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## RIGHTS AND DUTIES OF INDIAN CITIZENS

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### INTRODUCTION –

In the vibrant democracy of India, the rights and duties of citizens form the bedrock of societal harmony and national integrity. In India, the rights and duties of its Citizens are enshrined in the Constitution of India, thus ensuring a balance between privileges and responsibilities. The rights are categorized into Fundamental Rights and the duties as Fundamental Duties. These rights and duties also strike a balanced relationship between the state and its citizens, promoting both individual freedoms and collective responsibility.

### FUNDAMENTAL RIGHTS –

Part III of the Constitution of India contains a long list of Fundamental Rights. This chapter of the Constitution of India has very well been described as the Magna Carta of India<sup>1</sup>. The inclusion of a chapter of Fundamental Rights in the Constitution is in accordance with the trend of modern democratic thought, the idea being to preserve that which is an indispensable condition of a free society.

Speaking about the importance of Fundamental Rights in the historical judgement of *Maneka Gandhi v. Union of India*<sup>2</sup>, Bhagwati J. observed: “These fundamental rights represent the basic values cherished by the people of this country since Vedic times, and they are calculated to protect the dignity of the individual and create conditions in which every human being can develop his personality to the fullest extent.”

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<sup>1</sup> Vol. 1, V.G. Ram Chandran, *Fundamental Rights and Constitutional Remedies*, p 1, (Eastern Book co, 1968)

<sup>2</sup> *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248

The Fundamental Rights as incorporated in the Constitution of India can be classified under the following six groups: -

- (a) Right to Equality (Articles 14-18)
- (b) Right to Freedom (Articles 19-22)
- (c) Right against Exploitation (Articles 23-24)
- (d) Right to Freedom of Religion (Articles 25-28)
- (e) Cultural and Educational Rights (Articles 29-30)
- (f) Right to Constitutional Remedies (Articles 32-35)

These fundamental rights are a guarantee against state action as distinguished from violation of such rights by private parties. The definition of State is mentioned under Article 12 of the Constitution of India.

### **FUNDAMENTAL DUTIES –**

Part IV-A of the Indian Constitution consists of only one Article 51-A, which was added by the 42nd Amendment Act, 1976, which talks about the Fundamental Duties. These are the moral responsibilities of the citizens of India to help promote a patriotic spirit and to uphold the unity of the country.<sup>3</sup>

Rights and duties are correlative. The fundamental duties are, therefore, intended to serve as a constant reminder to every citizen that the Constitution specifically conferred certain Fundamental Rights.

The Constitution of India provides 11 Fundamental Duties, some of which are to abide by the Constitution and respect the National Flag and the National Anthem, cherish the noble ideals that inspired our national struggle for freedom, uphold and protect the sovereignty, unity, and integrity of India and its rich heritage, develop scientific temper, humanism and spirit of inquiry and reform, and also to provide opportunities for education to child or ward between the age of 6 and 14 years and many more.<sup>4</sup>

It is significant to note that none of the constitutions of western countries specifically provide the duties and obligations of citizens. The Constitution of Soviet Union however, lay great emphasis on citizen's duties. Fundamental duties instil a sense of civic responsibility and

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<sup>3</sup> SRR & CVR Govt. Degree College, <https://srrcvr.ac.in/pages.php?menu=best-practices&slug=fundamental-right> (last visited June 5, 2024)

<sup>4</sup> Centurylawfirm.in, <https://srrcvr.ac.in/pages.php?menu=best-practices&slug=fundamental-right> (last visited June 7, 2024)

encourage citizens to contribute to the welfare of the society and the nation. Duties like respecting the national flag, the national anthem, and cherishing the noble ideals of the freedom struggle promote national unity and integrity.

Fundamental Duties though not enforceable by a writ of the court, yet provide a valuable guide and aid to interpretation of constitutional and legal issues. In case of doubt or choice of people's wish as manifested through Article 51A can serve as a guide not only for resolving the issues but also for constructing or moulding the relief to be given by the courts. Constitutional enactment of fundamental duties if it has to have any meaning must be used by the court as tool to tap, even a taboo, on state action drifting from constitutional values.<sup>5</sup>

### **CONCLUSION –**

The rights and duties of Indian Citizens are two sides of the same coin, designed to promote a balanced and harmonious society. While Fundamental Rights empower individuals by guaranteeing freedom, equality and certain other rights, Fundamental Duties encourage citizens to act responsibly and contribute to the nation's welfare. Embracing both ensures a robust democracy where every individual can thrive while contributing to the nation's progress, integrity, development and unity.

The balance between rights and duties is crucial for the stability and progress of the nation. Rights provide the framework for individual freedoms and democratic participation, while duties emphasize the collective responsibility towards society and the nation.

Thus, the interplay of rights and duties is fundamental to the strength of Indian democracy. It encourages active and informed citizenship. Promotes social justice and ensures the sustainable development of the country. Citizens must be aware of both their rights and their duties, as this awareness is vital for the protection of individual liberties and the advancement of society as a whole.

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<sup>5</sup> Dr. J. N. Pandey, *Constitutional Law of India*, p 483, (Central Law Agency, 1969)