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RIGHTS AND DUTIES OF INDIAN CITIZENS

~ *Sangita Roy*

“What are my rights?” is a question that comes naturally to us when we feel that something is unfair. We speak about the right to equality, freedom of speech, privacy, education and dignity. But there is another question that receives considerably less attention: **What does being a citizen require from me?**

A constitutional democracy cannot function only through the language of rights. It also depends upon how citizens exercise those rights and how they treat the rights of others. The Constitution of India therefore presents citizenship through both Fundamental Rights and Fundamental Duties. The relationship between them is not one of competition.

The Constitution places Fundamental Rights in Part III. These include equality before law, freedoms under Article 19, freedom of religion, protection of life and personal liberty, and the right to constitutional remedies¹. They provide individuals with a constitutional shield against arbitrary State action. Article 14 guarantees equality before the law and equal protection of the laws². Article 19 protects several democratic freedoms, including speech and expression, peaceful assembly and association, while permitting specified reasonable restrictions³. Article 21 provides that no person shall be deprived of life or personal liberty except according to procedure established by law⁴.

The meaning of these provisions has not remained static. Constitutional interpretation has expanded their reach as society has changed. *In Maneka Gandhi v. Union of India*, the Supreme

¹ INDIA CONST. Pt. III

² INDIA CONST. art. 14.

³ INDIA CONST. art. 19

⁴ INDIA CONST. art. 21

Court adopted a broader understanding of personal liberty and insisted that procedures affecting liberty meet constitutional standards of fairness⁵. In *Justice K.S. Puttaswamy (Retd.) v. Union of India*, a nine-judge Bench recognized privacy as a constitutionally protected right connected with liberty, dignity and individual autonomy⁶.

These decisions demonstrate something important: constitutional rights are not merely words written in 1950. They continue to acquire meaning as new challenges emerge.

But there is a limit to the idea that rights exist entirely independently of social responsibility.

Consider freedom of speech. A citizen has the constitutional freedom to express an opinion, including an opinion that others may strongly disagree with. At the same time, the Constitution itself recognize certain permissible restrictions under Article 19(2). The existence of such restrictions, however, should not be confused with a general requirement that citizens must agree with the State or with one another.

Article 51A sets out the Fundamental Duties of citizens. They include respecting the Constitution and its institutions, protecting the sovereignty, unity and integrity of India, promoting harmony, preserving India's composite cultural heritage, protecting the environment, developing scientific temper, safeguarding public property, avoiding violence and striving for excellence⁷. It also places a responsibility on parents or guardians to provide opportunities for education to children or wards between six and fourteen years of age.

The Fundamental Duties were introduced by the Constitution (Forty-Second Amendment) Act, 1976, while the education-related duty was added through the Eighty-Sixth Amendment in 2002⁸.

At first glance, rights and duties may appear to demand opposite things. Rights tell us what we may claim from the constitutional order; duties remind us what we should contribute to it. But this distinction should not lead us to treat duties as a tool for reducing rights.

There is a significant legal difference between the two.

Fundamental Rights are enforceable through constitutional remedies. Article 32 expressly guarantees the right to approach the Supreme Court for enforcement of the rights conferred by

⁵ *Maneka Gandhi v. Union of India*, (1978) 1 S.C.C 248

⁶ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 S.C.C 1

⁷ INDIA CONST. art. 51A.

⁸ The Constitution (Forty-Second Amendment) Act, 1976, 11; The Constitution (Eighty-Sixth Amendment) Act, 2002, 4.

Part III⁹. Fundamental Duties do not generally operate through an equivalent direct constitutional remedy. Their importance lies principally in the values and responsibilities they articulate.

The Supreme Court has nevertheless recognised their constitutional significance. In *AIIMS Students' Union v. A.I.I.M.S.*, the Court referred to Fundamental Duties as an important part of the constitutional scheme¹⁰. They may also assist courts in understanding legislation and constitutional objectives where relevant. Yet a duty cannot simply be invoked as a shortcut for restricting a right.

For example, the duty to promote harmony cannot mean that every controversial opinion is automatically unacceptable. The duty to respect the Constitution cannot mean that citizens must remain silent when governmental action is alleged to violate the Constitution. In fact, the ability to question public power is itself closely connected with democratic freedom. This is why responsible citizenship should not be confused with unquestioning citizenship.

Take the environment. Article 51A(g) places a responsibility on citizens to protect and improve the natural environment. This responsibility can be seen in ordinary choices: how we treat public spaces, whether we unnecessarily pollute, and whether we consider the effect of our conduct on natural resources and other living beings.

The same reasoning applies to public property. A railway station, government school, public hospital or public bus is not merely something belonging to an abstract entity called “the government.” It exists for public use and is supported by public resources. Deliberately damaging it ultimately imposes a cost on society.

The duty to develop scientific temper is perhaps even more relevant today. Information can reach millions of people within seconds, but information is not automatically knowledge and popularity is not proof of truth. Misinformation, manipulated content and unverified claims can influence public behaviour. Developing scientific temper therefore involves cultivating inquiry, evidence-based thinking and the willingness to question claims rather than accepting them merely because they are widely circulated.

The duty to promote harmony also carries particular importance in a country as diverse as India. The Constitution recognises a society composed of different languages, cultures, regions and

⁹ INDIA CONST. art. 32.

¹⁰ *AIIMS Students' Union v. A.I.I.M.S.*, (2002) 1 S.C.C. 428 (India).

traditions. Constitutional citizenship therefore cannot be based upon uniformity. It must allow diversity while maintaining respect for the dignity and rights of others.

This brings us back to the central issue: **What should the relationship between rights and duties look like?**

It should not be a bargain in which citizens are told that they may enjoy rights only after proving themselves sufficiently “responsible.” Nor should the language of individual rights be used to ignore the consequences of one's actions for others. The better approach is constitutional balance. Rights create the space in which citizens can speak, participate, dissent, worship, associate and live with dignity. Duties encourage citizens to use that space with an awareness of the larger community. Neither concept should be allowed to erase the other.

The broader constitutional structure also supports the importance of maintaining harmony among constitutional values. In *Minerva Mills Ltd. v. Union of India*, the Supreme Court emphasized the need for balance within the constitutional scheme¹¹. Although that case concerned the relationship between Fundamental Rights and Directive Principles, its reasoning is relevant to the broader idea that constitutional values should be understood together rather than in isolation.

Ultimately, citizenship is not merely about possessing an identity card, voting in an election or claiming constitutional rights when something goes wrong. It is a continuing relationship with the constitutional order. A citizen should know the rights that protect them. But knowing those rights is only part of constitutional awareness. Citizenship also involves respecting the rights of others, protecting public resources, caring for the environment, questioning misinformation, respecting diversity and participating in democratic life.

The Constitution does not ask citizens to choose between freedom and responsibility. It asks us to understand why both matter.

Perhaps, therefore, the most useful question is not “Which is more important—rights or duties?” It is this: How can we exercise our rights in a manner that does not weaken the rights, dignity and freedom of others. That is where constitutional citizenship truly begins.

¹¹ *Minerva Mills Ltd. v. Union of India* (1980) 3 S.C.C 625