

- **State accepting its primary responsibility** for protection of human rights irrespective of fulfillment of duties by citizens.
- **Meeting the minimum core rights of each citizen** such as economic, social and cultural right of individual to ensure an adequate standard of living before any duties.
- **Deepening the roots of democracy** to address the fundamental issues of inequality, intolerance etc. based on caste, creed, religion, region etc. **minimizing risks of subordination of rights** and **maximizing the possibility of fulfillment of duties**.
- **Creating a basic charter for people** to cultivate **constitutional morality** and create **responsible citizens**. As **Article 29 (1) of Universal Declaration of Human Rights** says, “Everyone has duties to the community in which alone the free and full development of his personality is possible”.

1.1.2. ENFORCEMENT OF FUNDAMENTAL DUTIES

Why in news?

Recently, AGI said that there was **no need to enact specific laws to “enforce” fundamental duties (FD)** on citizens.

More about news

- Earlier, SC sought **response from Centre and states on a petition seeking enforcement of FD** set out in Article 51A of the Constitution including patriotism and unity of the nation, through “comprehensive, well-defined laws”.
- **Petition arguments to enforce FD:**
 - Citizens have a duty to **uphold the country’s ideals** and **contribute to its growth and betterment**, and **failure to do so have a direct impact on FR** guaranteed by Articles 14, 19, and 21.
 - FD have been often **violated by people including the officers of the law** and which in turn resulted in violation of FR of other citizens.
 - SC in **Ranganath Mishra judgment** contended that **FD should be enforced by legal and social sanctions**.

Arguments in favour of legality of Fundamental Duties	Argument against legality of Fundamental Duties
<ul style="list-style-type: none"> • Rights and Duties are co-relative: FDs are meant to serve as a constant reminder to all citizens that, while the constitution grants them certain FRs, it also compels them to follow some basic norms of democratic conduct and behavior, because rights and duties are intertwined. • Enshrined in Hindu scripture: Correlation between rights and duties has been recognized by Bhagvad Gita, which teaches us that ‘your duty is your right’. <ul style="list-style-type: none"> ○ It is the time to balance rights, liberties and freedoms and obligations and instill a “profound sense of social responsibility towards the nation”. • Enforce critical Duties: There is a pressing need to enforce at least some of FDs such as, uphold and protect sovereignty, unity and integrity of India and render national service when called upon. • Climate change: Preservation of environment and keeping ecological balance unaffected is not only government task but also the responsibility of every citizen, which needs to be enforced. 	<ul style="list-style-type: none"> • Ambiguity: There is lack of clarity as some of the duties are vague and terms used therein are complex such as ‘ideals’, ‘institutions’, ‘brotherhood’, ‘humanism’, ‘scientific temper’. • Misuse: Under the garb of holding citizens liable for violation of FDs, government can curtail FRs of the citizens. • Socio- Economic challenges: India is marred with multiple socio-economic challenges like poverty, unemployment, lack of education etc. Enforcing FD’s is neither practicable nor need of the hour. • Existing provisions: As per Verma Committee, some FD are already enforced such as, Prevention of Insults to National Honor act, 1971, where no person can disrespect National Flag, National Anthem and Constitution of India.

Way Forward

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