

A CRITICAL STUDY ON CORRELATION BETWEEN FUNDAMENTAL RIGHTS AND FUNDAMENTAL DUTIES WITH SPECIFIC EMPHASIS ON THEIR EXECUTION

Suman Surela

Research Scholar, Department of Law, University of Rajasthan, Jaipur

Abstract - Rights and duties are two phases of the same thing. Rights are considered to be essential for the expansion of human personality. They offer to the individual a sufficient scope for free action and thus prepare ground for self-development. Duties are defined as moral obligation to all citizens to help and promote a spirit of patriotism and to uphold the unity of India. Fundamental rights and duties are like to two sides of a coin, absolutely inseparable whenever and wherever we have any rights, we must have corresponding duties. Let us be very clear that there can be no rights without an equal measure of corresponding duties. As a citizen of democratic country, we all are privileged to have some fundamental rights but apart from these rights we also have fundamental duties which we regularly talk about. We always harp on our rights where ever we can and neglect the duties. We generally have. As a citizen of our country, we enjoy the rights of privileged citizen and often we complain of the government's inability to provide services similarly in an organization, as an employee or a student in an institution, we complain about inadequacies of the system but when it comes to our duty for the nation or institute, most of the times we are not aware to all. For instance, as a responsible citizen, we have the duty of protecting the public properties, which we do not hesitate to destroy while protesting or demanding our rights. Everyone has a duty to be a responsible citizen. So, we need to know and learn our rights and duties for the welfare of the society and the country.

Keywords: Fundamental rights, Fundamental duties, correlation, development, growth, enforcement, uplift the dignity, inadequacy.

1 WHAT IS FUNDAMENTAL RIGHTS:

Fundamental rights are the basic human rights. They offer to the individual a sufficient scope for free action and thus prepare ground for self-development. Part III of Indian constitution contains the fundamental rights. Fundamental rights are essential for development of personality of every person. They offer to the individual a sufficient scope for free action and thus prepare ground for self-development. Fundamental rights are available to any person, non-citizens and any individual.

Like: Right to equality, right to speech and expression etc. These are considered in Article 12 to 35 of the constitution of India.¹

Fundamental right applies universally to all people, in case of fundamental right violation, the Supreme Court and High court can be approached directly for ultimate justice as per Article 32 and Article 226 of the Indian constitution.

¹Constitution of India, Author – Dr. Jai Jai Ram Upadhyaya, Published by Central Law Agency, Addition-2022

There are six fundamental rights recognized by the Indian constitution: -

1. Right to equality (article 14- 18)²
2. Right to freedom (article 19- 22)³
3. Right against exploitation (article 23- 24)⁴
4. Right to freedom of religion (article 25- 28)⁵
5. Cultural and educational rights (article 29- 30)⁶
6. Right to constitutional remedies (article 32)⁷

1..Right to Equality (Article 14- 18)

Article 14 – Equality before law: The state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India
Article 15 – The state shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or only of them.

²Article 14 to 18 of the Indian Constitution

³Ibid.

⁴Ibid.

⁵ Ibid.

⁶ Ibid

⁷Ibid.



Article 16 – Equality of opportunity in matters of public employment

Article 17- Abolition of untouchability

Article 18- Abolition of all titles except military and academic

1.2 Right to Freedom (Article 19- 22)

Article 19- protection of certain rights regarding Freedom of speech, etc.

Article 20- protection in respect of conviction for offences

Article 21- protection of life and liberty

Article 21- A- Right to education

Article 22- protection against arrest and detention in certain cases

1.3 Right against Exploitation (Article 23-24)

Article 23-Prohibition of traffic in human beings and forced labour

Article 24- Prohibition of employment of children in factories, etc.

1.4 Right to freedom of religion (Article 25- 28)

Article 25- Freedom of conscience and free profession, practice and propagation of religion

Article 26- Freedom to manage religious affairs

Article 27- Freedom as to payment of taxes for promotion of any particular religion

Article 28- Freedom as to attendance at religious instruction or religious worship in certain educational institutions

1.5 Cultural and Educational Rights

Article 29- protection of interests of minorities

Article 30- Rights of minorities to establish and administer educational institutions

1.6 Right to Constitutional Remedies

Article 32- Remedies for enforcement of rights.

The fundamental rights mark the beginning of new era in the constitution history of India. They are the foundation stone of democratic system in India. Fundamental right determines relations between man and state; they establish the rule of law in India. Fundamental rights have psychological importance which no government can undermine.⁸

⁸Article 32 of the Indian Constitution.

2 WHAT IS FUNDAMENTAL DUTIES: -

Duty is the responsibility- legal, ethical or moral that we own towards our profession, our family, society, nation and humanity. Duty is an obligation and it promotes social well-being and collective goal.

Like: It is a citizen's duty to report a crime to their local law enforcement agency.

Part IV- A of the Indian constitution contains the fundamental when the constitution was adopted there was no provision of the fundamental duties but in the year of 1976, the Sardar Sawarn Singh committee was formed to make recommendation about fundamental duties. Committee recommended to include fundamental duties as a separate chapter in the constitution and stressed the need to make people aware of the duties. They have to perform along with enjoying rights. After the recommendation of the Sardar Sawarn Singh committee, the fundamental duties was included in the Indian constitution as the part – IV-A (Article 51- A) was added with 10 duties while 11th duty was added by 86th amendment of the constitution in the year of 2002.⁹

The fundamental duties noted in the constitution are as follow;

- a. To abide by the constitution and respect its ideals and institutions, the national flag and the national anthem;
- b. To cherish and follow the noble ideals which inspired our national struggle for freedom;
- c. To uphold and protect the sovereignty, unity and integrity of India;
- d. To defend the country and render national service when called upon to do so;
- e. To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities, to renounce practices derogatory to the dignity of women;
- f. To value and preserve the rich heritage of our composite culture;

⁹Article 51-A of the Indian Constitution.



- g. To protect and improve the natural environment including forests, lake, rivers and wildlife, and to have compassion for living creatures;
- h. To develop the scientific temper, humanism and the spirit of inquiry and reform;
- i. To safeguard public property and to abjure violence;
- j. To strive towards excellence in all spheres of individual and collective activity so that nation constantly rises to higher levels of endeavor and achievement;
- k. Who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six to fourteen years?

Article 51- A in its eleven clauses covers several aspects. If society becomes duty- based, everyone in India should turn attention on performance ensure and be entitled to the rights of a citizen.¹⁰

3 CORRELATION BETWEEN FUNDAMENTAL RIGHTS AND FUNDAMENTAL DUTIES: -

Rights and duties are closely related to each other. These are the two sides of the same coin and cannot be separated from one another. For every right, there is corresponding duty. One man's right is also his duty. If we have a right to work and earn, it is also our duty to recognize the same right of others. When the people fail to fulfill their duties properly, the rights become meaningless. The state protects and enforces rights and it is the duty of all citizens to be loyal to the state. Thus, a citizen has both rights and duties.

Like: If the state gives the right to life to a citizen, it also imposes an obligation on him to not to expose his life to dangers, as well as to respect the life of others.

In the case of **Chandra Bhawan Boarding Vs. State of Mysore, AIR 1970, SCR (2),600**¹¹

The court had opined that it is a grave mistake to think that the constitution only primarily guarantees the fundamental rights and not the duties. The fundamental rights cannot be exercised without the fundamental duties.

- A right becomes an obligation to show respect for others' rights. If we have the right to freedom that it becomes our duty to protect the rights of others and not to misuse this.
- Duties have been imposed as a reminder to the citizens that while enjoying their rights.
- Fundamental duties serve as a warning against the anti- national and anti- social activities.
- Rights and duties are closely related and cannot be separated to each other.
- The main object of duties are to establish a democratic balance by making the people conscious of their duties equally as they are conscious of their rights.

3.1 The Enforcement of Fundamental Rights and Fundamental Duties: -

Fundamental rights are enforceable by the Supreme Court and High court under Article- 32 and Article- 226. The Supreme Court and High court have been empowered to issue writs, namely habeas corpus, mandamus, prohibition, certiorari and Quo- warranto, for the enforcement of Fundamental rights. Fundamental duties are not enforceable through courts. The Fundamental duties are statutory duties and shall be enforceable by law.¹²

In the case of **AIIMS Students Union Vs AIIMS AIR (1983) 1 SCC 471**¹³ The Supreme Court held that fundamental duties though not enforceable by writ of the court, yet provide a valuable guide and aid to interpretation of constitutional and legal issue.

The fundamental duties are designed concerning the individual and the nation. The main object of incorporating the duties is to instill a sense of patriotism in the citizens. There are no legal provisions for the enforcement of the duties. Violation of duties are not punishable but Violation of rights are punishable and justiciable by the courts.

¹⁰Ibid.

¹¹AIR 1970, SCR (2), 600

¹²www.legalserviceindia.com Author Smirti Tiwari

¹³AIR (1983) 1, SCC 471



4 CONCLUSION:

Rights and duties are of great significance. If the rights and duties are aptly enjoyed and performed, a country can boost up its progress. Rights and duties play an important part in the development of a nation or growth of an organization. Rights on the one hand give an individual an opportunity to be a part of development process while duties on the other hand make an individual obliged to play a part in the development. Dutiful citizens are the key factor of development of a country. Rights provide complete freedom and make the people complete their duties. Rights make the citizen real patriots who are always ready even to sacrifice themselves for the protection of the motherland. The optimal relationship between rights and duties of citizen uplift the dignity of the country. Rights and duties of good citizens go hand in hand. Dutiful citizens can enjoy complete rights. Rights are necessary to complete duties. As the famous saying goes- "Great power brings great responsibilities".

5 SUGGESTION:

We need to understand that all of us are responsible for the good and bad of the society. To bring some positive effects in the society and the country, we need to change our thinking in the form of work and we need to know and learn our rights and duties for the growth of society and nation.

As a nation- building measure, teaching fundamental duties in every educational institution and a measure of in-service training everywhere is necessary as these cannot be inculcated in the citizen unless these are brought into their minds and living process through teaching and education. It is the obligation of the state to educate the citizen in the matter of fundamental duties so that a right balance between rights and duties may emerge.

Of course, the duties as such are not legally enforceable by the courts but if a law has been made to prohibit any act or conduct in violation of the duties, it would be reasonable restriction on the relevant fundamental rights. The Supreme Court issued a notice to the government of India to enquire about the government's plan to operationalize the suggestion to teach fundamental duties to the citizens of the country.

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