



FUNDAMENTAL DUTIES ENFORCEMENT: ROLE OF JUDICIARY TO ENLARGE THE SCOPE OF THESE DUTIES.

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ABSTRACT:

Added fundamental responsibilities in parts iv-a of Indian constitution. Rights are correlated with the duty but the irony of this country that duties are not correlated with the rights, duties are not enforceable to the citizen. the Gandhian concept, cojoined fundamental duties as well as fundamental rights also. Fundamental duties can be trace even through the preamble "A duty well performed creates a corresponding right."

The idea of obligation is novel one particularly in indian society . the important performing one's 'kartavya' towards the society . we all know that there is the underlying duty towards the nation , when constitution grant certain fundamental right it also acquire them to adhere certain duties towards the country . All individuals are obligated by the Fundamental Duties to respect India's national symbols, treasure its heritage, preserve its diverse culture, and contribute to its protection. In addition, all Indians are obligated to cultivate a spirit of brotherhood, safeguard public property and the environment, cultivate a scientific temperament, abstain from violence, and strive for excellence in all areas.

INTRODUCTION

Fundamental duties are given under 51 A¹ of "Indian constitution. fundamental duties It shall be the duty of every citizen of India, are citizens of this country abiding those duties, than it just use for mere interpretations rather than actual implementation which is to follow these duties to protect the sovereignty and spirit of the constitutional law, duties are always correlated with rights".

The rights are always be claimed when the person fulfils the duty and in jurisprudential aspect the right is always come duty when there is duty there is no right.

Each state and individual are fundamental organs of a state. work together for achieving the welfare of the nation. Welfare of state is not text-oriented concept. the legal utility of fundamental duties is like the directives as they stood in constitution 1949, the directives were addressed to the state certainly, but duties are addressed to the citizen without any legal sanction for its violation. The constitution of socialist countries given greater emphasis on duties of citizen chapter number 7 of the soviet constitution lays down the proviso of rights and duties.

The right is always coming with the duty for example take an real life instance of that there are two parties, the landlord and the tenant both has to fulfil its duty and obligations regard to the property, if any one violates any of the duty than the person has to face severe consequences regarding this and can be prosecuted in trials.

When discussing duty performance, Gandhi once stated, "The true source of right is duty; if we all discharge our duties, right will not be far to seek."If we ignore our

¹ The Constitution of India, art. 51 A.



responsibilities and chase after rights, they will flee from us like the wisp, and the more we pursue them, the further the fly will fly". Duties are regarded as to be just (directory) but not in actual implementation and it cannot be enforced through writs even. The Asian and African societies give greater emphasis on duties than the western societies. "P.V Kanne was critical about the constitution that it ignores our Indian tradition to follow duties and blindly emphasize of right is there."

Duties are never self-executing, it's a human tendency when they get anything without doing anything than they take things for granted and not do much efforts regarding attainment of that particular thing.

Article 29 (1) of universal declaration of human right 1948² states that Everyone has duties to the community in which alone the free and full development of his personality is possible.'

It is a fallacy that in Indian constitution there are enforcement of right but not duties as such,

GN JOSHI on said "they constitute a very comprehensive, political, social and economic programme for a modern democratic state".

Every individual who is part of this country is fundamentally obliged to strive for excellence in all areas of individual and collective activity so that the nation continuously achieves greater accomplishments and endeavours.. the individual fulfils their obligations, because of social system that governs the environment in which they are living as it influenced positive

example or as required by punitive legal laws.

While directives are directed toward the state, fundamental duties are directed toward the individual citizen. The legal utility of fundamental duties is comparable to that of directive principal. and citizen should not neglect the duty, because of mere unenforceability, the court should implement the concept that if the person don't abide the duty than they don't deserve to pursue rights.

Due to advantage proposed to the citizen of this country, the citizen are not serious about severe harm they are constantly doing to our ecology and destroying ecological balances, the judiciary has to focus about this duties as effectively and necessary actions should be taken within reasonable time.

It is the fallacy that our Indian constitution only talks about enforcement of rights but not the duties as such. The development of a scientific temper and a humanist mind is fundamentally required of every citizen of this nation.

The legal utility is similar to directive while the directive principle of state policy are address to the state and duties in such is addressed to the citizen which they have to abide, and citizens tends to neglect their duties because there is no such duty implication of duties in the court of law.

The court should implement the concept that if the person does not abide by the duty than they don't deserve to pursue rights as well and the most interesting part that fundamental duties are not enforceable by writs even.

² The Universal declaration of human right 1948, art. 21(1).



Due to this unusual behaviour there is the constant threat of harming the environment severely, now a days we are facing worst AQI quality air in DELHI due to increasing pollution and neglecting behaviour of citizen to preserve environment .

ORIGIN:

The Constitution of January 26, 1950, did not contain a section on fundamental duties. Having said that, a portion of India's constitutional tradition, primarily Gandhian, addressed fundamental responsibilities. According to Gandhi, "The true source of rights is duty," and rights will not be far to seek" if everyone fulfils their responsibilities." "The Citizen's duties enumerated in the constitution of the former Union of Soviet Socialist Republic (USSR) are said to have been "borrowed" from the Fundamental Duties as present in Part IV-A of the Indian Constitution." In India 1976, the SWARN SINGH committee published its report to prevent citizen from the feeling of alone in the democratic nation like India, incorporating responsibility primarily for the collective responsibility towards the country".

In 42nd amendment act it specifically gives responsibility to judiciary to grow certain significant effect towards it. The world's longest written constitution, the Constitution of India, envisions a comprehensive approach to civic life in our democratic society. Our Constitution enshrined as Fundamental Rights several non-absolute but derivable rights to give citizens more power. And because human behaviour cannot be limited to these inalienable Fundamental Rights alone, the Constitution has envisioned certain duties that are linked to these rights because they go hand in hand with cementing the fundamental principles of liberty,

equality, fraternity, and justice that are ingrained in the Constitution's very formation. These duties are referred to as Fundamental Duties because they go hand in hand with these rights. It's true that when the Constitution was first written, its framers didn't think it was right to include these responsibilities in the text. This omission could have been for several different reasons.

Fraternity is the fourth objective of the preamble the committee thought the committee thought that there is no need for any fraternal concord and good will in India. Fraternity as the objective is not reflected anywhere in the constitution.

Duties are an ancient concept that comes from eastern jurisprudence as an aspect of human behaviour which is known as "dharma".

The concept of duty has its origin through Vedas and other form of religious commands, eastern jurisprudence is duty entitled and eccentric towards fulfilment of essential duty and the obligatory rights as well.

But in almost everywhere in the religion there is essence of duty or action which contribute to the substance to the world. Several stages of spiritual development confers the duties and responsibilities to conduct for such kind of attainment. It helps to sustain inner development of individual as well as continuous contribution toward society and country.

The fallacy is justice Verma committee suggested only teaching the duties in the institution and giving clear direction about its unenforceability.



BACKGROUND:

Fundamental duty are just the moral obligations just to help citizen to promote harmony and equality in the society and the country. The non-performance of such duties is non-punishable in nature.

framers of the constitution, didn't expect that the citizen will not perform their duty expected that the citizen will perform their duty by their own will but didn't expect this kind of casualness.

Supreme court judge justice NATH, At the 2nd Justice HR Khanna Memorial National Symposium, which was co-hosted by RMNLU Lucknow and NLU Odisha and the Confederation of Alumni for NLUs (CAN) Foundation, Supreme Court Judge Justice Vikram Nath gave the keynote address titled "Fundamental Duties vis-a-vis Fundamental Rights under Our Constitution." Part 3 was only one of the pillars of the constitution couldn't be alone to be read but it should be read along with fundamental duties which are enriched in part 4A of the constitution. justice Nath also emphasized upon the statement of Russell kirk

"Every right is married to a duty, every freedom owes a corresponding responsibility, and there cannot be genuine freedom, unless there exist a genuine order."

Justice Nath elaborated on this idea by stating that while our vision must be to compete globally, we must be equally concerned with our domestic interests. He cited the Indian Prime Minister and his strategy of "thinking globally but acting locally. "Therefore, while

we advance our international objectives, our domestic interests must not be overlooked.

In one of the speech the law minister Kiran RIJJU, emphasize on " if you see a solider standing on the remote border or somewhere in the isolated territory of the country , he would not think about his fundamental right but he always think about his fundamental duty towards this country".

The dilemma is citizen enforce the right but they tend to forget there fundamental duty towards this country. *RANGNATH MISHRA v. UNION OF INDIA AND OTHERS*³, the apex court issued the direction to follow justice J. Verma committee report for the operationalisation of fundamental duties.

ENFORCEMENT OF FUNDAMENTAL DUTIES IN RELATION TO ENVIRONMENT :

"Protection of climate and keeping the natural equilibrium unaffected is an errand which legislatures as well as resident should embrace. According to Article 51-A(g) of the Constitution, it is a fundamental duty for every citizen to fulfil this social obligation"

The Indian Constitution's Part IV-A imposes a number of fundamental responsibilities on its citizens because rights and responsibilities are related. This is the case in *Rural Litigation & Environment Kendra v. State of Uttar Pradesh*.⁴As a consequence of this, the purpose of these responsibilities is as a reminder for each citizen that, despite the fact that the They were specifically granted certain fundamental rights by the Constitution, which also mandates that

³ *Hon'ble Shri Ranganath Mishra v. Union of India*, (2003) 7 SCC 137.

⁴ *Rural Litigation & Environment Kendra v. State of Uttar Pradesh*, AIR1985 SC(3)169



citizens adhere to particular fundamental standards of democratic behaviour.

“According to Article 21⁵ of the Indian Constitution, "Right to clean and healthy environment" is a fundamental right within the meaning of the Right to Life. However, without the people's cooperation, the government will never be able to create a healthy and clean environment on its own. To achieve social and economic justice, the preservation of ecology, the environment, and forests serves the state and every individual. According to Article 51-A(g)⁶ of the Indian Constitution, "It shall be the duty of every citizen to protect and improve the natural environment including forests, lakes, rivers, and wildlife, and to have compassion for living creatures," one of the fundamental duties is to preserve and enhance the natural environment.”

Additionally, the In "testing the reasonableness of any restriction cast by law on the exercise of any fundamental right by way of regulation, control, or prohibition," the Supreme Court acknowledged the significance of the fundamental environmental duty.

The judiciary does not rely solely as a tool for facilitation and interpretation on individual constitutional environmental duties. Despite the fact that Part IV-A of the Indian Constitution imposes a number of fundamental responsibilities on its citizens because rights and responsibilities are related. This is the case in Rural Litigation & Environment Kendra v. State of Uttar Pradesh. As a consequence of this, the

purpose of these responsibilities is to serve as a reminder to every citizen that, despite the fact that the Constitution specifically granted them certain fundamental rights, it also requires citizens to adhere to certain fundamental standards of democratic behavior.environment read into the fundamental right to life. In connection with this, the judiciary implicitly identifies the positive and negative aspects of citizens' fundamental environmental duty, demonstrating its comprehension of the rights-corresponding duties of the state. *Vijay Singh Punia v State of Rajasthan and Others*⁷, The Rajasthan high court held that any individual who upsets the biological equilibrium or debases, contaminates and fiddles with the gifts of the nature like air, water, stream, ocean and different components of the nature... ' breaks their central ecological obligation, the fundamental environmental duty is being considered as negative constitutionalism. The Supreme Court ruled in Rural Litigation and Entitlement Kendra and Others v. State of Uttar Pradesh and Others⁸ that every citizen has a constitutional responsibility to protect the environment and maintain ecological equilibrium unaffected. In *Vijay Mehta v state of Rajasthan* ⁹, the court invoke the enforcement of fundamental duty in relation to clause (g)(i), (j) of article 51A¹⁰ of Indian constitution. Fundamental duties are intrinsic component. it is highly said to enforce fundamental duties.in western jurisprudence the concept of rights and duties go together.

In *MC MEHTA v UOI*, the supreme court gives the direction for compulsory lesson on

⁵ The Constitution of India, art. 21.

⁶ *Ibid.*

⁷ *Vijay Singh Punia v. Raj. State Board*, AIR 2003 Raj 286.

⁸ *Supra* note 5.

⁹ *Vijay Mehta v. State of Rajasthan*, AIR 1980 Raj 207.

¹⁰ The Constitution of India, art. 51 A.



environmental protection in educational institute.

The Supreme Court correctly pointed out in *M.C. Mehta v. Kamal Nath*¹¹ that Article 21 must be taken into account when examining Article 48-A and 51-A(g).¹² of the Constitution, which states that “no person shall be deprived of his life and personal liberty except in accordance with the procedure prescribed by law.”

PROBLEM ARISING FOR THE ENFORCEMENT OF FUNDAMENTAL DUTIES:

Contrary to article 37, there is no specific arrangement in the constitution that makes fundamental duty non enforceable and consequential non justiciable.

There is no particular plan in the constitution with respect to the approval to be applied for the enforcement of these obligations along with the rights, there crack can't be talked with the discipline but in the event there exist on rule book on specific reformatory plans in regards to the matter

Fundamental duties and directive principles both have the same legal value. Directive principles, on the other hand, are directed at the state and do not carry any legal consequences if they are broken. Fundamental duties are directed toward citizens. A person does not merit the fundamental rights if they do not care about their fundamental responsibilities. Although these obligations cannot be enforced by law, any violation of these obligations by a citizen would be regarded as an appropriate restriction on the relevant fundamental rights.

In case of *Minerva mills v union of India*¹³, it was obviously said "it is capability of judge nay their obligation to articulate the legitimacy of regulations. Because rights without remedy are like writs in water, the fundamental right granted to the people will be reduced to nothing more than an adjournment if the courts are completely stripped of that authority. A constitution that is controlled becomes uncontrolled.”

The response is incomplete. Even if fundamental obligations are enforced, there are numerous other obligations that are connected to notions of duties and responsible citizenship. Even today, a portion of people still hold the opinion that fundamental responsibilities are as good as a dead letter or a mere paper book without sufficient enforcement mechanisms because they are non-justiciable or unenforceable. The sufficiency of fundamental duties has two sides, just like a coin has two sides. The introduction of the 11 fundamental duties is unquestionably a significant and positive step toward the development and maintenance of a responsible citizenry. However, does this imply that our society, whose socioeconomic fabric is undergoing almost constant change, does not require or has no room for additional fundamental duties?

OWN WILL OF THE CITIZEN:

The citizen is known as the essential unit of the society, they are self-aware and having an intellect about what is right and what is wrong and can take decision which is beneficial for the country as well as society in large. if such an intellect is there with every

¹¹ *M.C. Mehta v. Kamal Nath*, (1977)1 SCC 388.

¹² The Constitution of India, art. 48 A, 51A,21.

¹³ *Minerva Mills Ltd. V. Union of India*, AIR 1789, 1981 SCR (1) 206.



citizen than there is not the necessity for the enforcement of fundamental duty

SOCIO- ECONOMIC CHALLENGES:

Considering the illustration of deplorable squatter earning just RS 50 a day, barely able to pay for its daily meal. to they acquire the pre – requisite resource, it is in large part in our country like poverty, lack of nutrition, illiteracy etc. due to lack of literacy and sub issues arising from the main issue such as corruption, etc.

The legislature cannot intensively draft policies and impose duty on the citizen in such kind of problems existing in the society, it is easy to talk about poverty eradication and removal of corruption, it is just merely on book and no such implementation is there.

IMPORTANCE OF FUNDAMENTAL DUTIES :

INTERPRETATION :

When interpreting ambiguous status that allows for two interpretations, the court may consider the court may consider the fundamental responsibility. the supreme court has issued an order halting quiring operations at specific location in UP in accordance with sec 20 of the Indian forest acts 1927¹⁴, it has issued instruction for declaring disputed as a ‘reserve forest’. *Rural Litigation and Entitlement Kendra v State of Uttar Pradesh*,

*Mumbai Kamangar Sabha v Abdulbhai*¹⁵, the Indian constitution part 3, 4 and 4A shares a common thread , the court have also been able to give authority to uphold the constitution whose purpose in accordance

with the provision of article 51 A of the constitution , when interpreted it is always advisable to examine the scope and impact of such interpretation on all three emerges .

SOURCE OF INSPIRATION:

Fundamental duties as the source of inspiration as the citizen which would act in an reliable manner where the citizen promote our country at the highest pedestal for the promotion of harmony and secularism in the country.

ARTICLE 51(g):

In ancient times, nature was worshipped and regarded as sacred. The rate at which environmental degradation is taking place is quite alarming and is threatening to wipe out our very existence. There are raising instances of frequent natural disasters. Which consumes a lack of human life every year. The purpose behind ARTICLE 51 A(g)¹⁶ is to remind the citizen about their responsibility. In *rural litigation and entitlement Kendra & ORS v state of Uttar Pradesh and others*, justice Ranganatha Mishra observed

“Preservation of environment is not only the task of govt but also for the citizen as well. .It is a social obligation, so let every citizen be reminded. has the fundamental duty under article 51A¹⁷ ”

The court in *RLEK Dehradun v the court*, the Fundamental Duties owed to the general public preceding the Fundamental Rights of a select few. However, the court ruled that "it is a price that must be paid for protecting and safeguarding the right of the people to live in

¹⁴ the Indian forest act 1927, sec. 20.

¹⁵ *Mumbai Kamgar Sabha, Bombay v. M/S Abdulbhai Faizullahbai*, AIR 1455, 1976 SCR (3) 591.

¹⁶ *Supra* note 4, art. 51 A(g).

¹⁷ The Constitution of India, art. 51 A.



a healthy environment with minimal disturbance of ecological balance and without avoidable hazard to them and to their cattle, homes, and agricultural land and undue affectation of air, water, and environment." The court stated that the closure of limestone mines would undoubtedly result in hardship.

Vellore Citizens' Welfare Forum V Union of India In the Union of India, Bandkhal, and Suraj Kund Lakes case, the Supreme Court recognized "The Precautionary Principle" and "The Polluter Pays" as essential components of "Sustainable Development" and a part of the country's environment law. The High Court depended on Article 21, Order Standards, and Fundamental Duty clause (g) of Article 51A¹⁸ to provide a clear mandate to the State to safeguard the country's forests and wild life and to protect the environment.

"Charu Khurana v union of India¹⁹ , The Supreme Court decided that rather than restricting opportunities, the state should make them available. The court also stated that the citizen's responsibility has been extended to the state's collective responsibility".

RELATIONSHIP BETWEEN FUNDAMENTAL DUTIES AND FUNDAMENTAL RIGHT AND DIRECTIVE PRINCIPAL OF STATE POLICY :

In situations where there was a contention between the sacred legitimacy of the regulation with the central privileges, then, at

that point, the Mandate Rule of State Strategy have been utilized to maintain the protected legitimacy of such regulation. Article 31C²⁰ was added to the 25th Amendment in 1871. It states that any law that was enacted to implement the directive principles in Article 39(B)-(C)²¹ invalidated because it violated the FR in Articles 14, 19, and 31²² of the Indian Constitution. "Article 31C should be made applicable to all Directive Principles, according to the 42nd Amendment". However, due to its violation of the Indian Constitution's fundamental structure, the Supreme Court rejected this proposal. Fundamental rights and directive principles have been combined to form the foundation of social welfare legislation. Following the Kesavananda Bharati Case²³, the Supreme Court of India concluded that directive principles and fundamental rights not only complement one another but also provide some goals for establishing a welfare state through social revolution. Several statutes that promote the goals outlined in the fundamental duties have also been upheld by the Supreme Court as constitutional. All citizens are obligated to perform these responsibilities, and the Court has the authority to enact a variety of laws to enforce them. In order to ensure that these obligations are carried out in a timely manner, the state has previously received instructions from the High Court. Article 32 provides²⁴ of the Constitution, fundamental rights can be enforced by the Supreme Court, and the High Court has the authority to issue writs for the enforcement of fundamental rights under Article 226.²⁵ However, fundamental duties

¹⁸ *Ibid.*

¹⁹ *Charu Khurana v. union of India*, AIR 2015 SC 839.

²⁰ The Constitution of India, art. 31 C.

²¹ The Constitution of India, art. 39(B), (C).

²² The Constitution of India, art. 14,19.

²³ *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461.

²⁴ The Constitution of India, art. 32.

²⁵ The Constitution of India, art. 226.



cannot be enforced by the courts. When interpreting fundamental rights or any restrictions imposed on them, the courts of India consider the guiding principles and fundamental responsibilities of state policy as laid out in Part IV of the Constitution. The court ruled in *Javed v. State of Haryana* that the fundamental rights must be read in conjunction with the fundamental duties outlined in Article 51A of the Indian Constitution and the directive principles outlined for state policy. in Part IV. They can't be read separately. In the case of *State of Gujarat v. Mirzapur*²⁶, the Supreme Court ruled that when examining the provisions of Articles 48, 48-A, and 51(g)²⁷, the Indian Constitution's directive principles of state policy and fundamental duties play a significant role in determining whether a statute or executive action is constitutionally valid. The Court also stated that the fundamental duties and the directive principle of state policy can be taken into consideration to determine whether any regulation, control, or prohibition imposed by the law on fundamental rights is reasonable. Rights and obligations are intertwined. Only in the world of responsibilities can rights be enjoyed. There is a responsibility to fulfil for every right. Without duty, no right exists. A person's right is another person's duty. The continuous development of law is credited with the development of a society. Everyone has certain rights and obligations toward one another when people come together. Rights and duties are the pillars of law. According to Julius Stone, When they finalized the Constitution of India, the free India's framers were aware of it. It provided each Indian citizen with a number of fundamental rights that are listed and defined in Part III of the

Constitution. The rights to equality, freedom of religion, freedom of speech, freedom from exploitation, cultural and educational rights, and constitutional remedies are all examples of rights that can be enforced by courts. The State's fundamental responsibilities to its citizens are outlined in directive principles in Section IV of the Constitution. However not enforceable by courts, these targets making India a moderate and created country and government assistance State. In addition to these fundamental rights and guiding principles, the forty-second amendment to the country's Constitution in 1976 included the fundamental responsibilities of its citizens. These, like directive principles, are moral obligations of the nation's citizens and cannot be enforced by courts. The state's fundamental obligations to its citizens as well as the rights and responsibilities of citizens toward the state are outlined in the constitution's Fundamental Rights and Fundamental Duties. All citizens' fundamental human rights constitute fundamental rights. No matter where you were born, caste, gender, religion, or creed, these are the same. On the other hand, citizens have a moral obligation to support India's unity and promote patriotism as part of their Fundamental Duties. Six fundamental human rights are enshrined in the constitution: the right to equality, liberty, freedom from exploitation, freedom of religion, freedom of culture and education, and protection under the constitution. To put it another way, having the right to vote means having to vote for a candidate who, in your opinion, will make this country better. The obligation to maintain a clean and healthy environment goes hand in hand with the right to live there. The obligation to not interfere

²⁶ *State Of Gujarat v. Mirzapur Moti Kureshi Kassab*, AIR 2006 SC 212.

²⁷ The Constitution of India, art. 48, 48A, 51(g).



with the lives of others goes along with the right to live freely. In a similar way, having the right to drive a car means that you have to follow all of the laws that the government puts in place. According to the applicable provisions, the obligation to pay taxes comes with the right to utilize various government services like transportation.

"Everyone owes obligations to the community in which his or her personality can develop freely and fully," states the Universal Declaration of Human Rights. The necessity and significance of rights and obligations coexisting were anticipated in international conventions. It is impossible to establish deep roots of democracy in a society without complementary fundamental rights and obligations. Assuming everybody wants the honour of freedoms, yet nobody wants the obligation to satisfy commitments, government will decay into insurgency. Individual rights are equivalent to pursuing development benefits, whereas duties are equivalent to contributing to development. People habitually dismiss their commitments for chasing after just their privilege.

In *N.K. Bajpai v. Union of India*, it was noted that the Indian Constitution's Parts III, IV, and IV-A share a common thread. Initial segment furnishes us with the essential privileges while the subsequent part gives us the essential rule of administration of the state and the third part gives the key obligations of the residents of India. When interpreting any provision, the court ought to take into account every aspect of the constitution, including fundamental rights, fundamental duties, and the directive principle of state policy.

It was determined in *Ramlila Maidan Incident, In re*, (2012) 5 SCC 123:

"There must be an equilibrium and proportionality between the right also, limitation from one perspective, and the right and obligation, on the other. If the right of a citizen is given too much or too little weight without considering the significance of the duty, it will result in an imbalance. Duty is the true source of right. The fundamental duties outlined in Article 51-A are relevant when the courts are asked to determine whether a legislative restriction on the exercise of a freedom is reasonable. Individuals are required to adhere to the law, protect public property, and abstain from violence under Article 51-A²⁸. The individual must also uphold and safeguard the nation's sovereignty, unity, and integrity. All these responsibilities are significant. In *AK GOPALAN v STATE OF MADRAS*, the directive principle of state not only will of the majority in the legislature, but deliberate wisdom of nation exercised, setting the paramount and permanent laws of the country.

RECENT DEVELOPMENT :

*DURGA DUTT v UNION OF INDIA*²⁹, In response to Advocate Durga Dutt's writ petition for the enforcement of Fundamental Duties, the Supreme Court sent a notice to the Union Government on February 21, 2022. The petition emphasized the need to strike a balance between civil rights and obligations. The Indian Constitution of 1950 stipulates that citizens must carry out 11 tasks for the State that are not legally binding. Examples of Fundamental Duties include defending India's sovereignty, maintaining public property, and promoting peace and

²⁸ The Constitution of India, art. 51A.

²⁹ *Durga Dutt v. Union of India*.



brotherhood. While the Constitution's Fundamental Duties section stipulates that citizens must adhere to certain fundamental democratic conduct standards, the petition asserts that citizens have Fundamental Rights. By stating that in some instances, the violation of Fundamental Duties led to the violation of Fundamental Rights, the petition emphasized the co-extensive nature of Fundamental Rights and Duties. By preventing others from exercising their fundamental rights, protesters are abusing their fundamental duty to the nation. In accordance with Articles 14, 19, and 21 of the Indian Constitution of 1950, citizens' similar disregard for Fundamental Duties may affect other citizens' Fundamental Rights to equality. A significant observation was recently made by the Madras High Court: It is high time that the Constitutional Courts ensure that rights and responsibilities are upheld equally. Additionally, the Court emphasized that the government should develop a clear system with enforceable responsibilities. His claim was based on a decision made by the Bench of Justice S. M. Subramaniam, which said that a public servant who marries twice during the lifetime of the first wife cannot get service benefits because the second marriage is illegal. Under the Indian Constitution, there are no absolute rights. There are limitations on every right, including the fundamental right. The fundamental responsibilities outlined in Article 51A of the Indian Constitution have not yet been carried out in their true spirit. As a result, it is time for the Constitutional Courts to ensure that rights and responsibilities are enforced equally. Huge number of forsakenness of obligations and breaches are seen because of the non-enforceability of obligations in a way

considered. free speech, and life and liberty. The supreme court of India is still considering it..

³⁰ of the Constitution of India contemplates fundamental duties, but it is yet to be enforced in its real spirit. Thus, it is the time for the Constitutional Courts to ensure that the rights and duties are enforced in an equal manner. Large number of dereliction of duties and lapses are noticed on account of the non-enforceability of duties in a manner contemplated. Therefore, the Government also should come out with a clear system with enforceability of duties and citizen in general also must be insisted for performance of their duties towards the public at large".

Although it was not entirely absent from the discussions that took place in the Constituent Assembly, the notion that the Constitution places an emphasis on rights without clearly defining duties had remained at the margins of constitutional thought at the time that it was drafted. Narayana Agarwal's introduction of the Gandhian Constitution of Free India in 1946 conditioned the enjoyment of rights on the performance of fundamental responsibilities. Even though M.K. Gandhi did not write the Constitution, it reflected his views on the subject. K Gandhi had stated in Hind Swaraj that duties are the source of rights. Even though Gandhian philosophers expressed these fragments of thought, the formal Constitution-making process did not take this approach of tying the enjoyment of rights to the performance of duties.

The need to raise awareness of fundamental responsibilities has recently gained momentum. The law ministry implemented a massive outreach strategy to inform individuals of their fundamental

³⁰ The Constitution of India, art. 51A.



responsibilities as part of the celebrations marking the 70th Independence Day. In accordance with the plan, law students were hired by the Bar Council to give talks at nearby schools. To raise awareness about Fundamental Duties, the opinions of seventy prominent individuals from each state were recorded and shared across social media platforms. In a similar vein, on the 50th anniversary of the Constitution in 2019, Vice President Venkaiah Naidu offered a three-point plan of action that included incorporating the Fundamental Duties into the curriculum at the appropriate level, displaying the duties in all the country's educational institutions, offices, and public spaces, and communicating with the youth with appropriate planning.

CONCLUSION:

Mahatma Gandhi once said, "Being with the duties of a man and rights will follow as spring follows winter." This section on essential responsibilities was familiar with safeguarding individuals' fundamental freedoms. However, fundamental responsibilities are not carried out. The fundamental duties can only be enforced by law in a number of limited ways. Even the Supreme Court is generally in agreement that a person's fundamental duty is private and not public. In the current situation, it is crucial to instill civic prudence in Indian citizens. Anyone who is a citizen of India can accomplish this goal. By effectively and efficiently focusing on the fundamental duty at the same time, this objective can be accomplished. "The real freedom of any individual can always be measured by the amount of responsibility which he must assume for his own welfare in the society," according to Sir Robert Welch. The inapplicability of the fundamental duties will

not diminish its significance. Fundamental duties are necessary for a democratic state because they not only allow citizens to exercise their rights but also serve as a reminder to them to fulfill their duties to the nation. It is absolutely necessary for everyone to adhere to the responsibilities because they are referred to as "fundamental" and "important." Various commitments have similarly been set up as an alternate guideline and are made enforceable by the law anyway this doesn't reduce the value of various commitments that are given in Article 51A. It isn't simply the commitment of the public power to give everything in the Constitution, people should moreover be mindful about their part in general society. Paying taxes and exercising one's right to vote are obligations that are owed to each and every one of the nation's citizens. Because of these responsibilities, everyone develops a sense of social responsibility. When interpreting the rights, these fundamental responsibilities are always taken into account.

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