

The Ongoing Task of Effectuating Fundamental Duties in India

October 27, 2025 • vajiramandravi.com



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Why in News?

The Attorney General of India, R. Venkataramani, addressed the Supreme Court regarding the **“effectuation of Fundamental Duties”**. He emphasized that it is a **continuing task** requiring **duty-specific legislation, schemes, and supervision**.

What are Fundamental Duties?

- About

- Fundamental Duties are moral obligations laid down by the Constitution of India that every citizen is expected to follow.
- These duties are enshrined in **Article 51A under Part IV-A** of the Constitution.
- These duties emphasize the responsibility of citizens to uphold the spirit of the Constitution and contribute to the nation's development and well-being.
- Although these duties are not legally enforceable, they serve as a guiding principle to foster a sense of civic responsibility.

- **Fundamental duties taken from**

- The fundamental duties are taken from the USSR (Russia) constitution.
- The addition of **fundamental duties** in our constitution have brought our constitution aligned with the Article 29(1) of the Universal Declaration of Human Rights and with various provisions of the modern constitution of other countries.

- **Number of duties as mentioned in Indian constitution**

- The **42nd Amendment** (1976) originally added ten Fundamental Duties to the Constitution, and the **86th Amendment** (2002) added an eleventh duty.
- As of now, Article 51A outlines the following **11 Fundamental Duties** for Indian citizens.

- **Evolution and Amendments**

- **Original Constitution (1950):** The Indian Constitution, at the time of its adoption, did not contain any provisions related to Fundamental Duties.
- **42nd Amendment (1976):** During the Emergency period, the Swaran Singh Committee was appointed by the government to suggest constitutional amendments.
 - Based on its recommendations, Part IV-A and Article 51A were added, incorporating 10 Fundamental Duties to remind citizens of their moral responsibilities.
- **86th Amendment (2002):** The 11th Fundamental Duty was added, making it the duty of parents or guardians to provide opportunities for education to their children.
- **Important Supreme Court Judgments Regarding Fundamental Duties**
- **Chandra Bhavan Boarding and Lodging v State of Mysore (1969)**
- The Judgment emphasised that the Constitution conceives of both rights and duties.

- **M.C. Mehta v Kamal Nath II (2000)**

- The court recognized the importance of protecting the environment as one of the fundamental duties and upheld the responsibility of citizens to contribute toward its preservation.
- It emphasised that Article 51A(g) imposes a duty on every citizen to protect and improve the natural environment and to have compassion for living creatures.

- **Rangnath Mishra Commission Case (2003)**

- The Supreme Court directed the Centre to implement the **recommendations of the Justice J.S. Verma Committee** with respect to disseminating information on Fundamental Duties to the public.

- **Javed v State of Haryana (2003)**

- The apex Court emphasized that Fundamental Duties are just as important as Fundamental Rights and must be honored for the progress of society.
- The Judgment stressed that Fundamental Rights must be read in conjunction with the Directive Principles of State Policy and Fundamental Duties.

- **In Re Ramlila Maidan Incident v Home Secretary (2012)**

- The court emphasised that while citizens are entitled to Fundamental Rights, a Fundamental Duty to obey lawful orders and extend full cooperation in maintaining public order and tranquillity is cast on citizens.

Effectuation of fundamental duties

- **About**

- The “effectuation of fundamental duties” refers to the process or measures taken to ensure that the **Fundamental Duties** enshrined in the Indian Constitution are actively implemented, observed, and followed by citizens.

- **Ways To Effectuate These Duties:**

- **Awareness and education campaigns**
- **Inclusion in school curricula** to instill a sense of responsibility in children.
- **Government initiatives or policies** encouraging compliance (e.g., promoting respect for the national symbols, environmental conservation).
- **Judicial interpretation:** Courts sometimes reference Fundamental Duties when interpreting laws or issuing judgments to reinforce civic responsibility.

- **Justice Verma Committee for effectuation of duties**

- The committee was formed in 1998 in response to the need for an effective plan for the enforcement of Fundamental Duties, with the goal of instilling a sense of responsibility and civic consciousness in individuals from an early age.
- The **following laws were identified by the committee** for the enforcement of some of the Fundamental Duties:
 - **Prevention of Insults to National Honour Act, 1971:** Disrespecting the National flag, the Constitution of India, and the National Anthem is deemed unlawful under this act.
 - **Protection of Civil Rights Act, 1955:** This act provides legal provisions and punishments for offences related to caste and religion, safeguarding civil rights and promoting equality.
 - **Representation of the People Act, 1951:** Members of Parliament or state legislatures indulging in corrupt practices, such as seeking votes in the name of religion, can be held accountable under this act, ensuring ethical conduct in elections.
 - **Wildlife (Protection) Act, 1972:** Promotes conservation efforts and preserving biodiversity.
 - **Forest (Conservation) Act, 1980:** Implemented to ensure the proper implementation of Article 51A(g).

Observation made by Attorney General of India in Supreme Court

- **Background of the case**

- The top court was hearing a plea filed by lawyer Durga Dutt which sought direction to the Centre for enacting well defined laws/rules to ensure adherence to the fundamental duties as enshrined in the Constitution.

- The plea also stressed that non-adherence to Fundamental Duties impacts **Fundamental Rights** under **Articles 14, 19, and 21**, and called for the creation of schemes incentivizing citizens to follow these duties.
- Additionally, it sought guidelines from the Centre and states to raise public awareness and encourage compliance with these duties.

- **Observations made by the Attorney General of India**

- He emphasized that effectuation of FD is a **continuing task** requiring **duty-specific legislation, schemes, and supervision**.
 - He noted that the judiciary should refrain from directing the legislature to enact laws, especially when such matters are under legislative consideration.
 - He highlighted that the judiciary, including the Supreme Court, has consistently recognized the importance of Fundamental Duties in interpreting constitutional matters and imposing a social obligation on citizens.
 - However, he also pointed out that **Fundamental Duties are non-justiciable** and that their implementation lies primarily with the **executive**.
 - He referenced a **1998 committee** constituted by the Centre to teach and operationalize Fundamental Duties.
 - The Attorney General argued that incorporating these duties in **Article 51A** is insufficient without active efforts from the government, particularly in **education and culture**.
 - He urged the court to acknowledge the steps already taken and to **close the case** with appropriate directions.
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Q.1. What did the Attorney General of India say about the effectuation of Fundamental Duties?

The Attorney General emphasized that effectuating Fundamental Duties is a continuous process requiring specific legislation and government oversight. He highlighted the importance of public awareness and the judiciary's recognition of these duties in interpreting constitutional matters.

Q.2. What are some key Supreme Court judgments related to Fundamental Duties?

Important judgments include *M.C. Mehta v. Kamal Nath*, which emphasized environmental protection as a Fundamental Duty, and *Javed v. State of Haryana*, where the Supreme Court stressed that Fundamental Duties are as essential as Fundamental Rights for societal progress.

Source: [Effectuation of fundamental duties a continuing task: Attorney General to SC | Supreme Court Observer](#)

Source: <https://vajiramandravi.com/current-affairs/the-ongoing-task-of-effectuating-fundamental-duties-in-india/>

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