
JURISPRUDENTIAL ASPECT OF FUNDAMENTAL DUTIES UNDER INDIAN CONSTITUTION: ITS RECENT TRENDS

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ABSTRACT

*“ Every right implies a responsibility: Every opportunity an obligation,
Every possession, a duty.”*

- John D. Rockefeller

Duty is often regarded as an obligation or reverence imposed on a person in respect of the right to which he is entitled. A popular quote is that “every right has a corresponding duty” In this case, citizens of the state are vested with certain rights which are protected by the state in turn citizens must pledge their allegiance to the state. Indian constitution is the paramount supreme document of the land which contains 25 parts among which the concept of duties was incorporated by the way of 42nd constitutional amendments based on recommendation of Swarna Singhs’ committees report as separate ARTICLE 51A under Part IVA. Initially, there were only 10 duties but later 86th constitutional amendment added another one making it 11 fundamental duties. The question later on arises was its enforceability, whereas there is no recourse for violation of Article 51(a) (b),(d),(f),(h) & (j); hence, corrective action was required to enforce any arising responsibilities. But the remaining were made enforceable under various laws like the IPC, the Environmental Protection Act of 1986, the Prevention of Insult to National Honour Act of 1971, and other laws, there are remedies available for certain tasks. At first, a breach of duty is considered civil misbehaviour; subsequently, it might worsen and need punishment. The idea of basic obligations, their enforcement in light of court decisions, and current developments in the field were all covered in length in this article.

Keywords: Fundamental Duties, Rights, Obligations, Constitution, Jurisprudence.

INTRODUCTION

The Indian constitution, which is the fundamental law of the nation, provides for the enforcement of basic rights against the state or its agents, under Article 32 or 226 as applicable. Both foreign nationals and citizens are entitled to these rights. Dr. B. R. Ambedkar considered the directive principles of state policy listed in part IV of the Indian constitution to be unique, even if they are not always subject to judicial review. The mechanism has been introduced through legislation or the constitutional process to ensure compliance.

Having a sense of moral obligation and dedication to someone or something is the idea behind basic duty. People have many commitments throughout their lives, such as those related to their families, their jobs, and the state in which they reside. *Cicero's* elder Roman philosopher likewise addressed the topic of obligation in his work "*De Officiis*" on Duties, He claims that his duties might come from four different places: courage, justice, temperance, and intelligence. When citizens fulfil their fundamental duties, they deserve to be treated with respect. Thus, basic rights and fundamental obligations are related. When someone carries out their responsibilities in a suitable manner, it is an indication that the basic rights of others are being protected, and vice versa. None of us can use our rights if we don't meet our commitments. Many nations, including the former Soviet Union, the Democratic Republic of Vietnam, Japan, the Italian Republic, the People's Republic of China, India, Poland, Albania, Czechoslovakia, the Netherlands, and Yugoslavia, have fundamental duties enshrined in their constitutions. The Soviets were the first people in history to enumerate fundamental tasks in their constitution.

Before the inclusion of fundamental duties certain traces were under Article 33 which deals with the military and police are nevertheless required to maintain order and perform their duties. Thanks to the amendments of the 42nd and 86th constitutions, fundamental duties have been included in the Indian Constitution.

Even though various definitions for jurisprudence exist the basic understating is termed as "*knowledge of law; the science or philosophy of law; a body or branch of law*¹". In basic understanding, jurisprudence refers to the knowledge of law dealing with the origin and further development of the concept of fundamental duties dealt. In the upcoming topics, we will see

¹ The Chambers Dictionary, New Edition Published by Allied Chambers (India) Ltd

the inclusion of fundamental duties, and measures taken to bring them to enforceability along with the recent views and judgments.

RIGHTS AND DUTIES

The ideas of rights and duties coexist and are entwined. As an illustration, consider the right to freedom. Everyone has this right, but society should be shaped such that everyone may enjoy it. At its foundation, freedom demands the establishment of social and political agreement as well as the right to self-determination. This makes the freedom of one individual dependent upon the freedom of others. Maintaining each person's independence requires treating others with respect. They fortify their rights by honouring their commitments.

“A right is an interest recognized and protected by a rule of right. It is an interest respect for which is a duty, and disregard of which is a wrong²” according to Salmond. Duguit asserts that *“no one has any other right than always to do his duty”* In his opinion, to fortify social cohesion, citizens must participate in some aspect of their social organization.

It seems as though certain writers and experts have created a rift between the rights of people and the interests of society. Individuals are viewed as subordinate to the state, and society, and hence lose relevance; in contrast, the basic rights prioritize the person and their rights. This is not a very hopeful line of thinking. Even if society is nothing more than a group of people who are brought to order by one another for their benefit, there can still be no meaningful conflict between the interests of each party. Every citizen needs to be ready to give back to society what it has given to them. If we were prepared to defend everyone else's rights instead of our own, there wouldn't be an issue.

In *Minerva Mills Ltd*³ Supreme Court noted that

“ . . .It is the function of the Judges, may their duty, to pronounce upon the validity of laws. If courts are deprived of that power, the fundamental rights conferred upon the people will become a mere adornment because rights without remedies are as writ in water. A controlled Constitution will then become uncontrolled. ...”. To uphold the socialist pattern of the welfare,

² Salmond on Jurisprudence by P.J. Fitzgald ,1966(Salmond was a judge of the Newzeland Supreme court. He Published his Jurisprudence in 1902)

³ *Minerva Mills Ltd v. Union of India & others*, AIR 1980 SC 1789

state the doctrine of harmonious construction is to be adopted on interpretation between part III and part IV of the Indian constitution.

Rights and duties are two sides of the same coin, where under the Indian constitution rights are provided under part III which in turn are enforceable before courts in case of violation or infringement of those rights. Whereas duties under part IVA, and the obligation of the state headed as “*DPSP*” under part IV are non-enforceable judicial involvement in the form of rulings has brought about their enforceability due to the efforts of several committees and opinions. Therefore, we may conclude that while every duty has a corresponding right, every right does not have a corresponding obligation. In the following subjects, the enforceability of responsibilities is covered in detail and clarified.

FUNDAMENTAL DUTIES

Article 51-A on fundamental responsibilities/duties was inserted by the 42nd Constitutional Amendment of 1976, which was adopted from the USSR constitution. The Swaran Singh Committee Report's suggestions were taken into account when the 42nd Amendment to the Constitution was being drafted. The Swaran Singh Committee was established in 1976 by Prime Minister Indira Gandhi's administration in India which was chaired by Swaran Singh. The Committee suggests including a new section in the Indian Constitution that would list all of the fundamental duties of citizens in great detail. The 42nd Amendment was enacted by the government to change the Constitution in several ways, in compliance with the committee's suggestion that became operative on January 3, 1977. The committee led by Swaran Singh proposed eight amendments to the Constitution to establish the list of duties for people. Below is the sequence in which they are provided:

- i. Respect and abide by the Constitution and laws.
- ii. To protect the sovereignty of the State and its functioning in such a way that it can be maintained and strengthened with unity and integrity.
- iii. Respect and do not act in any way that might undermine their dignity or authority, the democratic institutions set out in the Constitution.
- iv. In defending our country and, if necessary, in performing national duties such as military service.

- v. To renounce any form of communalism.
- vi. To assist and cooperate with the States to implement Directive Principles of State Policy, as well as promote people's common good to serve social and economic justice.
- vii. To renounce violence, to protect public property, and not undertake any activity which might result in damage or destruction of that property.
- viii. The payment of taxes by the law.

However, the Swaran Singh Committee's findings and suggestions were adopted by Prime Minister Indira Gandhi. These laws penalize citizens for failing to comply with basic obligations, and the only legal forum available to challenge them is judicial review proceedings. One such legislation is the need for citizens to pay taxes. It has been a fundamental parental obligation since the 86th Constitutional Amendment of 2002, which mandates education for children aged 6 to 14. Additionally, this amendment guaranteed children's access to school. After these Amendments, Article 51 A of Part IVA of the Constitution enumerates eleven basic obligations and responsibilities for citizens.

Article 29(1) of the Universal Declaration of Human Rights, is the same as the Fundamental duty outlined in Article 51A states that *"Everyone has duties to the community in which alone the free and full development of his personality is possible,"*.

The following are the basic qualities of the fundamental duty:

- ☐ The fundamental responsibilities comprise both civic and ethical components.
- ☐ Combination of moral and civic obligations. For instance, it is moral to respect the national flag, the constitution, and the national anthem. It is also civic to preserve the notion of the independence fight.
- ☐ The preservation and appreciation of India's culture and way of life received a lot of attention.
- ☐ Due to its representation of Indian customs, religion, mythology, and traditions, the Indian constitution was adopted from the USSR. An essential aspect of Indian society,

a systematized collection of duties

- This article only applies to Indian citizens; foreign nationals are exempt from these constitutional obligations. It's important to note that it is the citizens, not the government, who have these obligations to the nation of India.
- It is evident how fundamental obligations and rights differ.

It is not justiciable nor enforceable. Here, "non-enforceable" means that disobeying them has no legal consequences. Additionally, non-justiciable implies that the courts will directly enforce it. Part IVA of Article 51A of the Indian Constitution addresses a total of eleven tasks, which are covered in full below:

a. Respecting the national flag and anthem, adhering to the constitution, and honouring its institutions and ideals:

Every Indian citizen is obligated to uphold the dignity of their Constitution and uphold its spirit. The nation's unity is embodied in a single Constitution, flag, people, and citizenship, regardless of ethnicity, religion, gender, or other factors. The Indian Constitution is a result of promises, obligations, and pledges made by nationalist leaders, safeguarding fundamental rights and promoting unity. Disregarding the national anthem, flag, or constitution is seen as a violation of rights and sovereignty. Citizens must abstain from such behaviour and strive to protect their national symbols.

b. To uphold the principles of the Freedom Struggle:

Thousands of people have lost their lives fighting for our right to liberty throughout this protracted conflict. Remembering the sacrifices made by our forefathers in the service of this nation is important. It is far more important to recall, internalize, and put into practice the values that have motivated our unique battle. It was not just for the benefit of political liberty in India but to release individuals from social and financial constraints everywhere in the world. Building a community and a unified country based on freedom, justice, equality, nonviolence, brotherhood, and global peace were its main objectives. If we, the people of India, continue to be aware of and dedicated to these principles, we will be able to overcome the different fissiparous tendencies that occasionally rear their ugly heads. The political parties' violations

of their constitutional obligations occur when they utilize casteism or religion to win votes and gain seats.

c. Safeguarding India's Integrity, Unity, And Sovereignty:

In a democracy, the people are the ultimate source of sovereignty. We must defend our sovereignty. The nation disappears if its freedom and unity are threatened, and if there is no nation, then who will live? Remember that these principles of national integrity, sovereignty, and unity were first stated in the preamble to the Constitution. Article 19(2) of the Fundamental Rights states that reasonable restrictions on the right to free speech and expression may be implemented for the protection of India's sovereignty and integrity.

d. Defend the nation and do national service:

It is believed that the state was founded out of the need to protect itself from outside threats. In contemporary national governments, it is considered axiomatic that all people should be prepared to protect the nation against war or foreign attack. Today's battles are not limited to the battlefield, nor have they been won by armies acting alone; civilians play a major part in a variety of ways. Civilians may likewise be called upon to defend their nation by taking up arms when the situation calls for it. When protecting the nation, citizens fight only to preserve their liberties and the rights of future generations. Regarding this, it is possible to bring up Article 23(2), which permits the State to establish "compulsory services" for broad purposes even if it is illegal for them to discriminate based on race, religion, caste, ethnic origin, or any other characteristic.

e. Encourage Brotherhood and Harmony:

One of the main goals of the constitution's preamble is to further the ideals of fraternity, which is the foundation for harmony and shared brotherhood. India is a nation with many cases, languages, religions, and cultural streams, yet we share a common constitution, flag, and nationality. A sense of fraternity ought to come easily to the people of India, a nation where it has long been accepted that all people are members of one big family. The constitution also establishes a basic duty to guarantee the abolition of any actions that violate women's dignity. The belief that God would reside in a place where women are revered (*yatra naryastu pujoyante ramante tatra devata*) was traditionally upheld in our nation. However, we must overcome the

mistakes and decays of the modern day that damage the reputation of our community. Article 23(1) of the Constitution, which prohibits trafficking in human beings, might be interpreted in this way.

f. Preserve the Rich Heritage of the Composite Culture of the country

Indian citizens have a significant responsibility to preserve their cultural history, which is a world-renowned legacy. They must protect and transmit the inherited artifacts and works of art from their forefathers and the generations that followed. This will motivate future generations to pursue greater success and greatness. India, one of the world's oldest civilizations, has made significant contributions to various fields, including art, sculpture, architecture, mathematics, science, and medicine. The country has also fostered several religions, including Sikhism, Buddhism, Jainism, and Hinduism. The past has taught us the values of nonviolence, peace, love, and truth. As citizens, it is our collective duty to live in love and harmony while fighting to preserve our cultural values. According to Article 49 of Part IV, it is the state's responsibility to preserve its historical and national landmarks.

g. Enhance the Natural Environment:

Citizens have a responsibility to protect and improve the natural environment, including forests, rivers, lakes, and wild animal life, in response to increasing pollution and environmental degradation. Human life is being severely damaged by air, water, and noise violations, as well as widespread deforestation. To save our fellow citizens' future and planet Earth, we can protect forest cover, plant new trees, clean rivers, conserve water sources, reforest wildernesses, hills, and mountains, and control pollution in cities, villages, and industrial areas. A coordinated effort is needed to raise awareness and develop voluntary citizen initiatives. Government action alone cannot help create a pollution-free atmosphere. The provision on environmental conservation is aimed at strengthening Article 48A of the state policy, which requires the state to take all necessary measures to protect and enhance the environment, including nature's forests and wilderness areas. Citizens have no right to annihilate or drive away from their territory or natural habitat, as the earth is a universal heritage of man and animal. In ancient India the talk of Sarvesham Shantir bhavatu (peace unto all living beings

and entire environment) or Ahimsa paramo dharma, Ahimsa paramo tapah (non-violence is the greatest duty and the greatest penance)⁴.

h. To Develop Humanism, Scientific Temperament, etc.:

One of our great Founding Fathers, Jawaharlal Nehru, placed a strong emphasis on the necessity for the Indian people to cultivate an inquiring and intellectual attitude to learn from advancements across the world. This has been especially crucial in light of the most breakthrough scientific discoveries in human history, which have a history steeped in superstitions, obscurantism, and retrogression. In line with his beliefs and concerns, Nehru developed the scientific and technological foundation required to create a modern, industrialized India. Today, every citizen must be under a duty to uphold and encourage the scientific temper and spirit of inquiry to keep abreast of a rapidly changing world. The Constitution further states that humanism, which holds that human beings and the improved quality of life and relationships they have formed are the ultimate goal of all progress, must balance scientific and technological advancements.

i. To Protect Public Property and Prevent Violence:

While there are nations across the world that promote and teach nonviolence to other nations, we occasionally deal with the problem of violence and the careless damage of public property by our inhabitants. Consequently, "a duty of citizenship" has had to be used to describe the fundamental responsibility of people to defend their property and fend against assault.

j. Aim for excellence in all areas to elevate national achievements:

In today's fiercely competitive world, there is a pressing need for excellence in all spheres of personal and group endeavour. Nothing could be more capable of surviving in the world of tomorrow than the greatest. This would include respect for the duties and quality of professionals. Whether we work alone or in groups, our goals should always be to achieve greatness. Furthermore, the topic of collective action requires particular consideration.

⁴ For the large number of court cases directed at securing protection of the environment and prevention of pollution, see Annexure E(pp.273-339) in Vol.11, Report of the Committee on Fundamental Duties of Citizens, GOI, Min. of HRD, New Delhi, 1999

Individual Indian performances are excellent, but we lack a sense of unity. India is poised to become the fastest-growing nation in the world if we can successfully address this issue.

k. Obligation of parents or guardians to provide wards between the ages of six and fourteen chances:

The Constitution (Eight-Sixth Amendment) Act of 2002 introduced the eleventh basic obligation to the list of duties owed by all citizens. It is unnecessary to debate how these responsibilities should be divided among all Indian people, particularly among those in positions of power like judges, lawmakers, governors, and other significant state employees. The Supreme Court has acknowledged the idea that State institutions commit to upholding the duties placed on all people.

The Allahabad High Court concluded in **Ram Prasad v. State of UP**⁵ that the Constitution's Part IVA has shifted the duty to fulfil citizenship responsibilities to the judiciary. In addressing the importance of Article 51A (g), the Court stated that its goals were to control conduct and encourage people to pursue greatness. Exceeding merits, virtues, and honest performance is what excellence entails. The Constitution requires citizens to carry out their responsibilities with excellence rather than mediocrity.

APPLICATION OF FUNDAMENTAL DUTIES

Several instances where citizens or groups of people fulfil their obligations to the Indian nation include in the same arrangement as of article 51A (a) – (k)

- i. In movie theatres, standing up while the national anthem is playing
- ii. Adding the Desh Bhakti program to the school's curriculum
- iii. Watch out, Satark Nagrik Surakshit Desh!
- iv. Serving the community throughout the COVID-19 pandemic
- v. Put an end to honor murders, mob lynchings, and the objectification of women in

⁵ Ram Prasad v. State of UP, AIR 1988 All 309

deodorant and other commercial ads.

- vi. Give up writing graffiti on monument walls.
- vii. Recycle, minimize, and reuse plastic garbage
- viii. Avoid being duped by phony news.
- ix. Stay with nonviolent protest
- x. valuing startup culture and entrepreneurship
- xi. India's Right to Education⁶

IMPORTANCE OF FUNDAMENTAL DUTIES

Positive country change: Many emerging and impoverished nations have become advanced economies worldwide as a result of the focus on responsible citizenship. The United States is one example. The Citizens' Handbook from Citizenship and Immigration Services offers comprehensive instructions to citizens on their responsibilities. Singapore's success narrative has been aided by its emphasis on people's ongoing enforcement of their obligations.

Accretion of citizens: They are presenting the idea that citizens actively participate in the achievement of national goals rather than only being spectators.

Instil a feeling of accountability: Citizens become aware of their social and civic obligations by fulfilling their fundamental duties. It contributes to the development of a society in which everyone is able and ready to defend the inherent rights of their fellow people.

Consistent with Indian culture: These responsibilities represent the societal conceptions that have developed through time, customs, and use. Upon close inspection, Article 51A contains allusions to several Indian principles, such as peace, tolerance, and harmony throughout the community.

Create a Disciplined and Patriotic Citizen: Since these responsibilities are enforced, they also serve as a deterrent to disruptive behaviour like destroying national flags or harming public

⁶ Indian polity for UPSC & State PCS exams (Study IQ publications, 1st edition)

property. or disdaining the principles of the nation.

Complementary nature of rights and obligations: fundamental rights outlined in the Constitution itself acknowledge the core of obligations. Example: The Article 19 right to free expression places severe restrictions on communication for the following reasons: state security, public order, Indian sovereignty and integrity, morality, and ethics. Therefore, it is essential to keep in mind one's responsibilities to the country and society while using one's right to freedom of speech. The rights and obligations of citizens are two sides of the same coin. This is seen from another angle by some. While one action may fulfil a responsibility, another just serves to carry out a right. For instance, while teaching is a responsibility for educators, it also grants students the right to get an education.

Strengthen Democracy: Until citizens can fulfil their responsibilities, democracy cannot take root in society. They impose social obligations on the populace, and fulfilling these obligations will guide India's progress towards inclusivity. Therefore, it is reasonable to argue that obligations and rights complement one another in ways that advance both the interests of the individual and the stability of the social order.

Legal interpretation: The courts may use basic obligations to assess whether a statute is constitutional. For instance, in 1992, the Supreme Court held that in cases of doubt, basic obligations might be used to interpret pertinent laws. Thus, concerning Article 14 or Article 19, a court may deem it reasonable if it determines that the legislation upholds basic duties⁷.

ENFORCEABILITY OF FUNDAMENTAL DUTIES

The capability of actively implementing such responsibilities is not specified in the Constitution. Therefore, any citizen who violates a basic commitment cannot be punished by the court. Fundamental obligations were not included in Fundamental Rights (PART III) but rather were included as a separate part of PART IVA and put after Part IV, which is non-justiciable and non-enforceable. whereas Part IV in Yugoslavia, Albania, and the former Soviet Union were made responsibilities legally enforceable, unlike in India. As stated previously most of the basic obligations included in the Indian Constitution were incorporated by the suggestions made by the Swaran Singh committee.

⁷ Indian polity for UPSC & State PCS exams (Study IQ publications, 1st edition)

VKRV Rao Rao and Singh (1976) challenged the Swaran Singh Committee's suggestion, arguing that this basic obligation cannot be upheld in the absence of legal action against an infraction. He said that individuals lacked the bravery or willingness to carry out their obligations. As a result, the tasks cannot be properly fulfilled in situations when there is no legal requirement to do so. Although the right has no ethical foundation, it is appropriate to consider it when carrying out legally binding responsibilities.

On the condition that they adhere to basic obligations, the Supreme Court of India sent a notice to the Government of India in 1998 about its intentions to instruct individuals in fundamental duties. In response to this notice, the Indian government established the **Verma Commission on Fundamental Duties for Citizens in 1999**⁸, a committee headed by Justice J S Verma that studied the practical applications of fundamental duties and suggested measures for educating and informing citizens about their responsibilities. The following suggestions have been put forth by the Verma Committee:

- i. The fundamental responsibilities will elevate citizens' expectations in public life. For this reason, everyone has a responsibility to uphold and encourage these obligations.
- ii. Those in public positions ought to abstain from favouritism and greed. Their first goal must be to put the interests of the public above their own.
- iii. Integrity needs to be a cornerstone of how public offices operate.
- iv. Public officials must accept accountability for their choices and actions regarding people's fundamental rights.
- v. They ought to be as open and honest as possible in all of their choices and actions.
- vi. Government employees must act honourably in the course of their work.
- vii. Since public officials should promote these values through their leadership abilities, leadership is crucial.

Basic obligations can enhance society and nation foundations, but legislation alone is insufficient. Efficient implementation of regulations is necessary for proper duty performance,

⁸ Ministry of human resource development, government of India 1999.

which can be achieved by instilling a positive outlook and dedication to fulfilling duties. The Verma Committee has outlined several existing laws that may be effectively enforced to raise awareness of basic rights among Indian citizens. These are spoken about in the section below:

- a. **The Representation of People Act, 1951** is a piece of legislation that monitors the corrupt practices of Indian lawmakers in both the national and state legislatures. The process of soliciting votes based only on a person's religion and any incitement of animosity amongst various individuals based on a person's religion, race, sex, language, etc⁹. Any action taken by an MP or MLA that constitutes or professes corrupt behaviour may result in their disqualification.
- b. Shortly after independence, **the Emblems and Names (Prevention of Improper Use) Act of 1950** was passed, which specifically deals with outlawing the improper use of national anthems and flags.
- c. **The Unlawful Activities Protection Act of 1967:** Sectarian organizations must be prohibited from operating inside the nation's boundaries to foster a society that is both peaceful and stable.
- d. **The Protection of Civil Rights Act, of 1955** states that untouchability and preaching offences are punishable under its provisions.
- e. **The Wildlife Protection Act 1972:** aims to preserve and protect uncommon and extinct plants, animals, and birds. As a result, this legislation places severe restrictions on the commerce of animals.
- f. **The Prevention of Insults to National Honour Act, 1971:** The nation's flag, national anthem, and constitution may not be disparaged or treated with disrespect. Furthermore, to guarantee that the right usage of the national flag is understood by all State Governments and Union Territories administrations, the instructions that are periodically provided on this subject have been integrated into the Flag Code of India.
- g. **The Forest Conservation Act of 1980:** This law forbids the destruction of forests in severe circumstances, recognizing the growing decline in forest health. It also prohibits

⁹ Section 123(3) and (3A) of the representation of peoples act 1951.

humans from using wood for other purposes. The Indian Supreme Court has said unequivocally that the government must foster an atmosphere that allows it to carry out its duties in an efficient manner.

- h. Indian Penal Code 1860:** This statute considers any kind of allegations or defamatory remarks that have an impact on national cohesion to be a crime. It is against the law to write, talk, gesture, conduct drills, exercises, or other activities that might give the other communities the idea that one is untrustworthy or disloyal¹⁰. Making comments or claims that are detrimental to the country's integration is illegal¹¹.

The central government has been asked by the Indian Supreme Court to implement the recommendations made by the Verma committee (1999) and a national commission to review the workings of the constitution (2000). Anupama Rao criticized the Justice Verma Committee's recommendations in an essay that appeared in the Economic and Political Journal of 2003 which said that the Justice Verma report is different in that it emphasizes people's responsibility to the state. This approach emphasizes a duty as a prerequisite for citizenship and undermines the equality of people. The Verma committee emphasizes the importance of citizens understanding their constitutional duties and rights to society and the state. They believe that active efforts to raise individuals' awareness of their constitutional duties are crucial for social, economic, and political advancement in the nation. The Forty-Second Amendment aims to define these obligations.

According to **Justice Venkataramiah**, acceptance is a vital precondition for the development of democratic values and the freedom of speech, expression, communication, and knowledge among citizens. As citizens, we ought to take on a civic mindset, be ready to further the interests of the common good and be inspired to cultivate an all-encompassing viewpoint. Since we are all members of the same family, we all must defend our rights and act on behalf of disadvantaged groups in society at large.

The **Committee on Fundamental Duties of Citizens** has emphasized the importance of addressing Article 51A, which is a list of chores associated with Indian culture. The committee believes that reaffirming these principles will appeal to future generations and promoting a peaceful, scientifically oriented society free from conflict is crucial. It emphasizes virtue,

¹⁰ Section 153A of IPC

¹¹ Section 153B of IPC

culture, social responsibility, historical mission, self-sacrificing spirit, creativity, and understanding of others. Fulfilling basic civic responsibilities equips individuals to form opinions, search for truth, progress society, fortify nationalism, defend justice, and harmonize their words and actions. State personnel and citizens must be cautious of public servants who preach about their civic duties. Adopting suitable laws is the responsibility of lawmakers, and the constitutionality of any law depends on the Supreme Court's decision to uphold its obligations and deem it reasonable. The committee aims to include basic obligations into the Constitution to warn individuals against actions against the interests of their nation, fellow citizens, and themselves.

The **National Commission to Review the Working of The Constitution** (NCRWC) was established on February 22, 2000, by the NDA government, led by Atal Bihari Vajpayee, in response to a resolution seeking suggestions for amendments to the Indian constitution. Alternatively, the **constitutional review commission**, headed by M.N.R. Venkatachaliah, provided some recommendations for the effective implementation of the fundamental duties. These recommendations include the following:

- i. The Union and national governments should enlighten citizens and encourage them to learn more about their fundamental rights. (to raise awareness)
- ii. The rights of citizens and minorities must be fiercely upheld, and others' freedoms of belief must also be respected. (Defend the freedom of the citizen)
- iii. It is important to emphasize the importance that citizens play in voting, paying taxes, and taking an active part in democracy. (To law emphasizes other civic responsibilities)
- iv. The Justice Verma Committee's suggestions on operationalizing fundamental citizens' rights must be put into action as quickly as feasible. (To implement the recommendation of the Verma committee)
- v. Industrial companies ought to prioritize providing education for the offspring of their workers. (The necessity of education)

JUDICIAL DECISIONS

Basic obligations are crucial for ethical, social, and financial progress, as they contribute to civilization's advancement. India's awareness of these obligations has grown over the years, with governments, courts, and civil society organizations emphasizing their importance. The

42nd Amendment, ratified by Indira Gandhi's government, included Article 51A of Fundamental Duties in the Constitution. The Morarji Desai Government, established by an opponent of Indira Gandhi, has not altered these regulations. Political parties are entrusted with basic responsibilities, and the Supreme Court aims to control conduct and inspire greatness.

The Supreme Court prohibited illicit mining in the Mussoorie-Dehradun zone in **Rural Litigation & Entitlement Kendra v. State of Uttar Pradesh**¹². It also recommended other regulatory guidelines for the preservation of biodiversity, the environment, and fundamental rights. In doing so, it provided instructions on how to preserve the environment and biodiversity, highlighting their significance as basic rights. It has been determined that the basic obligations outlined in Part IV A can also be used to interpret unclear laws. As a result, the Court of Justice issued oral directions using Article 51g to prohibit quarry operations at specific U.P. locales. Additionally, it enacted orders to designate certain contested areas as protected or reserved forests in line with Section 20 of the Indian Forest Act 1927. Several more examples are mentioned below in addition to the ones mentioned above:

1. **M.C. Mehta v. Union of India**¹³

In line with Article 51A.g., the central government is required to do so, according to the Hon. Supreme Court of India. Establish a mandate requiring protection lessons to be taught once a week at the very least, lasting an hour. Enhancing the environment is a top focus in all of the nation's universities. It's aimed to persuade the federal government to create a curriculum on this topic and make it available for teaching There will be no cost to access the Institute. It was proposed that every city, town, and village in India hold at least one clean week each year to raise awareness of the need for cleanliness among the populace and the surrounding area.

2. **AIIMS Student Union v. AIIMS**¹⁴

The court ruled that basic rights under Part III and fundamental obligations under Article 51A are equally significant. It further declared that institutional reservation and 50% of the reservation allotted under discipline-wise policies violate Article 14. Furthermore, the court declared that while basic obligations are not enforceable by writ like fundamental rights, they

¹² Rural Litigation & Entitlement Kendra v. State of Uttar Pradesh , 1985 AIR 652

¹³ M.C. Mehta v. Union of India, (1983) 1 SCC 471.

¹⁴ AIIMS Student Union v. AIIMS, AIR 2001 SC 3262

are still considered to be an aim of the Constitution. If uncertainty arises about the people's choice under Article 51A's basic obligations, the relevant article not only provides guidance but also lays the path for resolving the matter in court.

3. Aruna Roy v. Union of India¹⁵

The primary question in this case is whether The National Curriculum Framework for School Education is constitutionally acceptable given that it violates Article 28 of the Constitution and is anti-secularist. However, the court determined that it does not violate Article 28 of the Constitution or go against the idea of secularism because Article 51A(e) requires it to uphold and foster a sense of shared brotherhood that transcends linguistic, religious, and sectional differences.

4. Government of India v. George Philip¹⁶

In the aforementioned case, the Supreme Court ruled that citizens were required by art. 51A(j) to strive for excellence in all areas, and that this obligation could not be met if workers failed to meet it. self-control and devotion to duty. Courts shouldn't issue orders that fail to accomplish their goals. The fundamental purpose and spirit of Part IV A of the Constitution are often disregarded or destroyed. When a government employee takes excessive leave of absence from work and is given six months to return to work, it not only gives him a premium for indiscipline but also completely subverts the work culture of the organization.

5. Dr. Dasarathi v. State of Andhra Pradesh¹⁷

By Article 51 A(j) of the Constitution, it is our collective responsibility to strive for excellence in all spheres of our individual and group endeavours, to enable this nation to consistently reach new heights of prosperity and accomplishment. If the State is devoted to fostering greatness, it may only do so using the tools that the Constitution permits it to employ. The promotion of sycophancy only serves to impede the advancement of quality and efficiency.

¹⁵ Aruna Roy v. Union of India, AIR 2002 SC 3176

¹⁶ Government of India v. George Philip, AIR 2007 SC 705

¹⁷ Dr. Dasarathi v. State of Andhra Pradesh, AIR: 1985 AP 136

6. Union of India v. Naveen Jindal¹⁸

The opinion that the phrase "to denounce the practice derogatory to the dignity of the women" means that it is every woman's right to be free from activities that are demeaning to their dignity in any way, not just in the situation mentioned above but also in other cases.

7. Surya Narain v. Union of India¹⁹

The court ruled that the duties outlined in Article 51A are obligations placed on every state resident. Therefore, since the responsibilities outlined in this article are not public obligations, a mandamus cannot be used against someone who disobeys them.

8. N.P. Amrutesh v. State of Karnataka²⁰

Regarding the injunction petition filed for a Kannada film and its connection to the national flag, the court determined that the specific scene in question was not disparaging nor deceiving of the tricolour flag. The incident reflected the concepts of letting go of one's ego and self-interest to preserve the dignity of one's country's flag and principles.

9. Chandra Rajakumari v. Police Commissioner, Hyderabad²¹

The AP High Court has noted that it is against Articles 14, 21, and 51A(e) to host beauty pageants in which any representation of a woman's shape, form, body, or any portion thereof is made in a way that might be construed as obscene or disparaging towards women.

10. Sanjeev Bhatnagar v. Union of India²²

The court, in this case, ruled that the national anthem's significance and character are eternal and unalienable and that it is not appropriate to demand that the word "SINDHU" be changed since it has a cultural meaning and alludes to India's land.

¹⁸ Union of India v. Naveen Jindal , (2004) 2 SCC 510

¹⁹ Surya Narain v. Union of India , AIR 1982 Raj 1

²⁰ N.P. Amrutesh v. State of Karnataka, AIR 1995 Kant 290.

²¹ Chandra Rajakumari v. Police Commissioner, Hyderabad, AIR 1998 AP302

²² Sanjeev Bhatnagar v. Union of India, Decision on 13-5-2005. See The Tribune, 14-5-2005.

11. State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat²³

The rules prohibiting the killing of cows were upheld in the case, with the ruling stating that the state has implemented the legislation to give effect to the ideals outlined in Articles 47, 48, and under Article 39, clauses (b) and (c), of the Constitution. The Court stated that while determining whether a statute is constitutionally legitimate, the DPSP and fundamental duties are important considerations.

12. N.K. Bajpai v. Union of India²⁴

The directing principle of state policy, basic rights, and fundamental obligations are complementary when reading any given statute.

13. Javed v. State of Haryana²⁵

One cannot read the fundamental rights in a vacuum. They must be read in conjunction with the direction and the basic obligations outlined in Article 51A of the Indian Constitution.

RECENT TRENDS IN FUNDAMENTAL DUTIES

Under this heading various incidents and court decisions quoted to uphold the importance of the fundamental duties

During the 76th Independence Day celebration on August 15, 2022, the Supreme Court Bar Association hosted a function where the then **Chief Justice N.V. Ramana** shared his thoughts on the Constitution's fundamental duty, which is to guide people towards a transformation in their lives rather than just serving an "artistic or technical" purpose. Our Constitution is the legal instrument that governs people's interactions with the government. Although we have an unalienable right, it entails certain basic duties. The essential responsibilities are more than just technical or pedantic. They were assigned a crucial part to play in the revolution of civilization. Then CJ NV Raman stated that our forefathers envisioned a society in which people were cognizant, vigilant, and competent to make moral decisions. He pondered the significance of independence warriors like Sri Pingali Venkayya, Mahatma

²³ State Of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat, 2005 (8) SCC 534.

²⁴ N.K. Bajpai v. Union of India, AIR 2012 SC 1310.

²⁵ Javed v. State of Haryana, (2003) 8 SCC 369.

Gandhi, and numerous others who added uniqueness and pride to independent India and the national flag on such a significant day.²⁶

On February 22, 2022, a petition was filed by counsel Durga Dutt, claiming that the protest's blocking of roads and highways had an impact on both civic duty and civil rights. The bench, which included Justice Sanjay Krishna Kaul and MM Sundresh, heard the case and ordered the federal and state governments to enact laws to guarantee the efficient application of Article 51A, which guarantees people's rights to perform as intended. Overall, the court acknowledged Durga Dutt's request to strengthen the core obligations through legislative action²⁷.

J. Amsaveni v. The State Of Tamil Nadu²⁸

The madras HC while deciding writ petition, based on the circumstances of the aforementioned case, covers the Red Hills Lake River's water catchment region. There was a tiny reservoir close to Puzhal. Fifty years ago, the UK government had planned to erect a masonry weir, and an embankment, and increase the reservoir to store water. The Chembarambakkam and Porur lakes provide the vital water supply that keeps Chennai's urbanization going. According to W. P. No. 26673 of 2017, the idea of sustainable development is a component of this country's constitutional framework. It was declared that protecting and enhancing the environment is the responsibility of both the State and the people living under its protection under Articles 48A and 51A.

CONCLUSION AND SUGGESTIONS

“ Real rights are a result of the performance of duty”

- Mahatma Gandhi

Man cannot survive without society, and society cannot exist without its members. Over time, civilization and culture have undergone a constant transformation, giving rise to the

²⁶ <https://www.thehindu.com/news/national/fundamental-duties-are-not-just-pedantic-they-are-key-to-social-transformation-cji/article65771369.ece>

²⁷ https://m.timesofindia.com/india/supreme-court-to-look-at-enforcing-fundamental-duties/amp_articleshow/89735977.cms

²⁸ J. Amsaveni v. The State Of Tamil Nadu, Madras HC on WP 26673 OF 2017 (JUDGMENT DATE; 24.4.2023) <https://www.mhc.tn.gov.in/judis>

civilized man. Any effort at a nihilistic perspective on traditions and society would violate the idea of historical progress. The only foundation upon which social relations can be built and maintained is a shared commitment to norms that governments and society alike find acceptable. The obligations are the cornerstones of both national identity and human dignity. While not eradicable, most of the existing political ills can be resolved by each person carrying out his or her duties without regard to caste, creed, language, colour, or other factors.

‘The real freedom of any individual can always be measured by the amount of responsibility which he must assume for his welfare and security’

- *Sir Robert Welch*

India's integration into the world should strengthen ties between its people, but Article 51A needs to be implemented to ensure equal treatment, respect for religions, and respect for one another. Balancing individual rights with civic society's rights is crucial, and understanding civic and social responsibilities is essential. A democracy cannot flourish without citizens taking responsibility, fulfilling civic duties, and taking initiative. Respecting the flag and national anthem is fundamental, and laws are enforced to punish disobedience and defend the affluent. A developed nation requires citizens to fulfill their duties effectively. Hence the paper depicts an overall development right from the genesis of how it evolved to be enforceable by reading in consonance with other provisions.

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