
FROM FUNDAMENTAL RIGHTS TO FUNDAMENTAL DUTIES: REIMAGINING CITIZENS' ROLE IN BUILDING A NEW INDIA

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ABSTRACT

This article explores the important role of citizens' duties in shaping a progressive and inclusive India. Drawing from ancient Indian scriptures, philosophical insights of leaders like Mahatma Gandhi, and constitutional provisions, it argues that the notion of duty has always been embedded in Indian ethos. While Fundamental Rights empower citizens, Fundamental Duties enshrined in Article 51A of the Indian Constitution provide the moral and civic framework essential for democratic and national development. The paper critiques the limited perception of duties as legally non-justiciable and underscores their broader, implied responsibilities such as voting, tax compliances, other civic duties, and promoting unity in diversity. In the post-COVID era, these responsibilities become even more crucial, demanding a shift from passive entitlement to active civic participation. Ultimately, the article advocates for a reimagining of citizenship where rights and duties co-exist, and where the collective action of responsible citizens becomes the cornerstone of nation-building in 21st-century India.

Keywords: Fundamental Duties, Citizens' Duties, Article 51-A, Civic Duties

Introduction

“It is the duty of every individual to contribute towards the progress and development of India”. - Swami Vivekananda

The idea of duties was never new to India; rather, it has always formed an indispensable part of Indian society. Since ancient times, the tradition of fulfilling duties has been deeply ingrained in our culture. Performance of duty was seen as equivalent to worshipping god. Different religious texts have defined the duties of individuals, and they all emphasise the importance of these duties in building a society. Rig Veda, our most ancient scripture, says, *“O! Citizens of Bharat! As our ancient seers and saints, leaders and preceptors have performed their duties righteously; similarly, you shall not falter to execute your duties and shall follow your duties righteously and dedicatedly.”*¹ Furthermore, the Bhagavad Gita and Ramayana have also preached the importance of duties and emphasised the individual's role in community building, as Lord Krishna said that one should perform their duty without any expectation of fruits or results. The importance of *Dharma* further explains the importance of duty in Indian society.

Mahatma Gandhi was one of the greatest proponents of fulfilling one's duties and consistently emphasised the importance of doing so. During the freedom struggle movement, he consistently focused on performing his duty. He not only preached the ideals of Dharma but also followed it, which was perspicuous from his non-violent and peaceful Satyagraha. And he always persuaded the people to choose the path of non-violence and perform their duty while fighting for their rights. Not only Gandhiji but also many other veteran freedom fighters acknowledged and preached the importance of citizens' duties throughout our freedom struggle.

Therefore, it can be concluded that the practice of following one's duty was always embedded in our culture, which was also reflected during the freedom struggle. As well as the enormous contribution that citizens can have to the development of the nation, it has also been acknowledged for a long time in India. Perhaps, this was one of the reasons that the framers of the Constitution didn't incorporate any of the duties in the Constitution as they were supposed to be implied, and at that time, the need to make them explicit was not felt by them. However, the framers of our constitution were aware of the importance that citizens play in the fulfilment

¹ Rig Veda, 10.191.2

of their duty. However, it was in 1976 that ten (now eleven) fundamental duties under Part IV-A of the Constitution were explicitly added in the Constitution. But it would be wrong to say that the duties of the citizens are just limited to the eleven fundamental duties mentioned in the constitution, and there is not an iota of doubt that the duties of the citizens go beyond those eleven fundamental duties, especially in the contemporary times that we are living in. These fundamental duties are reminders that with the exercise of their rights, citizens also have duties that are equally important as their rights. To follow these duties is not only the responsibility of the citizens, but it also ensures the participation of citizens in nation-building. As citizens form the building blocks of any nation, it is, therefore, impossible to imagine the development of a country without the participation of its citizens.

Importance of Citizens' Duties in a Democratic Society

“Citizenship isn’t about rights only, but it is also about duties towards society.”

- S.A. Bobde

The word citizens can be understood as an individual who is recognised under the law or custom as a member of a sovereign nation that grants them civil and political rights.² Therefore, citizens form the pillars of the nation, who individually as well as collectively play an indispensable role in the formation of the nation. The development of a nation lies in the development of its citizens. Citizens, therefore, have the power to mould the destiny and fate of any nation. And this is the reason, the rights provided to the citizens and exercised by them become very important. Throughout the world, the largest democracies have ensured that citizens not only get rights but are also able to exercise them. However, as the world community developed, the idea of citizens' duty and their importance in the development-making process got recognition. It was recognised that rights and duties can't be separated. After all, rights and duties are the two faces of the same coin, and duties are a corollary of rights. As Mahatma Gandhi said, ***“The very performance of a duty secures us our right and hence rights cannot be separated from duties.”*** Therefore, the idea of imagining rights in isolation would be futile. And this is the reason that the biggest democracies and institutions throughout the world have equally relied on duties as they have on rights. According to Art 29 (1) of the UDHR, *“Every*

² *Supra* note 2

*individual has duties towards the community in which alone the full and free development of his/her personality can take place”.*³

When India became independent, it was in a deplorable state. The 200 years of British rule left India in a state of dire poverty, where there was an immediate requirement for socio-economic development. Hence, during the initial years, the role of the state was considered to be very significant in improving India's socio-economic situation. During that time, the state was considered to be an active player, whereas citizens were considered to be passive players who were at the receiving end. However, when the state of our country improved and citizens became empowered, it was realised that their contributions were equally important for the development as well as for the governance of the country. It is the citizens' active participation that helps the state and its agents in discharging their work effectively. And what can be more useful than duties in ensuring the active participation of the citizens in the development of our nation? Therefore, duties don't have a negative connotation and should not be understood as a burden. Rather, duties signify that citizens are capable as well as equally important in the governance of the country. Good Governance is a prerequisite for the development of any nation, and governance can never be a one-way process where citizens are at the receiving end. Duties are a tool that ensures the active participation of the citizens. It is the responsible and informed citizens in a democracy who ensure that the government is accountable to them. As individuals, citizens' actions can change the lives of people, but collective actions can change the entire nation. Therefore, as citizens, we must be accountable for the good or bad conditions of our country and are equally responsible for the development and protection of our country. A country flourishes when its responsible citizens of the country perform their duties religiously.

Balancing Rights and Duties: The Constitutional Significance of Fundamental Duties

For building any nation, there are three important things. The first is noble ideals, the second is citizens' ability to achieve those ideals, and the third, most important thing, is the persistent and continuous endeavour of citizens to achieve those ideals. Therefore, the duties of citizens are the very foundation of nation-building and form the bedrock of any country. Hence, it's

³ Article 29(1), UDHR, 1948.

difficult to imagine a developed nation without the participation of citizens. And fundamental duties are an attempt to balance citizens' rights with civic duties.

India's Constitution is a living constitution and an organic document that is flexible enough to change with the growing nature of society. Further, our constitution is never considered to be just a lawyer's document. Therefore, the incorporation of fundamental duties was one of the steps towards ensuring the participation of citizens in nation-building and ensuring that citizens play a prominent role in the development of India. Accordingly, fundamental duties under Article 51-A were incorporated in 1976 by the 42nd Amendment on the recommendation of the Swaran Singh Committee. One of the predominant reasons for incorporating fundamental duties was to achieve the ideals enshrined in our Preamble, with the equal participation of the citizens.

If one looks at Article 51-A, one would find that most of the duties strive towards inculcating basic civic values among citizens, which are, anyway, expected from the responsible citizens of any society or any nation, for that matter. For instance, safeguarding public property and avoiding violence, valuing and preserving the rich heritage of our culture, protecting the environment and being compassionate to wildlife and living creatures, respecting women, etc. Further, some fundamental duties are indispensable for any democratic nation, and without these duties, it is difficult to imagine a developed India. For instance, in a democracy, protecting and cherishing the ideals prescribed in the constitution is not the sole responsibility of the state. It requires an equal endeavour by the citizens to abide by the Constitution and to strive towards achieving the ideals enshrined in our Constitution, which includes protecting the sovereignty, unity, and integrity of India.

Further, these duties are also a mechanism to ensure the participation of citizens in the development of the nation as well as to achieve the ideals enshrined in the constitution. It is only when the rights and duties of citizens co-exist that the goals of the state can be achieved in totality. Therefore, there exists a strong relationship between rights and duties. The 86th Amendment is the best way to explain the relationship between right and duty. The 86th Amendment Act, 2002, not only added Art 21-A to the constitution, according to which the state shall provide free and compulsory education to all children between the ages of 6 to 14⁴ but simultaneously added the 11th fundamental duty, according to which it is the responsibility

⁴ Article 21-A, Indian Constitution, 1950

of a parent or guardian to provide opportunities for education to his/her child, or ward between the age of 6 to 14 years. Therefore, it puts equal responsibility on parents to ensure that their children have access to primary education rather than putting the sole responsibility on the state. Without equal efforts by the parents, it would be very difficult for the state to ensure access to education for the children. Therefore, the 11th Fundamental duty is a major step towards achieving socio-economic justice that shows that the equal contribution of the citizens is a prerequisite in nation-building.

Though many argue that due to the non-enforceability of non-justiciability, fundamental duties don't have much significance. But the incorporation of fundamental duties has given legal recognition to these duties, which inculcates a feeling of civic responsibility among citizens. So, it can't be said that merely because they are not backed by sanctions, they lose their importance. After all, they are still considered to be the rule of law that is expected to be followed by every citizen. Therefore, the fundamental duties are not something that exists only on paper; rather, just like other parts of the constitution, they are equally important in the governance of the country and form the law of the land. Hence, the first step towards nation-building is to make people aware of their duties and persuade them to follow these duties. It is the citizens who, if individually followed, will shape the collective development of our nation.

“The moral value of fundamental duties would not be to take the rights guaranteed to the citizens, but to establish a democratic balance by making the citizens conscious of their duties equally as they are conscious of their rights.”

- Indira Gandhi

Beyond Article 51A: Are Citizens' Duties Limited to the Constitution?

Article 51-A enumerates 11 fundamental duties that citizens are supposed to follow. But the pertinent question is, are the duties of citizens limited to the 11 fundamental duties given under Article 51A? Or is it possible that the ideals of social, economic, and political justice and the promotion of fraternity and brotherhood, which our constitution strives to achieve, are possible without the endeavours of citizens? The answer to these questions will be in the negative, especially in contemporary times where we are moving towards an era to minimise the difference between the state and citizens and to maximise the participation of citizens in governance.

India is a land of multi-culture, multi-religion, and multi-ethnicity. To ensure the peaceful coexistence of this diversity, the Constitution imposes a duty on every citizen to promote brotherhood among all the people, transcending religious, linguistic, or sectional diversity. Therefore, it strives towards preventing the menace of communalism and factionalism. But from the last couple of years, menaces like rumour-mongering, propagation of fake news, mob lynching and mob vigilante have become rampant in our society. All these social evils are a threat to any nation, and they act as a major bottleneck in our dream of becoming a global power. An epitome of unity in diversity, India has shown the world that the peaceful coexistence of diversity is possible. India has remained a paragon of unity in diversity, and it is the responsibility of citizens to preserve this status and culture. Therefore, it is the duty of every citizen to show their allegiance towards the ideals enshrined in the constitution, both in the letter and the spirit.

Hence, apart from the duties which are enumerated in the constitution, there are a plethora of other duties that are implied in our constitution that the citizens of this country are supposed to follow. And these duties are equally important for the socio-economic development of our country. These duties include the duty to vote, the duty to pay taxes, the duty to keep the premises clean, duty to help accident victims, the duty to prevent pollution, the duty to not indulge in rumour-mongering and not believe in fake news, the duty to uplift the minorities and the weaker section, duty to not promote casteism and communalism and to not practice such ideologies that are a threat to the peaceful coexistence and unity of our country, to not indulge in any form of physical and verbal violence, etc. It is the duty of citizens to perform their professional as well as their personal roles properly so that they contribute towards the socio-economic development of our country. It is the duty of the citizens to remain aware and informed about the affairs of the country and not to become victims of any fake news or any propaganda that promotes menaces like factionalism and communalism. While exercising the legal right of right to vote, it is the foremost duty of citizens to exercise their choice carefully and responsibly without being influenced by anyone. It is the informed, aware, and responsible citizens who form the bedrock of this country and who are going to shape the future of this country.

The fundamental duties play a very important role in achieving the ideals enshrined in our Preamble, and without civic duties and responsible citizens, the state can't achieve those ideals on its own. It's only when all the citizens come together and fulfil their duties, which are both

explicit in the constitution as well as implicit in the constitution, that India can be a developed nation.

Civic Responsibility in Crisis: Citizens' Duties in the Post-COVID Era

“Do not ask what your country can do for you; rather, ask what you as a citizen can do for your country.”

- John F Kennedy

The last year has been catastrophic. The unprecedented COVID-19 has drastically affected our lives in the sense that no section of society is left untouched by the grave consequences of it. The deeply entrenched social and economic inequality, the digital divide, and the division of society into haves and have-nots have become more conspicuous. The repercussions have remained so glaring and unaltered that many experts and veterans have now divided the world into pre-COVID and post-COVID eras. Such is the impact of COVID-19 that we are still fighting. Therefore, in such a situation, the citizens' responsibilities have increased, and it goes beyond following the basic civic duties of wearing masks and following social distancing. In every sense, we need to become more ethical, moral, and humane towards each other as well as toward our nation. As Mahatma Gandhi said, *“The best way to find ourselves is to lose and immerse ourselves in the service of others”*. It is only when we are individually conscious of our duties and perform them religiously that our collective development is possible. The post-COVID era requires more responsible citizens who are not only aware of their duties but also follow them religiously by actively participating in the nation-building process.

As we are entering a new era, we should all use the challenges that the virus has thrown at us as an opportunity for the holistic development of our country. The glaring inequalities and challenges that are highlighted by COVID-19, as well as those created by COVID-19, should be used as an opportunity to we can work towards eradicating these inequalities and differences. As citizens, these challenges should be kept in mind so that while fulfilling duties, citizens can also play an equal role in reducing the socio-economic inequalities that are prevalent in our country.

Therefore, there is not even an iota of doubt that we are living in a challenging time, and hence, the role played by the citizens is equally important as the state's role in deciding the future of

our country. We have entered a new decade, and with this, India becomes the country with the world's largest youth population, who will play an indispensable role in shaping India's future, which can only be achieved through responsible citizens. The responsibility of citizens doesn't end with their right to exercise the right to vote. In a democracy, citizens are supposed to use their reasoned decisions and participate in every step of nation-building. Therefore, a new India which is free from poverty, inequality, pollution, illiteracy, etc, can only be built with the endeavour of all the citizens irrespective of their identity. In his book India of my dreams, Mahatma Gandhi said, *"It is the duties that give origin to the rights. If we all discharge our duties and responsibilities, it will not be difficult for us to seek our rights. The following duties will make it easier for us to claim our rights. But if we run after rights while leaving the duties unperformed, they escape us like a will-o'-the-wisp."*

It is high time that we, as citizens, take accountability for the condition of our country. The state role has to be performed by the state and its agents, but at the same time, the role of citizens' duties can't be underestimated. After all, the citizens of the country are the biggest assets and resources that any nation can have. And therefore, citizens of the country have the power to either make the nation or to break it. It is only when the citizens of the country truly understand and follow their duties that our dream of building a strong nation can be fulfilled. The dream to have a nation free from the menaces of casteism, communalism, violence against women and minorities, etc, can be possible only when each citizen comes forward and fulfils their responsibility. Nation-building lies in the upliftment of every individual in this country, which can only be achieved when citizens contribute to this process. After all, citizens are the very foundation on which our nation is built, and the stronger the foundation, the stronger the nation.

"In the time of impossible odds, citizens who love their country can build their nation".

- Barack Obama