

# Fundamental Duties – 50 Traps

A comprehensive guide to understanding the most common misconceptions and traps related to Fundamental Duties in the Indian Constitution. These duties, often misunderstood, play a crucial role in balancing rights with responsibilities in our democratic framework.

# Origin & Evolution

## Trap 1

✗ Fundamental Duties existed since 1950.

✓ Added later by 42nd Amendment (1976).

## Trap 2

✗ Swaran Singh Committee suggested all existing Duties.

✓ It recommended 8; Parliament inserted 10 Duties.

## Trap 3

✗ Duties are Indian innovation.

✓ Borrowed from USSR Constitution (1977).

## Trap 4

✗ Duties were inserted by 44th Amendment.

✓ Actually 42nd Amendment.

## Trap 5

✗ Only 10 Duties exist today.

✓ 11 after 86th Amendment (2002).

# Nature & Scope and Specific Duties

## Nature & Scope

### Trap 6

- ✗ Duties are enforceable like FRs.
- ✓ They are non-justiciable (Art. 51A).

### Trap 7

- ✗ Duties apply to State also.
- ✓ They apply only to citizens.

### Trap 8

- ✗ Duties are optional moral values.
- ✓ They are constitutional obligations.

### Trap 9

- ✗ Duties are fixed & exhaustive.
- ✓ Parliament may add more via amendments.

### Trap 10

- ✗ Duties = backward-looking.
- ✓ They are progressive & future-oriented (scientific temper, environment).

## Specific Duties – Tricky Interpretations

### Trap 11

- ✗ Duty to cherish ideals of freedom struggle is symbolic.
- ✓ It is a constitutional mandate (Art. 51A(b)).

### Trap 12

- ✗ Duty to uphold sovereignty = only for Army.
- ✓ Binding on all citizens (Art. 51A(c)).

### Trap 13

- ✗ Duty to defend nation = only military service.
- ✓ Includes national service when called by law (Art. 51A(d)).

### Trap 14

- ✗ Harmony duty = only religious.
- ✓ Covers religious, linguistic & regional harmony (Art. 51A(e)).

### Trap 15

- ✗ Duty to preserve heritage = about monuments only.
- ✓ Includes arts, culture, composite traditions (Art. 51A(f)).

### Trap 16

- ✗ Protect environment = only govt's job.
- ✓ Citizens too must act (Art. 51A(g)).

### Trap 17

- ✗ Develop scientific temper = for scientists only.
- ✓ Applies to all citizens (Art. 51A(h)).

### Trap 18

- ✗ Safeguard public property = police job only.
- ✓ Every citizen must protect (Art. 51A(i)).

### Trap 19

- ✗ Strive for excellence = vague slogan.
- ✓ It directs citizens to raise individual & national standards (Art. 51A(j)).

### Trap 20

- ✗ Education duty = State only.
- ✓ Parents/guardians must provide 6–14 yrs education (Art. 51A(k)).

# Judicial Role & Political Dimensions

## Judicial Role & Enforcement

Trap 21

✗ Courts ignore Duties.

✓ Courts interpret laws in their light (e.g., environment).

Trap 22

✗ No law can enforce Duties.

✓ Many laws already exist: Flag Code, Environment laws, Education Act.

Trap 23

✗ No penalty for violating Duties.

✓ Parliament can attach penalties via ordinary laws.

Trap 24

✗ SC never used Duties in judgments.

✓ Invoked in MC Mehta (environment), AIIMS Students Union (flag).

Trap 25

✗ Duties cannot restrict FRs.

✓ Courts balance FRs with Duties (e.g., free speech limited by Duty to harmony).

Trap 26

✗ Duties are irrelevant in PILs.

✓ SC uses them in PILs (environment, education, heritage).

Trap 27

✗ Courts treat Duties as optional.

✓ They call them fundamental obligations.

Trap 28

✗ Duties have no link to Directive Principles.

✓ Both are non-justiciable but essential to governance.

Trap 29

✗ Duties weaken Rights.

✓ They strengthen FRs by balancing duties of citizens.

Trap 30

✗ Duties cannot guide constitutional interpretation.

✓ SC has read Duties into constitutional morality.

## Political & Social Role

Trap 31

✗ Duties are purely legal.

✓ They also have moral, civic, and political value.

Trap 32

✗ Duties are irrelevant in democracy.

✓ They promote responsible citizenship & integration.

Trap 33

✗ Duties only burden citizens.

✓ They balance rights with responsibilities.

Trap 34

✗ Duties conflict with DPSPs.

✓ They complement DPSPs (e.g., education, environment).

Trap 35

✗ Duties have no political use.

✓ They are used in policy framing, manifestos.

# Amendments & Advanced Concepts

## Amendments & Expansion

### Trap 36

✗ Duties never changed after 1976.

✓ 86th Amendment (2002) added duty for education.

### Trap 37

✗ Parliament cannot amend Duties.

✓ Only via constitutional amendment, not ordinary law.

### Trap 38

✗ 44th Amendment modified Duties.

✓ No — only 42nd & 86th did.

### Trap 39

✗ Duties and DPSPs inserted together.

✓ DPSPs were in original Constitution (1950); Duties added in 1976.

### Trap 40

✗ Duties are an Indian novelty.

✓ Many countries (USSR, Japan, China) also have duties.

## Oddball / Boss-Level Confusion Traps

1

### Trap 41

✗ Fundamental Duties apply even to foreigners.

✓ Only Indian citizens.

2

### Trap 42

✗ Duties automatically enforceable.

✓ Need enabling laws for enforcement.

3

### Trap 43

✗ Non-performance of Duties = unconstitutional act.

✓ Constitution does not penalise directly.

4

### Trap 44

✗ Duties are equal to Rights in status.

✓ They are non-justiciable guiding principles.

5

### Trap 45

✗ Duties are only symbolic text.

✓ They carry constitutional weight & guide judiciary.

6

### Trap 46

✗ Fundamental Duties are self-executory.

✓ Require laws/policies for implementation.

7

### Trap 47

✗ Duties are static obligations.

✓ They evolve with society (e.g., environment, education).

8

### Trap 48

✗ Duties have no connection to nationalism.

✓ They promote patriotism & unity.

9

### Trap 49

✗ Duties are fully achieved in India.

✓ Many still under-fulfilled (harmony, civic discipline, UCC link).

10

### Trap 50

✗ Duties failed as a concept.

✓ They supplement Rights & DPSPs, shaping a balanced constitutional philosophy.