

Limitations of fundamental duties

Despite the various constitutional importance of the fundamental duties enumerated in the Constitution, certain limitations exist. The various limitations in the context of Fundamental Duties are: Firstly, the inclusion of Fundamental Duties as an Appendix to Chapter IV of the Constitution which has greatly diminished its value and significance. If Fundamental Duties should have been added to Fundamental Rights after Chapter III, then Fundamental Duties would have been accorded the same status as Fundamental Rights.

Second, because fundamental duties are not enforceable by courts, they are treated as moral precepts in practice. No provision has been made in the Constitution to give effect to the Fundamental Duties.

Thirdly, some of the basic duties are vague and difficult for ordinary people to understand. Real meaning cannot be established in the absence of understanding. For example, 'Glory of mixed culture' Words like 'preservation of heritage', 'great ideology' etc. are only abstract concepts. Fourthly, the list of fundamental duties mentioned in the Constitution is not exhaustive. Because this list does not include other important duties like voting, paying taxes, family planning etc.

Fifthly, not all of the fundamental duties recommended by the Swaran Singh Committee were enshrined in the Constitution. The duties recommended by the Committee which have not been adopted are: (1) Parliament may by law provide for appropriate penalties for breach or refusal to comply with any fundamental duty; (ii) contrary to fundamental rights, no suit can be filed in any court on this ground; (3) Paying taxes to the Government shall be regarded as a fundamental duty of citizens.

Sixth, some fundamental duties are of such a nature that there was no need to enshrine them in the Constitution. For example, things like paying respect to the national flag and the national anthem are generally followed by every citizen. Seventh, some fundamental duties are not legally enforceable, because these duties are vague and undefined. As such, the noble ideals that belong to us

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Assessment

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judgments by the apex courts of the country have highlighted the constitutional importance of fundamental duties. It is true that no law has been enacted in the Constitution to compel the observance of fundamental duties. However, the citizens of a democratic country cannot deny their duties towards a fair democratic society.

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