

Indexed at **Manupatra**

Political Bypassing of Fundamental Duties

By *Adv. Shishira Pathak*¹

If there are rights available to a citizen then he must owe some duties too that he must perform for promoting unity and integrity of the nation. Fundamental Rights are given in The Constitution Of India under articles 12-35, which grant rights to the citizens of India like the right to equality (Article 14-18), the Right to freedom (Articles 19-22), right against exploitation (Articles 23-24), right to freedom of religion (Articles 25-28), Cultural and educational rights (Articles 29-30), right to constitutional remedies (Article 32), etc. These rights are included in the constitution because they are considered essential for the development of individual personality. Fundamental rights are given in part iii of the Constitution of India. Fundamental rights are justiciable which means a person can move to courts for their enforcement in case of their violation. Rights must come along with some duties fundamental in nature for example duty of parents to send their children aged between 6-14 years to school. Our constitutional forefathers did not feel it necessary to incorporate Fundamental Duties in the Constitution of India, but later on, it was added by the Government of India in 1976 by the 42nd Constitutional Amendment act on the recommendation of Swaran Singh Committee in which ten Fundamental Duties were incorporated. This amendment added part IVA to the constitution which contained only one article 51 A. One more duty was added in 2002 by the 86th Constitutional Amendment act to provide the opportunity of education to children aged between 6 to 14 years. The committee had recommended the inclusion of a separate chapter for fundamental duties in the Constitution of India. The committee had also recommended penalizing those who do not perform their fundamental duties. Yet there have been very few initiatives to promote Fundamental duties so far. It is also true that the Constitution Of India also provides that Fundamental duties cannot be directly enforced but the Parliament is free to enforce them by the way of legislation, and we all know Parliament includes The President of India, the Lok Sabha, and the Rajya Sabha. Whenever elections are around the corner, the government puts a spotlight on the "right to vote" of citizens. It is voraciously advertised and promoted to educate the people about their voting rights as if it is the only right that a common man of this great nation has. The very fact shows

¹ Practicing Advocate, Patna.

Indexed at **Manupatra**

that there is a political will to promote that right to vote is the only right people have and for the grant of which hardly anyone has to approach the courts. People of this country have been involved in the fight for the right to freedom even after independence but never for the right to vote, as it is available to us under the constitution. Here we are not criticizing the right to vote, it is an important right and must be exercised for the sake of democracy but a few questions arise here which are, is freedom costlier than voting rights? Or is voting right available to people for the sake of their political ambitions and political likeness? Or are the other rights not as important to the people of India? These questions must be answered by our leader.

The degree of affinity which the people and political parties of India have shown towards the voting rights is completely non-existent for the Fundamental duties and other rights, and this can be seen from the big advertisements and posters that are put on to enlighten us about our right to vote just before the elections. Have any of us ever seen any political leader or any famous personality in an advertisement with a message to tell us about our fundamental duties and we must perform them or our rights like the Right to a decent environment and pollution-free air and water? Is this because by promoting such not-so-vote-yielding issues, the political parties or well-known personalities would lose seats in elections or popularity respectively? Why the political parties or leaders and public figure do not spread the message that being a citizen we must have other rights available to us as in article 21 and we should claim them; like the right to electricity, because a power cut still deprive us of this right, right to timely medical treatment in government hospitals; the glaring reality of COVID-19 deaths deprived us of this right, the right to social security and protection of family, right to medical assistance, etc. Similarly, there is freedom of movement which is also available to the citizens of India, but it is very often hampered by long traffic jams wasting many-many hours and money. Why there is no initiative on the part of our leaders to get rid of traffic jams so that every citizen can smoothly move in its country. Why nobody is penalized for traffic jams and why we must know whom to penalize for it; should it be the traffic rule-breakers, the authority which constructed the road full of potholes, or the ruling party? Why there are only rallies by political parties for promoting their vested interests directed towards getting a greater number of votes? Who and when people will ask the political leaders about their goals, that is, winning of elections or welfare of public and on what basis? Why not the politicians go on strikes or do rallies to promote fundamental duties given under Article 51A of the constitution of India. The government must use the resources at their disposal like television media, radio, rallies, newspapers, journals magazines,

Indexed at **Manupatra**

booklets to spread the message. An unimaginable amount of money has been spent on political advertisements to get votes before elections but not a single penny is spent on educating us about our Fundamental duties. Article 21 provides that no person shall be deprived of his life and personal liberty except according to the procedure established by law. In the Maneka Gandhi case and a catena of cases article 21 came to constitute the Right to live with human dignity, decent environment; livelihood, privacy, shelter, health, free legal aid, traveling abroad, individual reputation, etc respectively There are many days declared for promoting awareness about particular causes but why there is no day declared for Fundamental duties and likewise a day for the celebration of rights available to Indian citizens under article 21? Why not declare the 21st of any particular month as the protection of life and personal liberty day? Many problems that we are facing today be its domestic issues, violence against women, increase in criminal activities, mob violence, etc., can be solved if the political fraternity tries to spread awareness about the above-mentioned rights and educate us about our fundamental duties. By promoting it we can inculcate civic sense in our future population. These days we are living only for the individual self, but for a society to grow it must have a sense of duty towards the society itself. Many people do not know that they have a moral duty to protect the rich heritage, improve the natural environment including lakes, forests, rivers, and wildlife, safeguard public property, renounce practices derogatory to the dignity of women. If they get educated about the duties many problems like wilful polluting of lakes, forest, and rivers, destruction to public property like wilful throwing of garbage in drains leading to clogging up of drains and connected sewers along with waterlogging during monsoons, obscenity depicted in television media and music these days can be prevented. It is the right time for our leaders to come out in public and try to spread the knowledge to the people about the rights and Fundamental Duties; only educating the children in schools will not work because we have been doing it for decades but still, we hardly find anyone practicing their duties, similarly we do not find anyone raising their voice to get rid of traffic jams to their political leaders. Even the film industry can do very much to instill the feeling that we must perform our Fundamental Duties and demand our rights or ask Parliament to legislate on these issues. Only the political parties and role models are not to blame. Being the citizens of India, we must also demand initiatives from the Parliament of India. Local leaders, students, and non-governmental organizations can organize Fundamental Duty weeks every month. Media also has a very large coverage of people and now with everyone having smartphones at their disposal, media can take a head start to organizing wide-scale awareness campaigns, of rights mentioned under article 21 and our Fundamental Duties.

Indexed at **Manupatra**

Bibliography

- P.M Bakshi Constitution of India
- Joshi, G(1983).The Constitution Of India

