




drishti

## Mains Practice Questions

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**Q.** “Real duties are the result of the fulfilment of rights”. Critically analyse in the context of the Constitutional provisions related to the rights and duties. (250 words)

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### **Approach**

- Highlight the debate between rights vs duties in Indian Context and why it is there.
- Explain why duties are result of rights fulfilment
- Explain why rights are result of duties fulfilment
- Conclude with the need for balance between them.

### **Introduction**

Debate between Rights and Duties, as to which one takes precedence leading to others fulfilment is aptly witnessed in Indian Constitution as these have been adapted from the differing polity of the world like Fundamental Rights from the USA, Fundamental Duties from USSR and DPSPs from Irish Constitution.

### **Body**

#### **Duties are result of rights fulfilment**

- This is premised on the basis that in liberal democracies when citizens get their due rights to exercise, they will perform essential duties towards the prosperity of the nation-state and in this process, the government will also do its duties in providing conducive conditions for practising the rights by citizen.
- For example, when Right to Equality, Against Discrimination, Minorities Protection is ensured as under Fundamental Rights, Fundamental duties of upholding unity and integrity, promoting harmony, women’s dignity will automatically further as everyone would have a stake in achieving so by fulfilling personal social aims.
- Similar would be case when Right to Liberty and Freedom is ensured, the individual’s development will lead to excellence, scientific temper and respect for national ideals.
- In such a process state will do its duties by enabling fulfilling social and economic democracy through DPSP to allow for political democracy i.e. Fundamental Rights.

#### **Rights are result of Duties fulfilment**

- This is premised on the basis that citizens should be conscious of their duties while enjoying their rights as rights are not absolute and cannot be enjoyed at the cost of others. This led to the addition of Chapter IV-A on the recommendation of Swaran Singh Committee during the Emergency period.

- Duties like respect for national ideals, protection of heritage, promotion of harmony at individual level, while promoting welfare of citizens, justice, educational interest of backward classes, ensure judicial independence at the State level in form of DPSP, enables conditions for enjoying rights by a citizen for his/her personal development.

### **Conclusion**

Thus, in essence, there has to be a balance between duties and rights. No one takes precedence over others and can be achieved to their ideals only if simultaneously practised.