

NEED OF THE FUNDAMENTAL DUTIES

*Chitra Upadhyay**

It is an unfortunate fact of today's life that patriotism is diminishing. Certain individuals and groups place interests of narrow groups and communities above the nation and are threatening to break the unity and integrity of the country. The feeling of oneness is undermined. Caste, communal and linguistic feelings and animosities are threatening to destroy the fraternity among people. Far from achieving emotional integration, we are emotionally disintegrating.

Indiscipline and indecent behaviour is seen everywhere. Qualities of selfless service and self sacrifice in national interest by individuals, which were the hallmark during national struggle are no more visible. Selfishness and greed have overtaken them. Consequently the desire to enrich oneself at the cost of society and exploitation of the poor and of those in misery has crept in all trades and professions. Individuals are after short cut methods for securing everything without realizing that nothing worthy could be achieved in life without hard and sincere work.

Soli J. Sorabji, the former attorney General for India said, "Intolerance stems from an invincible assumption of wisdom and infallibility of one's beliefs and the mindset which regards any questioning of these cherished beliefs as pernicious and subversive..... freedom to dissent which is a prerequisite of democracy is under siege..... our people are steeped in superstition. Irrational beliefs, practices and customs are pervasive. Rational dispassionate thinking and spirit of inquiry has taken back seat."

Thus the erosion of civil human behaviour which is growing sharper day by day needs to be arrested and remedial measures taken as to improve the situation. Realization and performance of one's duty alone can put a check on this trend. At his prayer meeting in Delhi on June 28, 1947 Gandhiji had stated, "I learnt my duties on my mother's lap she was an unlettered village women.....she knew my dharma." Infact non-adherence to duty has led to the state of anarchy in society and destruction of the individual himself. The lifeblood of civilized society is the adherence and obedience to citizen duties and values.

In the present grim scenario, the fundamental duties enshrined in the Constitution of India Part IV A, Article- 51A have become all the more relevant. Articulation of fundamental duties of citizen is a wonderfully inspired feature of the Indian Constitution. Fundamental duties are the foundation of human dignity and national character. Fundamental duties need to be taught and revered. Man doesn't live in vacuum isolated from fellow men. He exists for good of others as

* Research Scholar, Department of Education, Mahatma Gandhi Kashi Vidyapith, Varanasi.

well as the good of himself. The ability of man to differentiate between right and wrong separates him from other beings. This knowledge is inculcated in man by imbibing duties of a citizen making one responsible to himself and to society in which he resides.

These fundamental duties are such commitments that extend to citizens as well as state at large. According to the fundamental duties all citizens should respect the national Symbols as well as the Constitution of India. The fundamental duties of the land also intend to protect the unity of the nation; to uphold the right of equality of all individuals; renounce practices derogatory to women; defend the environment and public property; to build up scientific temper; to disown violence, to struggle towards excellence and to offer compulsory education, to children from 6 to 14 yrs. of age.

The importance of generating awareness about and inculcation of fundamental duties cannot be denied. Pandey (2004) found in her study that there exists significant positive relationship between awareness of Fundamental duties and inculcation of values related to the same. This proves the importance and urgency of making people aware about the Fundamental duties, as awareness of the same will definitely help in inculcating the values inherent in the Fundamental duties.

Citizens are morally obligated by the Constitution to perform the fundamental duties. However they are non-justiciable incorporated only with the purpose of promoting patriotism among citizens. They serve as a reminder to the citizens that while enjoying their rights, they should also be conscious of duties they owe to their country, to their society and their fellow citizens. Under it we can and we must also recognize and practice the principle that it is everyone's duty to guarantee, safeguard and protect the assured rights and liberties of others.

The fundamental duties serve as a warning against the anti-national and anti-social activities like burning the national flag, destroying public property and so on. They serve as a source of inspiration for the citizens and promote sense of discipline and commitment among them. "They create a feeling that the citizens are not mere spectators but active participants in the realization of national goals." (J.C. Johari, 2007)

The fundamental duties help the court in examining and determining the constitutional validity of a law. In 1992 the Supreme Court rule that in determining the constitutionality of any law if a court finds that a law in question seeks to give effect to a fundamental duty it may consider such a law to be reasonable in relation to Article 14 and Article 19 and thus save such a law from unconstitutionality.

The fundamental duties have the potential to regenerate and reconstruct the nation. It is an irony that a large percentage of citizens of India do not even know about the existence of Article 51 A in the Constitution much less its provision. The Advisory panel in its consultation paper on 'Effectuation of Fundamental duties of

citizens' (2001) stated that "Effectuation of Fundamental duties is the ladder with elucidation and elaboration as the first step; awareness as the second; inculcation as the third; aspiration as the fourth; implementation as the fifth; besides enforcement. If colloquia and consultation on Fundamental duties in the context of given events or situations or organized by citizens' groups in this mode, it will be easier for them to comprehend the full import of the provision of Article 51A."

But the inculcation of fundamental duties is not possible unless these are brought into the mind and living processes through teaching and education. Towards creating more awareness and consciousness of Fundamental duties among citizens, Justice Verma Committee recommended that citizenship values should be understood in combination of rights and duties, approach towards school curriculum to be reoriented and teachers of all the subjects at all levels have to be oriented and trained to disseminate the values associated with Fundamental duties. The textbooks prescribed at the school level need to be deliberately designed to include the fundamental duties in order to facilitate the knowledge and awareness of fundamental duties. The students at the school are at an impressionable age, as such the textbooks can be instrumental in moulding their mind and soul, so as to make them duty oriented.

References:

- Basu, D. D. (1998). Introduction to the Constitution of India. Prentice Hall of India Pvt. Ltd. New Delhi.
- Johari, J.C. (2007). The Constitution of India a Politico legal study. – Sterling Publishers Pvt.Ltd. New Delhi.
- National Commission to review the working of the Constitution (2001). A Consultation Paper on Effectuation of Fundamental duties of citizens, Available at- lawmin.nic.in/ncrwc/finalreport/v2b1-7.htm
- Pandey, K. (2004). Study of Awareness and Inculcation of Values inherent in the Fundamental Duties in the Indian Constitution among Primary and Secondary School Teachers- Report of major project- financed by N.C.E.R.T., New Delhi.
- Report of Justice Verma Committee (1999). Operationalization of Fundamental Duties, MHRD, New Delhi.
- Sorabjee, J.S. (2004). Rights have duties – The Indian Express available at- <http://www.IndianExpress.com/oldstory/5587/>.