

## Fundamental Rights vs. Duties

### Why in news?

Prime Minister Narendra Modi claimed that people have been talking about rights since India's Independence while ignoring their duties, which has kept the country weak.

### What are fundamental rights?

- Fundamental rights are the basic human rights enshrined in the Constitution of India which are guaranteed to all citizens.
- Fundamental rights are **enforceable by the courts**, subject to certain conditions.
- **Articles 12-35 of Part-3** of Indian Constitution deal with Fundamental Rights.
  1. Right to Equality (Article 14-18)
  2. Right to Freedom (Article 19-22)
  3. Right against Exploitation (Article 23-24)
  4. Right to Freedom of Religion (Article 25-28)
  5. Cultural and Educational Rights (Article 29-30)
  6. Right to Constitutional Remedies (Article 32)
- Fundamental rights are **not absolute** as they have reasonable restrictions subjected to the conditions of state security, public morality and decency and friendly relations with foreign countries.
- Fundamental rights **can be amended** by the Parliament by a constitutional amendment **without altering the basic structure** of the Constitution.
- Fundamental rights can be suspended during a national emergency. However, the rights guaranteed under **Articles 20 and 21 cannot be suspended**.
- The application of fundamental rights **can be restricted** in an area, which has been placed under martial law, or military rule.
- Certain fundamental rights are available only to the citizens, namely:
  - Article 15- Right against discrimination on the grounds of religion, race, caste, sex or place of birth
  - Article 16- Right to equality of opportunity in matter of public employment
  - Article 19- Freedom of speech and expression, assembly, association, movement, residence and profession
  - Article 29 and 30- Cultural and Educational rights

### What are fundamental duties?

- Fundamental duties basically imply the moral obligations of all citizens of a country.
- Originally, the fundamental duties of India was not a part of the Indian Constitution.
- The Fundamental Duties were added in **1976**, upon recommendation of the **Swaran Singh Committee** that was constituted by Indira Gandhi just after the declaration of national emergency.
- 10 duties were added by the **42nd Amendment** and 11<sup>th</sup> duty was added by the **86th Amendment** in 2002.

- Currently there are **11 fundamental duties** under **Article 51A, Part IV-A** of the Constitution.
- Fundamental Duties are **non-justiciable** and hence can't be taken to **the court of law (non-enforceable)**.

## What are the concerns of seeking dichotomy between the rights and duties?

- The evolution of a democratic society is centred around the expansion of rights — civil, political, economic and cultural, leading to the empowerment of people.
- Rights and duties complement each other, just as responsibility comes with freedom.
- Any shift in state policy emphasis from rights to duties will be inappropriate to many for whom the realisation of even fundamental rights is still a work in progress.
- The obligation of individual citizens to the collective pursuit of a nation can be meaningful when their rights are guaranteed by the state.
- Citizens already perform a range of duties such as paying taxes adhering to civil and criminal laws, paying fines and taking part in elections.
- Hence, to claim that people are only or mainly talking about rights while ignoring their duties is untrue.
- The emphasis on duty along with the de-emphasis of rights also raises the threat of moving into pre-Republican norms in social relations.
- The citizen has a right to use a public road, and a duty to obey traffic rules. The right and the duty are meaningful only in conjunction.
- The best thing a government can do is to guarantee and uphold the rights of citizens.

## References

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