. This should begin as a personal transformation within individuals, gradually leading to a widespread social change that becomes visible and impactful in society.

CONCLUSION

As society evolves, so must the law. It is time to revisit the insights of Emanuel Bijoe and the recommendations of the J.S. Verma Committee. Our ancient traditions have long emphasised the importance of *Kartavya*, the fulfilment of one’s duties. In today’s rapidly changing national and global landscape, fostering civic responsibility and ethical conduct has become more crucial than ever. To build a more accountable society, there’s a pressing need to reconsider the enforcement, addition, or omission of certain fundamental duties. As former Prime Minister Indira Gandhi aptly stated, “People tend to forget their duties but remember their rights.” It is, therefore, essential to remind citizens of their responsibilities through both legal and social frameworks. The judiciary, too, must revisit earlier judgments and adopt a fresh, progressive approach towards fundamental duties. While these duties may not override fundamental rights, leaving them as an overlooked part of the Constitution is no longer acceptable.

¹⁴ Sankalp 51A@Pahalgam: NLU Prayagraj With Anantlaw Offers Pro Bono Legal Services To The Victims Of The Pahalgam Terror Attack, LiveLaw (Apr. 29, 2025), <https://www.livelaw.in/lawschool/news/sankalp-51apahalgam-nlu-prayagraj-anantlaw-pro-bono-legal-services-victims-pahalgam-terror-attack-law-school-290742>.