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RIGHTS AND DUTIES OF INDIAN CITIZENS

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ABSTRACT

This article explores the interplay between Fundamental Rights and Fundamental Duties under the Indian Constitution, highlighting how awareness of rights does not automatically translate into responsible citizenship. It examines Article 51A's eleven duties, introduced through the 42nd Amendment, alongside key constitutional rights like equality and free speech. The discussion emphasizes that a balanced exercise of both rights and duties is essential for justice, democracy, and national progress.

INTRODUCTION

Not everyone is fully aware of their rights and duties. Knowing one's rights does not automatically mean knowing one's duties, and the reverse is also true. Once people become aware of their rights, they should use them responsibly and meaningfully. However, there is no guarantee that a person who understands their rights also understands their responsibilities toward society and others.

In today's world, where the possibility of exploitation often exists, it is important for individuals to recognize the value of fulfilling their duties while also exercising their rights wisely. Rights should be used not only for personal benefit but also in ways that contribute to the well-being of others.

In fact, standing up for one's rights can itself be considered a duty, especially when those rights are being violated. At the same time, even when individuals gather the courage to defend their rights, they may feel powerless if the system itself is flawed, inefficient, or corrupt. In such situations, the gap between legal rights and actual justice becomes evident, leaving people frustrated and disillusioned despite their awareness and efforts.

CONNECTION WITH INDIVIDUALISM

Individualism is the idea that the freedom and rights of an individual are very important. It believes that people should have the liberty to make their own choices, express their opinions and control their own lives with minimal interference from the state. Neo-liberal thinkers strongly supported individualism because they believed that personal freedom and free markets help society progress.

ORIGIN OF FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES

According to Wikipedia, The Fundamental Rights and Directive Principles had their origins in the Indian independence movement, which strove to achieve the limits of liberty and social welfare as the goals of an independent Indian state. The development of constitutional rights in India was inspired by historical documents such as England's Bill of Rights, the United States Bill of Rights and France's Declaration of the Rights of Man. The demand for civil liberties formed an important part of the Indian independence movement, with one of the objectives of the Indian National Congress (INC) being to end discrimination between the British rulers and their Indian subjects. This demand was explicitly mentioned in resolutions adopted by the INC between 1917 and 1919. The demands articulated in these resolutions included granting to Indians the rights to equality before the law, free speech, trial by juries composed at least half of Indian members, political power, and equal terms for bearing arms as British citizens.

FUNDAMENTAL RIGHTS AND FUNDAMENTAL DUTIES

Some important rights available to Indian citizens include the right to equality, freedom of speech and expression, freedom of religion, protection against exploitation, and access to constitutional remedies when rights are violated. However, the right to property was removed from Part III of the Constitution by the 44th Amendment in 1978. The purpose of the Fundamental Rights is to preserve individual liberty and democratic principles based on equality of all members of society. The Fundamental Rights are not absolute and are subject to reasonable restrictions as necessary for the protection of public interest.

According to Unacademy, the following rights are provided in the Indian Constitution:

1. **Right to Equality:** The right to equality is given in the articles 14–18 of the Indian constitution. The articles under the right to equality include the following:
 - Article 14: Equality before law
 - Article 15: Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.
 - Article 16: Equality of opportunity in matters of public employment.
 - Article 17: Abolition of Untouchability.
 - Article 18: Abolition of titles: This article aims to abolish titles such as Rai Bahadur, Raj Bahadur, Maharaja, Taluqdar, Zamindar, etc., because using such titles does not give equal status for all.
2. **Right to freedom:** The right to freedom is given in the articles 19–22 of the Indian constitution
 - 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 personal liberty.
 - Article 21-A: Right to Education.
 - Article 22: Protection Against Arrest and Detention in certain cases.

3. Right against Exploitation: The right to freedom is given in the articles 23 and 24 of the Indian constitution. They are:
 - Article 23: Prohibition of traffic in human beings and forced labor:
 - Article 24: Prohibition of employment of children in factories, etc.
4. Right to freedom of Religion: The right to freedom of religion is given in the articles 25 – 28 of the Indian constitution. They are:
 - 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 the 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
5. Cultural and Educational Rights: These rights are given in the articles 29 and 30 of the Indian constitution.
 - Article 29: Protection of interests of minorities:
 - Article 30: Right of minorities to establish and administer educational institutions:
6. Right to constitutional Remedies The right to Constitutional Remedies gives the citizens the right to approach the Supreme Court or the High Court to implement the fundamental rights. The Courts can issue orders to the government to implement the rights. The right to constitutional remedies is given by articles 32-35 of the constitution\ul style="list-style-type: none;">- Article 32: According to this article, the Courts can grant 5 types of writs namely, Habeas Corpus, Mandamus, Quo Warranto, Prohibition and Certiorari. Each of this writ is explained below:
 - a). Habeas Corpus: This writ is to direct the release of a person detained unlawfully.
 - b) Mandamus: Using this writ, the court can direct a public authority to do its duty.
 - c) Quo Warranto – to direct a person to vacate an office assumed wrongfully.
 - d) Prohibition – to prohibit a lower court from proceeding on a case.
 - e) Certiorari – the power of the higher court to remove a proceeding from a lower court and bring it before itself.
- Article 33: This article gives powers to the Parliament to restrict or revoke (remove) the fundamental rights of the ‘Members of the Armed Forces, paramilitary forces, police forces, intelligence agencies and analogous forces.
- Article 34: According to this article, the fundamental rights can be restricted when martial law (military rule) is implemented.
- Article 35: This article provides authority to the Parliament to make laws on Fundamental Rights These rights help citizens participate confidently in the country's social, economic, and political life.

Alongside these rights, the Constitution also prescribes Fundamental Duties, which act as moral obligations for citizens to contribute to the nation's harmony and development. Fundamental Duties are listed in Article 51A of Part IV-A of the Indian Constitution. They were added by the 42nd Amendment Act of 1976, based on the recommendations of the Swaran Singh Committee. While these duties are not enforceable by law, they serve as moral obligations for every citizen. These are the eleven Fundamental Duties.

1. Abide by the Indian Constitution and respect its ideals and institutions, the National Flag and the National Anthem.
2. Cherish and follow the ideal noble ideals that inspired the national struggle for freedom.
3. Uphold and protect the sovereignty, unity and integrity of India.
4. Defend the country and render national service when called upon to do so.
5. Promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women.
6. Value and preserve the rich heritage of the country's composite culture.
7. Protect and improve the national environment including forests, lakes, rivers and wildlife and to have compassion for living creatures.
8. Develop scientific temper, humanism and the spirit of inquiry and reform
9. Safeguard public property and to abjure violence.
10. Strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavor and achievement.
11. Provide opportunities for education to his child or ward between the age of six and fourteen years. This duty was added by the 86th Constitutional Amendment Act, 2002

RELATIONSHIP BETWEEN RIGHTS AND DUTIES

Rights and duties are closely connected. Rights empower citizens to enjoy freedom and equality, while duties remind them to act responsibly and respect the rights of others. A society can prosper only when citizens understand and fulfill both their rights and duties.

Rights and duties play a vital role in maintaining a democratic and harmonious society. Rights provide citizens with freedom, equality, and protection, enabling them to live with dignity and participate actively in the nation's development. Duties encourage individuals to act responsibly, respect the law, and contribute to the welfare of society. When citizens enjoy their rights while fulfilling their duties, it promotes peace, unity, and progress in the country.

A proper balance between rights and duties is essential for the growth and stability of a nation. Some important rights available to Indian citizens include the right to equality, freedom of speech and expression, freedom of religion, protection against exploitation, and access to constitutional remedies when rights are violated.

CONCLUSION

Rights empower citizens, while duties guide them toward responsible conduct. Both are essential for maintaining democracy, justice, and social harmony. Every citizen should make an effort to understand their rights and perform their duties sincerely. A balanced approach toward rights and duties helps build a stronger, more inclusive, and more prosperous nation.