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RIGHTS AND DUTIES OF INDIAN CITIZENS

~Fizza Jafar

ABSTRACT

The Constitution of India guarantees citizens their Fundamental Rights, but true democracy also demands the fulfilment of Fundamental Duties. This blog explores how rights and duties work as complementary pillars, upholding both individual liberty and collective responsibility.

INTRODUCTION

According to Hood and Phillips, a constitution is a system of law defining the composition of various organs of government, their interrelation inter se and their relation with private individuals.

The twenty-sixth January, 1950 was a red-letter day in the history of India. On that day, the Constitution of India was brought into force. The Constitution of India serves as the supreme law of the land, establishing a democratic republic where rights and duties function as two sides of the same coin. Together, they ensure the growth of citizens in India while maintaining national integrity and harmony.

THE PILLAR OF LIBERTY : FUNDAMENTAL RIGHTS

Part III of the Constitution of India contains a long list of Fundamental Rights. This chapter on Fundamental Rights is the most elaborate and comprehensive set of basic rights which ensures citizens' dignity, freedom and equality. They are classified under the following six groups:

• RIGHT TO EQUALITY - Article 14 to 18

We live in a society where people from all religions, castes, races, etc. live together. To maintain harmony, it is important to treat each and every citizen equally. To ensure this, our

Constitution provides us the Right to Equality under Article 14 which states that the State shall not deny to any person equality before the law and the equal protection of the laws.

• **RIGHT TO FREEDOM - Article 19 to 22**

This right is protected under Article 19, which gives liberties such as freedom of speech, assembly, movement, etc., but these freedoms are subject to reasonable restrictions. Article 21 is also a very important part, which says that no person can be deprived of the right to life or personal liberty except according to the procedure established by law. This article provides a huge number of rights like the right to privacy, legal aid, education, health, etc. Articles 20 and 22 also protect citizens in criminal proceedings and against arbitrary State actions.

• **RIGHT AGAINST EXPLOITATION - Article 23 and 24**

This right aims to protect human dignity, especially by prohibiting forced labour, human trafficking and child labour in hazardous working conditions under Articles 23 and 24.

• **RIGHT TO FREEDOM OF RELIGION - Article 25 to 28**

This right gives every citizen the freedom to practice and propagate their religion peacefully and also the freedom to change religion or not to follow any religion.

• **CULTURAL AND EDUCATIONAL RIGHTS - Article 29 and 30**

Cultural rights protect the rights of religious, cultural and linguistic minorities by facilitating them to preserve their heritage and culture. Educational rights are for ensuring education for everyone without any discrimination.

• **RIGHT TO CONSTITUTIONAL REMEDIES - Article 32 to 35**

The Right to Constitutional Remedies empowers the citizen to seek relief from the judiciary when their constitutional rights are violated by the State or any other entity. Article 32 of the Indian Constitution is known as the soul and heart of the Constitution, as it guarantees citizens the right to directly approach the Supreme Court to enforce their rights.

THE PILLAR OF RESPONSIBILITY : FUNDAMENTAL DUTIES

Fundamental Duties are given under Part IV-A, which consists of only one Article, Article 51A, which was added to the Constitution by the Constitution (42nd Amendment) Act, 1976.

This Article states that it shall be the duty of every citizen of India to:

1. Abide by the Indian Constitution and respect its ideals and institutions, the National Flag and the National Anthem.

2. Cherish and follow the 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 natural 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 endeavour and achievement.
11. Provide opportunities for education to his child or ward between the age of six and fourteen years.

DIFFERENCE BETWEEN FUNDAMENTAL RIGHTS AND DUTIES

Basis	Fundamental Rights	Fundamental Duties
Meaning	They are the basic freedoms guaranteed to every citizens to ensure dignity, equality and freedom.	They are the moral and civic obligations of every citizen towards the nation and society.
Purpose	To establish a democratic republic and protect individual liberty against State action.	To promote patriotism, unity, integrity and a sense of responsibility among citizens.
Articles covered	Article 14 to 35	Article 51A only.
Enforceability	Justiciable and enforceable. Citizen can directly approach Supreme Court under Article 32.	Non-justiciable and not directly enforceable by courts.

CASE LAWS :

***M. Nagaraj v. Union of India*¹**

In this case, the Supreme Court held that Fundamental Rights are not a gift from the State to citizens. Part III does not confer Fundamental Rights but confirms their existence and gives them protection. Individuals possess basic human rights independently of any Constitution by reason of the basic fact that they are members of the human race.

***AIIMS Students Union v. AIIMS*²**

In this case, the Supreme Court held that Fundamental Duties are equally important as Fundamental Rights. Though Fundamental Duties are not made enforceable like Fundamental Rights, they cannot be overlooked as "duties" in Part IV-A is prefixed by the same word "fundamental".

¹*M. Nagaraj v. Union of India*, (2006) 8 SCC 212.

²*AIIMS Students Union v. AIIMS*, (2002) 1 SCC 428.

CONCLUSION

Fundamental Rights and Fundamental Duties both are important as they complement each other. There can be no demand for rights if the duties bestowed upon the citizens are neglected. Even though only Fundamental Rights are enforceable and justiciable in nature, Fundamental Duties are also equally important.

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