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FUNDAMENTAL DUTIES AND CIVIC ACCOUNTABILITY: BEYOND FLAG-SALUTING AND ANTHEM-SINGING

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THE FORGOTTEN HALF OF THE CONSTITUTION

Ask most Indians what the Constitution gives them, and they will speak readily of rights. Ask what it asks of them, and the room goes quiet. Part IVA of the Constitution, which lists the Fundamental Duties under Article 51A, is arguably the least discussed portion of our constitutional text.¹ It was inserted by the 42nd Amendment in 1976, under conditions that have long cast a political shadow over it. The association with the Emergency has made many commentators reluctant to take the Duties seriously, as though giving them attention might somehow validate the circumstances of their origin. That reluctance has cost us something.

The Swaran Singh Committee, which recommended the inclusion of Fundamental Duties in the Constitution, was clear that rights and duties are two sides of the same coin.² A constitutional order that speaks only of what citizens may demand of the State, while saying nothing of what citizens owe each other and to the republic, is incomplete. The question worth asking today is not whether Fundamental Duties belong in the Constitution; they do, and they are there. The question is what we have done with them.

WHAT THE DUTIES ACTUALLY SAY

The standard public discourse on Fundamental Duties reduces them to two: stand for the national anthem, respect the national flag. These are in the list, but they are far from the whole of it. Article 51A asks citizens to cherish and follow the noble ideals which inspired the

¹Constitution of India, 1950, art 51A, inserted by the Constitution (Forty-Second Amendment) Act, 1976.

²Swaran Singh Committee Report on Fundamental Duties, 1976, para 3.2.

freedom struggle;³ to develop scientific temper, humanism, and the spirit of inquiry and reform;⁴ to safeguard public property; to strive towards excellence in all spheres of individual and collective activity; and to protect the natural environment. Read together, these provisions describe not a ceremonial subject but an active, thinking, questioning, participating citizen.

Gandhi once wrote that the true source of rights is duty.⁵ The framers of the constitutional amendment understood this. The duty to develop scientific temper is a duty to question, to seek evidence, to resist superstition and authoritarian certainty. The duty to cherish the ideals of the freedom struggle is a duty to remember that those ideals included dissent, protest, and the refusal to accept unjust authority without challenge. Far from demanding passive compliance, Article 51A, properly read, calls for an engaged and vigilant citizenry.

Courts have occasionally acknowledged this. In *AIIMS Students Union v. AIIMS*,⁶ the Supreme Court noted that Fundamental Duties are not mere pious declarations and should inform statutory interpretation. The Ranganath Misra Commission in 2007 went further, recommending concrete mechanisms to operationalise the Duties in public life.⁷ Neither the judicial observation nor the Commission's recommendations have been seriously followed up. The Duties remain, in practice, decorative.

THE GAP BETWEEN TEXT AND PRACTICE

The gap between what Article 51A says and how it is actually understood reflects a broader failure of civic education and constitutional culture. When Fundamental Duties are taught at all, they are taught as a list to be memorised, not as a framework for democratic participation. School civics lessons present the duties alongside rights as parallel columns in a table, which misses the point entirely. Rights and duties are not parallel; they are interdependent. The right to free speech is meaningful only in a society where citizens actually speak up, engage with public affairs, and hold power accountable.

There is also a troubling tendency in political discourse to invoke Fundamental Duties selectively. Governments have at various times appealed to the duty to respect national symbols

³Constitution of India, 1950, art 51A(b).

⁴Constitution of India, 1950, art 51A(h).

⁵Mahatma Gandhi, *Young India*, 20 July 1921: "The true source of right is duty."

⁶*AIIMS Students Union v. AIIMS*, (2002) 1 SCC 428, 452 (observing that Fundamental Duties are relevant to statutory interpretation).

⁷*Ranganath Misra Commission Report on Minorities*, 2007, Ch. 5 (recommending mechanisms to operationalise Fundamental Duties).

as justification for penalising dissent, while paying no attention to the duty to develop scientific temper or the duty to protect the environment. This selective deployment turns the Duties into instruments of conformity rather than tools of active citizenship, which is precisely the opposite of what a genuine reading of Part IVA supports.

THE DUTY TO PARTICIPATE: A CONSTITUTIONAL READING

The argument here is that Article 51A, read in the spirit of the Constitution as a whole,⁸ supports what we might call a duty to participate. This is not a legal obligation enforceable in court; it is a constitutional-cultural norm that should shape how citizens, institutions, and policymakers understand civic responsibility. It has three practical expressions.

First, engaging with e-governance and public consultation processes. The Government of India and several State governments now run public consultation portals, pre-legislative comment mechanisms, and feedback interfaces for welfare delivery platforms. Most of these go largely unused, not because citizens lack opinions, but because no culture of participation has been built around them. If the duty to develop scientific temper means anything in a democratic context, it means engaging with evidence, reading draft legislation, and submitting a comment rather than simply complaining on social media. The Right to Information Act⁹ gave citizens a tool to ask the State to account for itself. Far fewer people use it than should. A constitutional culture that took Article 51A seriously would treat these mechanisms as civic obligations, not optional exercises.

Second, participating in social audits. The social audit framework under the Mahatma Gandhi National Rural Employment Guarantee Scheme¹⁰ is one of the most under-appreciated institutional innovations in Indian governance. It gives ordinary citizens the power to examine government expenditure records in public forums and question officials directly. It works when communities engage with it and fails when they do not. Social audits have exposed crores of rupees in corruption and brought genuine accountability to a programme that benefits hundreds of millions of people. A citizen who attends a social audit is doing something the Constitution, read properly, asks of them. A citizen who says governance is corrupt and then stays home is failing a duty.

⁸*Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461 (Sikri CJ): the Constitution is a document for governance of a living democracy.

⁹Right to Information Act, 2005, preamble.

¹⁰Ministry of Panchayati Raj, Government of India, *Social Audit Guidelines under MGNREGS*, 2011.

Third, asking questions of institutions. The duty of scientific temper is also a duty to be sceptical of official claims, to demand reasons for government decisions, and to refuse to accept authority simply because it presents itself as authoritative. This is not sedition; it is citizenship. Democratic institutions are stronger when citizens push back against them, file complaints, attend Gram Sabha meetings, write to their representatives, and insist on accountability. The Constitution does not ask citizens to be grateful subjects. It asks them to be active participants in a republic.

CONCLUSION: RECLAIMING PART IVA

Fundamental Duties deserve rescue from two equally unhelpful fates. The first is the fate of being ignored, treated as a constitutional afterthought with no real bearing on how citizens live or how institutions operate. The second is the fate of being weaponised, invoked selectively to demand symbolic deference while doing nothing to build genuine democratic participation.

Reclaiming Article 51A means reading it as it was written: as a call for active, engaged, questioning, participatory citizenship. It means building the duty to participate into civics education, into the design of governance platforms, and into the expectations we hold of ourselves and each other as members of a republic. It means treating social audits, public consultations, RTI applications, and Gram Sabha attendance not as optional extras but as expressions of what the Constitution asks of us.

A constitution is only as strong as the civic culture that surrounds it. Part IVA, read seriously, is an invitation to build that culture. It is time we accepted the invitation.