

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 11th 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

1. <https://www.thehindu.com/todays-paper/tp-opinion/in-conjunction/article38321702.ece>
2. <https://www.myadvo.in/blog/10-fundamental-duties-you-need-to-know-about/>
3. <https://www.deccanherald.com/opinion/the-misplaced-concern-on-duties-1074332.html>