

THE ORIGIN, INTERPRETATION, AND ENFORCEMENT OF FUNDAMENTAL DUTIES IN THE INDIAN CONSTITUTION

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Abstract

This paper examines the conceptual and legal landscape of Fundamental Duties in India and explores their transition from democratic expectations to formally codified constitutional obligations under Article 51A. Originally absent from the 1950 Constitution, these duties were incorporated *via* the 42nd Amendment (1976) following recommendations by the Swaran Singh Committee which aims to balance individual rights with civic responsibilities. The study analyses the 11 duties, ranging from respecting national symbols and protecting the environment to the 2002 addition of providing educational opportunities for children. It highlights how the judiciary has utilised these “non-justiciable” duties as essential tools for constitutional interpretation and policy-making, in landmark cases concerning environmental protection and national dignity. Furthermore, the article details the legislative frameworks, such as the RTI Act and the Wildlife (Protection) Act, *inter alia*, that translate these moral exhortations into enforceable legal standards. Lastly, the paper argues that Fundamental Duties serve as the ethical foundation of the Republic, fostering a “Nation First” ethos necessary for sustaining a vibrant, disciplined, and inclusive constitutional democracy.

I Introduction

THE CONSTITUTION of India is a living document that not only grants rights but also the corresponding duties necessary for sustaining a constitutional democracy. While the discussion on Fundamental Rights is important, the equally significant is the domain of *Fundamental Duties* as enshrined in Part IVA of the Constitution of India, 1950 added through the Constitution (Forty-Second Amendment) Act, 1976. It embodies moral and civil obligations of citizens towards the State and co-country men. These duties, although non-justiciable, represent the values and ethics that sustain the moral fabric of the nation.

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The Preamble of the Constitution captures the values and principles that constitute the bedrock of the Constitution of India. While it primarily declares the objectives of the Constitution, it also imposes corresponding duties upon the citizens to preserve and promote these values in their social and individual conduct. Apart from the duties, we must strive to uphold the constitutional values of justice, liberty, equality, fraternity, unity and integrity of India. The Fundamental Duties provide valuable guidance for judicial interpretation and legislative policy-making. The Supreme Court of India has time and again acknowledged the relevance of Fundamental Duties in interpreting the provisions of the Constitution. In *Ranganath Mishra v. Union of India*,¹ the court recognized that Fundamental Duties reflect the obligations inherent in citizenship and can serve as a means to interpret and harmonize constitutional and statutory provisions.

The paper focuses on understanding the intricate relationship between duties and rights, recognizing that the two are not opposing forces but complementary elements of constitutional democracy. It explores how the framers of the Constitution envisioned this balance, drawing from historical debates and philosophical influences that emphasized collective responsibility alongside individual liberty. Further, the discussion traces the historical development of Fundamental Duties, from their absence in the original Constitution to their formal incorporation through the Constitution (Forty-Second Amendment) Act, 1976, and the gradual expansion of their scope in subsequent years. Finally, special emphasis is placed on Article 51A, which enumerates the Fundamental Duties of citizens, assessing its practical implications in strengthening constitutional principles.

II Duty and its co-relation with rights

“If we all discharge our duties, rights will not be far to seek.”

Mahatma Gandhi in *Young India* (08.01.1925)

These words of Mahatma Gandhi emphasize that the true measure of a civilized society lies not in the number of rights its citizens enjoy, but in the sense of duty they discharge toward others. The timeless principle of *Nishkama Karma*, the selfless performance of one's duty without attachment to the fruits of action, is illuminated in Lord Krishna's teachings in the *Bhagavad Gita*.

कर्मण्येवाधिकारिस्ते मा फलेषु कदाचन ।

मा कर्मफलहेतुर्भूर्मा ते सङ्गोऽस्त्वकर्मणि ॥

Translation: You have a right to perform your prescribed duties, but you are not entitled to the fruits of your actions. Never consider yourself to be the cause of the results of your activities, nor be attached to inaction.

1 (2003) 7 SCC 133; 2003 INSC 351.

The relationship between rights and duties lies at the heart of constitutional philosophy. Jurists across the world have emphasized that rights and duties cannot exist in isolation. They are correlative and interdependent concepts that come together to give form and structure to law. American Jurist Wesley Newcomb Hohfeld famously demonstrated that every legal right necessarily implies a corresponding duty on another, establishing a relational matrix that binds individuals and institutions within a normative order. Similarly, legal scholar John Salmond viewed duties as *“moral or legal necessity to do or abstain from doing something,”* “asserting that the existence of a right is meaningless without a corresponding duty that secures it.

This theoretical interdependence finds concrete expression in constitutional law, where the recognition of Fundamental Duties along with Fundamental Rights ensures that the exercise of individual liberty does not undermine the collective good.

III Framing of the Constitution

The origin of the Constitution of India can be traced to the Cabinet Mission Plan of 1946, which laid down the framework for establishing a Constituent Assembly to frame a constitution for independent India. To ensure that the Constitution derives its legitimacy from the people of India and reflects the essence of popular sovereignty, the Mission proposed that the Assembly be composed of representatives elected indirectly by the Provincial Legislative Assemblies. Out of a total strength of 389 members, 292 were elected from the provinces, 93 represented the princely states, and four represented the Chief Commissioner’s provinces of Delhi, Ajmer-Merwara, Coorg, and British Baluchistan. However, following the partition of India in 1947, the Assembly’s membership was reduced to 299 members, representing the territory of the newly independent India.

The Constituent Assembly met for the first time on December 9, 1946 in the Constitution Hall (now the Central Hall of Parliament). The historic Objectives Resolution, moved by Pandit Jawaharlal Nehru on December 13, 1946, laid down the guiding principles of the Constitution, namely the sovereignty of the people, justice, equality, freedom, and fraternity, which later found expression in the Preamble.

The Draft Constitution prepared by the Drafting Committee was presented to the Assembly on November 4, 1948. The Constituent Assembly held 11 sessions over 165 days of sittings, dedicating two years, eleven months, and eighteen days to the making of the Constitution. The final draft was considered from 14 to 26 November 1949, culminating in its formal adoption on November 26, 1949, but it came into effect on January 26, 1950. The Draft Constitution of 1948 consisted of 315 Articles and 8 Schedules divided into various parts. However, by the time it was finally adopted, the Constitution had expanded to 395 Articles and VIII Schedules, organized

into 22 Parts. This expansion reflected the Assembly's commitment to address the diverse social, political, and economic realities of India.

K.T. Shah,² emerged as one of the most consistent advocates for the constitutional recognition of citizens' duties during the framing of the Constitution. His dissent in the *Report of the Sub-Committee on Fundamental Rights* dated April 6, 1947 reflected his concern that the proposed framework was unduly asymmetrical, emphasizing individual rights while neglecting the corresponding obligations necessary for coexistence and social cooperation. In the Constituent Assembly, Shah advanced an amendment proposing that Part III be retitled as "*Fundamental Rights and Obligations of the State and the Citizen*." He contended that the Draft Constitution failed to acknowledge essential moral and civic obligations, such as duty of allegiance to the nation and conduct consistent with the responsibilities of citizenship. For Shah, these duties were not peripheral but constituted an integral dimension of the very idea of citizenship in a democratic polity. His proposal, however, was ultimately set aside.

B. Pattabhi Sitaramayya,³ offered one of the most comprehensive perspectives on the relationship between Fundamental Rights and Fundamental Duties. He observed that even though the Constitution did not explicitly enumerate such duties, they were inherently embedded within the conception of Fundamental Rights themselves. The recognition of rights necessarily entailed corresponding obligations, creating a horizontal dimension to their application. In his view, the protection of citizens' rights could be meaningfully achieved only by imposing reciprocal duties upon them.

Despite the occasional and diverse references to the idea of duties during the Constituent Assembly Debates, they ultimately found no place in the Constitution of India as adopted in 1950. A distinct chapter on Fundamental Duties was incorporated much later, through the Constitution (Forty-Second Amendment) Act, 1976.

IV History of the Fundamental Duties

The concept of Fundamental Duties in the Constitution was not part of the original framework adopted in 1950. Its introduction through the Constitution (Forty-Second Amendment) Act, 1976 was a deliberate attempt to address an imbalance between the enjoyment of rights and the discharge of civic responsibilities.

The Swaran Singh Committee, constituted during the Emergency period in 1976, was tasked with recommending inclusion of Fundamental Duties in the Constitution. Recognizing growing civic turmoil, the Committee emphasised the importance of citizens' responsibility in nation-building. It proposed addition of a separate chapter in the Constitution on Fundamental Duties, underlining that citizens must contribute to the progress of the nation while they enjoy constitutional rights. The Committee

2 Member of the Constituent Assembly.

3 Member of the Constituent Assembly.

submitted its Report in 1976, suggesting eight items to be incorporated as duties of citizens, with provisions for a fine or punishment in case of non-compliance. These were- To respect and abide by the Constitution and the laws. [Article 51A(a)], To uphold the sovereignty of the nation and to function in such a way as to sustain and strengthen its unity and integrity. [Article 51A(c)], To respect the democratic institutions enshrined in the constitution, and not to do anything which may impair their dignity or authority. [Article 51A(a)], To defend the country and to render national service including military service when called upon to do so. [Article 51A(d)], To abjure communalism in any form. [Article 51A(e)], To render assistance and cooperation to the State in the implementation of Directive Principles of State Policy and to promote the common good of the people so as to sub serve the interests of social and economic justice. [Article 51A(h)], To abjure violence; to protect and safeguard public property and not to do anything which may cause damage or destruction to such property. [Article 51A(i)], To pay taxes according to the law.

However, not all of the suggestions were accepted. The following recommendations of the Committee were not incorporated: (i) legal enforceability of duties with penalties or punishment; (ii) immunity of such laws from judicial review; and (iii) duty to pay taxes.

The Constitution (Forty-Second Amendment) Act, 1976 went beyond the Committee's suggestions and added at least five new duties not found in the Swaran Singh Committee Report. Upon these suggestions, with some addition, subtraction and alteration, ten duties were introduced through the Amendment (passed on September 1, 1976), forming Article 51A under the newly added Part IV-A. The following table presents a comparative analysis of the duties as introduced by the Amendment alongside the corresponding recommendations of the Swaran Singh Committee.

Art. 51A	Swaran Singh Committee Recommendation	Text of Fundamental Duty (42nd Amendment)	Status
(a)	i) Respect and abide by the Constitution and the laws iii) Respect democratic institutions	To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem	Modified version (includes National Flag and Anthem)
(b)	No corresponding recommendation	To cherish and follow the noble ideals which inspired our national struggle for freedom	New addition
(c)	ii) Uphold sovereignty and strengthen unity and integrity	To uphold and protect the sovereignty, unity and integrity of India	Adopted with minor rewording

(d)	iv) Defend the country and render national/military service	To defend the country and render national service when called upon to do so	Adopted
(e)	v) Abjure communalism in any form	To promote harmony and the spirit of common brotherhood... to renounce practices derogatory to the dignity of women	Expanded version (adds gender dignity)
(f)	No corresponding recommendation	To value and preserve the rich heritage of our composite culture	New addition
(g)	No corresponding recommendation	To protect and improve the natural environment etc. and have compassion for living creatures	New addition
(h)	vi) Cooperate in implementing Directive Principles and promoting social/economic justice	To develop the scientific temper, humanism and the spirit of inquiry and reform	Reframed version (broader scope)
(i)	vii) Abjure violence; safeguard public property	To safeguard public property and to abjure violence	Adopted (combined both elements)
(j)	No corresponding recommendation	To strive towards excellence... so that the nation rises to higher levels...	New addition

No doubt when our Constitution was drafted, there was quality debate on each of the articles, showing a futuristic approach as the document was being drafted to govern the country in future. It was not made static or rigid but elastic. This beauty of our Constitution is evident from various judgments of the Supreme Court interpreting the Constitution.

The change in language from the suggestions made in the report with the addition and deletion of some duties is reflected in discussions in the Parliament. Some parts of which I wish to refer to. Ibrahim Sulaiman Sait (Member of Parliament from Kozhikode, Indian Union Muslim League) observed:

Coming to the other Fundamental Duties, I would recall with gratitude the withdrawal of some of the very objectionable provisions that were made in Part IVA by the Swaran Singh Committee, after we had fruitful

discussions with Shri Swaran Singh, Shri Gokhale, the Law Minister, Shri Raghu Ramaiah, the Minister of Parliamentary Affairs, and Shri Om Mehta, the Minister of State for Home Affairs. I am happy that they understood our genuine apprehension and acted accordingly. I refer particularly to the provisions in the Chapter on Fundamental Duties...

When several parliamentarians recommended addition of a duty to pay taxes, which was recommended by the Swaran Singh Committee, however dropped in the draft amendment, this is how the Law Minister H. R. Gokhale replied:

Now, I think Mr. Dhote or Mr. Alagesan asked why the duty of paying taxes is not included. It has not been done for the simple reason that it is a scheme, it is harmony, and it is a high ideal which we are placing before the people in the form of duties and a mundane matter like taxes, for example, will be completely out of place... In all humility, I would recommend to the House that this Article (Article 51A) should be accepted without any disturbance.

Sources of Fundamental Duties

The concept of Fundamental Duties was borrowed from the Constitution of the Union of Soviet Socialist Republics (USSR). The 1936 Constitution of the USSR (Stalin's Constitution) had 'Chapter X' on Fundamental Rights and Duties of the Citizens. This constitution listed several duties, such as,

Article 130- It is the duty of every citizen of the U.S.S.R. to abide by the Constitution of the Union of Soviet Socialist Republics, to observe the laws, to maintain labour discipline, honestly to perform public duties, and to respect the rules of socialist intercourse.

Article 131- It is the duty of every citizen of the U.S.S.R. to safeguard and strengthen public, socialist property as the sacred and inviolable foundation of the Soviet system, as the source of the wealth and might of the country, as the source of the prosperous and cultured life of all the working people.

Article 133- To defend the fatherland is the sacred duty of every citizen of the U.S.S.R. Treason to the country - violation of the oath of allegiance, desertion to the enemy, impairing the military power of the state, espionage - is punishable with all the severity of the law as the most heinous of crimes.

At the time of the Constitution (Forty-Second Amendment) Act, 1976, Japan was the only democratic state that included the duties of a citizen in its constitution. Chapter III of the Japanese Constitution, titled '*Rights and Duties of the People*', does

not contain a separate list of duties. Rather, Article 12 weaves the rights and duties together and calls upon the citizens to refrain from any abuse of their freedoms and rights.

Article 12- The freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavour of the people, who shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare.

It is pertinent to note that the Supreme Court in *Chandra Bhavan Boarding and Lodging v. State of Mysore*,⁴ engaged with the concept of citizens' duties well before their formal incorporation into the Constitution by the Constitution (Forty-Second Amendment) Act, 1976. The case arose when hotel owners challenged legislation by the State of Mysore that imposed minimum wages for hotel and restaurant employees. The Court upheld the legislation, stressing the importance of social welfare. The judgment notably emphasized that the Constitution conceives of both rights and duties, explicitly stating that

13. "...It is a fallacy to think that under our Constitution, there are only rights and no duties. While rights conferred under Part III are fundamental, the directives given under Part IV are fundamental in the governance of the country. We see no conflict on the whole between the provisions contained in Part III and Part IV. They are complimentary and supplementary to each other. The provisions of Part IV enable the legislatures and the Government to impose various duties on the citizens. The provisions therein are deliberately made elastic because the duties to be imposed on the citizens depend on the extent to which the directive principles are implemented..."

The court highlighted that while Fundamental Rights are enshrined in Part III, the Directive Principles in Part IV are fundamental to the country's governance. These principles empower the legislature and the government to impose various duties on citizens, which are essential to the nation's progress and must be observed to achieve the constitutional goal of a welfare state.

Addition of the eleventh fundamental duty

Over the time, public discourse around the right to free and compulsory education started to pick up. A committee was established to review the National Policy on Education (*Ramamurti Committee*). In 1990, the committee released its report titled 'Towards an Enlightened and Humane Society NPE, 1986: A Review'. It rebuked the

4 (1969) 3 SCC 84; 1969 INSC 262.

government for its continued failure since independence in the education sector. The Report recommended that

Now time has come to recognise 'Right to Education' as one of the fundamental rights of Indian Citizens for which necessary amendments to the constitution may have to be made, and more importantly, conditions be created in society such that this right would become available for all children of India.

Thereafter, in 1992, India became signatory to the UN Convention on the Rights of the Child (UNCRC). Article 28 of UNCRC required the signatories to recognise the right of the child to education and to make primary education compulsory and available free to all. As part of UNCRC, India was also committed to review its laws and bring them in line with the Convention.

Right to Education was declared as a fundamental right by the Supreme Court in the case of *Unni Krishnan, J.P. v. State of A.P.*,⁵

226The citizens of this country have a fundamental right to education. The said right flows from Article 21. This right is, however, not an absolute right. Its content and parameters have to be determined in the light of Articles 45 and 41. In other words every child/citizen of this country has a right to free education until he completes the age of fourteen years. Thereafter his right to education is subject to the limits of economic capacity and development of the State.

The government established another committee based on these developments - the Committee of State Education Ministers on Implications of the Proposal to Make Elementary Education a Fundamental Right (*Saikia Committee*). The Committee submitted its report in January 1997, with the following recommendation:

The Constitution of India should be amended to make the right to free elementary education up to 14 years of age a fundamental right. Simultaneously, an explicit provision should be made in the Constitution to make it a fundamental duty of every citizen who is a parent to provide opportunities for elementary education to all children up to 14 years of age.

The Saikia Committee's recommendation was given effect to by tabling the Constitution (83rd Amendment) Bill, 1997. Again, a new bill was reintroduced as the Constitution (93rd Amendment) Bill, 2001 which was the amended form of the earlier 1997 Bill. This Bill was enacted as the Constitution (Eighty-Sixth Amendment) Act, 2002 on the 14th May of that year. Thus, the 11th duty was added, mandating parents to provide education to children aged between 6-14 years.

5 (1993) 1 SCC 645; 1993 INSC 40.

(k) who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.

V Enforcement of Fundamental Duties

It has been around half a century since the Constitution (Forty-Second Amendment) Act, 1976, and yet, proper sensitisation, full operationalisation, and enforceability of Fundamental Duties remain elusive goals. In 2003, Justice Ranganath Misra, the 21st Chief Justice of India, wrote to the then Chief Justice of India to issue directions to the Central Government to the Central Government to educate the citizens on the fundamental duties so that a right balance may emerge between the rights and duties. This was treated as a Writ Petition. The Supreme Court in *Ranganath Mishra v. Union of India*,⁶ taking note of the recommendations made by the Verma Committee directed the Centre to implement recommendations on educating the public on Fundamental Duties.

The ongoing case of *Durga Dutt v. Union of India*⁷ has reopened the debate on the effectuation of Fundamental Duties. On February 21, 2022, the Supreme Court issued notice to the Union Government in the writ petition filed by Advocate Durga Dutt seeking enforcement of Fundamental Duties. While issuing notice, the Court has asked the government to inform it of the steps taken in pursuance of the judgment in *Sbri Ranganath Mishra's* case (*supra*).

The Attorney General for India has submitted a written note⁸ before the Supreme Court in the aforesaid case, detailing the steps taken by the government in effectuating Fundamental Duties, emphasizing that effectuation is a continuous process requiring duty-specific legislation and government oversight rather than judicial mandates for comprehensive new laws. Additionally, he highlighted extensive government efforts to sensitize citizens and promote a 'national culture' of duty through educational and awareness programs.

Even as the Supreme Court examines the issue, the increasing neglect of fundamental duties cannot be ignored.

Article 51A

While all eleven Fundamental Duties are constitutionally placed on the same pedestal, they differ significantly in their character, content, and enforceability. While some of these duties, such as those enshrined in Article 51-A (a), (f), (g), and (i), postulate more determinate aims and have received recognition in the legislative sphere as

6 *Supra* note 2.

7 W.P.(C) No. 67/2022.

8 Available at: <https://www.scobserver.in/wp-content/uploads/2022/03/Written-Note-by-Attorney-General-on-Fundamental-Duties-enforcement.pdf> (last visited on Apr. 19, 2026).

well. Other duties, such as the ones under Article 51-A (b), (h), and (j) seek to imbue citizens with the pursuit of ideals or philosophies, which may require multi-faceted approach. In fact, these ideals have even been used by the judiciary as the guiding principles for interpreting provisions or adjudicating the validity of actions taken, in certain instances. Let us now discuss each of these duties independently.

(a) To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem

The first Fundamental Duty, embodied in Article 51A(a), enjoins every citizen to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem. This provision lies at the heart of constitutional morality envisioned by the framers. It imposes a dual obligation: a positive duty to uphold and follow the Constitution as the supreme law of the land, and a negative restraint against acts that undermine its authority or symbols representing national unity.

Constitution is the product of collective commitments, resolve, goals, and pledges made by leaders and the common people. Similarly, the national anthem, the national song and national symbols are the epitomes of sovereignty of the nation, which vests in people. Therefore, it is a prime duty of each citizen to respect the above.

Legislative measures

The Prevention of Insults to National Honour Act, 1971 criminalizes acts of disrespect toward the National Flag, the Constitution, or the National Anthem. Section 2 penalises intentional insult to the Indian National Flag or the Constitution of India, while Section 3 prescribes punishment for preventing the singing of, or showing disrespect to, the National Anthem. This Act reflects the legislative intent to maintain the sanctity of symbols representing national unity and integrity, ensuring that the ideals of respect and allegiance are not merely rhetorical but legally enforceable. The Emblems and Names (Prevention of Improper Use) Act, 1950 prohibits unauthorized use of national emblems for commercial or professional purposes. By regulating the use of national insignia, this Act safeguards against the trivialization and commercialization of symbols that embody the sovereignty and authority of the Indian state. The Flag Code of India, 2002 Though not a statute, it consolidates executive instructions and judicial interpretations regarding the display, hoisting, and use of the National Flag. It lays down comprehensive guidelines to ensure the Flag is treated with dignity and respect, including rules on its display in educational institutions, private premises, and during official ceremonies.

Judicial initiatives

The judicial approach to Article 51A(a) demonstrates how courts have balanced constitutional patriotism with individual liberty, interpreting respect for national symbols as both a moral and civic obligation.

In *Union of India v. Naveen Jindal*,⁹ the court held that the right to display the National Flag is an expression of one's patriotism and, therefore, protected under Article 19(1)(a) as part of the freedom of speech and expression. However, the exercise of this right must conform to the regulatory framework of the Flag Code of India, 2002, and the Prevention of Insults to National Honour Act, 1971, which ensure that the flag is treated with dignity. The judgment thus linked Article 51A(a) with fundamental freedoms, holding that respect for the Flag is both a right and a duty, an embodiment of the citizen's allegiance to the constitutional order.

In *Shyam Narayan Chouksey v. Union of India*,¹⁰ In this case the court dealt with the issue concerning the playing of the National Anthem in cinema halls. Initially, the Court's interim order in 2016 made it mandatory for all cinema halls to play the National Anthem before movie screenings, with citizens required to stand as a mark of respect. This decision was justified as a means of promoting constitutional patriotism under Article 51A(a). However, after widespread debate, the court revisited its stance in 2018, modifying the order to make the playing of the Anthem optional rather than mandatory, and clarifying that genuine patriotism cannot be enforced through coercive measures. The court emphasized that the Fundamental Duties, though important, must not curtail fundamental freedoms or foster a climate of compulsion, reaffirming that respect is a matter of conviction, not compliance.

Government initiatives

In addition to legislative and judicial efforts, the Government of India has launched several public initiatives aimed at cultivating voluntary respect for national symbols and reinforcing the constitutional ethos embodied in Article 51A(a).

The Har Ghar Tiranga campaign (2022) campaign, introduced under the aegis of the *Azadi Ka Amrit Mahotsav* in 2022, encouraged citizens to hoist the National Flag at their homes to commemorate 75 years of independence. The initiative sought to transform the relationship between citizens and the National Flag from one of formal observance to one of personal emotional attachment and civic pride. By promoting mass participation, the campaign revitalized awareness of the symbolic unity and constitutional identity that the Tricolour represents, thus operationalizing the moral dimension of Article 51A(a) through a collective act of allegiance.

Hamara Samvidhan, Hamara Samman initiative, launched by the Ministry of Law and Justice in 2024, focuses on spreading constitutional literacy and civic awareness across India. It emphasizes respect for the ideals and institutions of the Constitution, particularly democracy, secularism, and the rule of law, which lie at the core of Article 51A(a). Through outreach programs, exhibitions, public readings of the

9 AIR 2004 SC 1559; 2004 INSC 53.

10 AIR 2018 SC 357; 2018 INSC 14.

Preamble, and awareness drives in schools and universities, the initiative aims to make the Constitution a living document in the public consciousness, thereby fostering constitutional morality and respect for national institutions. The campaign serves as a dynamic platform aimed at empowering citizens with essential knowledge about their legal rights and responsibilities. Activities include reading the Panch Pran pledge, organising legal aid fairs and hoisting competitions on MyGov, such as quizzes, poster-making, and reel-making. The campaign also utilizes local governance meetings to encourage citizens to reflect upon their duties.

(b) To cherish and follow the noble ideals which inspired our national struggle for freedom

The second Fundamental Duty, enshrined in Article 51A(b), obligates every citizen “*to cherish and follow the noble ideals which inspired our national struggle for freedom.*” This duty serves as a moral and philosophical bridge between India’s constitutional present and its historical struggle for independence. It seeks to ensure that the values which guided the freedom movement, such as liberty, equality, fraternity, non-violence, tolerance, and respect for human dignity, continue to inform the conduct of citizens in a democratic society.

From a constitutional perspective, this duty reflects the continuity of India’s political morality, linking the pre-independence nationalist ethos with the post-independence constitutional order. The Constituent Assembly itself drew heavily upon these ideals while drafting the Constitution; the Preamble’s commitment to justice, liberty, equality, and fraternity is a direct expression of the aspirations nurtured during the freedom movement. Thus, Article 51A(b) functions as a reminder of the nation’s moral heritage, urging citizens to embody these principles in their civic life and public behaviour.

It is our duty as the citizens of India to remember the supreme sacrifices made by our forefathers and the causes for which those sacrifices were made. We should be committed to achieve the goals rising above our own narrow principal interests and contributing as an active participant in the overall development of the Nation. The birthdates of many freedom fighters and important figures are celebrated as significant days to create awareness about their struggles and sacrifice made during freedom struggle, *e.g.*, Gandhi Jayanti, Ambedkar Jayanti, Shaheed Diwas.

(c) To uphold and protect the sovereignty, unity and integrity of India

The third Fundamental Duty, enshrined in Article 51A(c), mandates every citizen “*to uphold and protect the sovereignty, unity, and integrity of India*”. This duty occupies a central place in the scheme of Fundamental Duties, as it underscores the paramount constitutional value of national unity, a value that forms the foundation of India’s democratic and pluralistic polity. It embodies the expectation that every citizen shall not merely refrain from acts endangering the nation’s security or unity, but shall also actively contribute to the preservation of India’s territorial and constitutional integrity.

This mandate serves as the constitutional bedrock for the “Nation First” ethos, shifting the civic paradigm from a focus on what the country can provide to what the individual can contribute. By internalizing this “Nation First” approach, the citizen moves beyond being a passive recipient of rights to become an active guardian of the state, acknowledging that the collective survival and progress of the motherland must always take precedence over individual or sectional interests. The approach should be not what the nation has done for us, but what we can do for the nation.

Legislative measures

The Constitution of India, 1950 itself authorizes the State to impose reasonable restrictions on fundamental freedoms in the interest of sovereignty and integrity of India under Articles 19(2) to 19(4). It authorises the State to limit freedoms of speech, assembly, and association when such expressions or activities threaten the unity or sovereignty of the nation. This balance between rights and duties ensures that individual liberty functions within the broader framework of constitutional loyalty and national stability.

Some laws taking care of the duties were existing prior to the Constitution (Forty-Second Amendment) Act, 1976, whereas some were enacted later.

The Official Secrets Act, 1923 continues to play a critical role in safeguarding national sovereignty by prohibiting unauthorized collection, sharing, or publication of information that could compromise the security or interests of the State. It thus provides a statutory basis for protecting sensitive national information from espionage, or subversive misuse.

The Unlawful Activities (Prevention) Act, 1967 (UAPA), empowers the State to ban organizations, restrict activities, and prosecute individuals engaged in acts that threaten India’s sovereignty and integrity. Historically, the Act was preceded by the Terrorist and Disruptive Activities (Prevention) Act (TADA), which was enacted in 1985 to counter growing insurgency but was subsequently allowed to lapse in 1995. By defining and penalizing ‘unlawful’ and ‘terrorist’ activities, the Act is in line with the spirit of Article 51A(c). The 2019 Amendment to the UAPA was enacted to empower the Central Government to designate individuals as “terrorists” under the Fourth Schedule, a power previously limited only to organizations. The challenge to constitutional validity of this amendment is currently pending before the High Court of Delhi in *Foundation for Media Professional v. Union of India*.¹¹

Bharatiya Nyaya Sanhita, 2023 (BNS), which was enacted to replace the Indian Penal Code (IPC), incorporates several provisions reinforcing this duty. It criminalizes acts that are prejudicial to national interest, such as waging war against the Government

11 W.P. (Crl.) No. 3650/2024.

of India, promoting enmity between groups, or engaging in activities intended to undermine the unity and integrity of the country. These provisions continue the legislative intent of maintaining the security and cohesion of the State through penal sanction.

Government initiatives

The Communal Harmony Guidelines issued by the Ministry of Home Affairs in 2008, direct state governments to take proactive measures for maintaining inter-community peace, preventing hate speech, and curbing communal violence. The same are upheld by various provision of the BNS. The National Foundation for Communal Harmony (NFCH), an autonomous organization under the Ministry of Home Affairs, undertakes initiatives to promote emotional integration and interfaith understanding, especially among the youth. Through financial assistance, awareness programs, and peace education, NFCH seeks to translate the abstract constitutional duty of unity into social and emotional solidarity. Its main objective is to provide financial and physical assistance for the rehabilitation of child victims of communal, caste, ethnic, or terrorist violence, with a flagship program called Project Assist that helps them with their education and vocational training. The NFCH also supports educational, cultural, and academic activities that promote peace and unity.

(d) To defend the country and render national service when called upon to do so

The fourth Fundamental Duty, enshrined in Article 51A(d), obligates every citizen “*to defend the country and render national service when called upon to do so*”. This duty embodies the constitutional recognition that the defence of the nation is not solely the responsibility of the State, but a shared obligation of all citizens. It reflects the idea that sovereignty entails not only rights and freedoms but also a corresponding readiness to safeguard the Republic and its democratic order.

Although non-justiciable, spirit of Article 51A(d) finds expression in several statutory and institutional frameworks that regulate military service, emergency preparedness, and civilian participation in defence efforts. The Territorial Army Act, 1948, for example, provides a framework for voluntary participation by civilians in military defence during emergencies. Similarly, the National Cadet Corps (NCC) Act, 1948, institutionalizes youth training in discipline, leadership, and national service, thereby operationalizing Article 51A(d) through education and voluntary participation rather than coercion.

The Territorial Army Act, 1948 provides a statutory framework for the organization and regulation of the Territorial Army (TA), a voluntary, part-time civilian force trained to support and supplement the regular armed forces in times of national emergency or defence exigencies. Enacted shortly after Independence, the Act was

intended to involve civilians in the defence preparedness of the nation while allowing them to retain their regular civilian occupations.

(e) To promote harmony and the spirit of common brotherhood; To renounce practices derogatory to the dignity of women

This duty captures the ethical core of India's pluralistic democracy, emphasizing that unity in diversity can be sustained only through mutual respect, social harmony, and gender equality. It seeks to transform the constitutional vision of fraternity, enshrined in the Preamble, into an active civic responsibility.

Article 51A(e) advances two interconnected ideals: (i) social and national integration through harmony and brotherhood among citizens of diverse identities; and (ii) gender justice through the renunciation of discriminatory and degrading practices against women. The first component, promoting harmony, reflects the need for citizens to transcend religious, linguistic, or regional divisions and foster a shared sense of belonging to the nation. It echoes the constitutional commitment to secularism under Articles 25 to 28 and equality under Article 14, ensuring that India's diversity strengthens, rather than fragments, its social fabric. The duty thus imposes a moral and civic expectation on citizens to reject communalism, casteism, linguistic chauvinism, and regional hostility.

The second limb of Article 51A(e), "to renounce practices derogatory to the dignity of women", integrates gender equality and human dignity into the framework of Fundamental Duties. It reinforces constitutional guarantees under Articles 14, 15(1) and (3), and 21, and aligns with the Directive Principles in Article 39(a) and (d) promoting equal status and opportunities for women. This duty imposes a societal obligation to eliminate discriminatory customs such as dowry, female infanticide, child marriage, and violence against women, thereby fostering a culture of respect and equality.

The inhabitants of the country are required to integrate amongst them a spirit of brotherhood rising above communal, sectional and local interests. There must be a spirit of brotherhood and a sense of concern for the dignity and rights of others.

Sir George Grierson's twelve-volume Linguistic Survey of India (1903-1923) identified 179 languages and 544 dialects. This linguistic complexity was echoed in early Census Reports, such as the 1921 Census, which recorded 188 languages and 49 dialects. Today, this vast heritage is structurally recognized in the Eighth Schedule of the Constitution, which currently lists 22 languages as the official languages. By recognizing 22 diverse languages in the Eighth Schedule, the State provides a framework for the "common brotherhood" mentioned in Article 51A(e). The duty of the citizen, therefore, is to respect this plurality. To "transcend" linguistic diversity does not mean to ignore it, but to ensure that language never becomes a barrier to national unity or a tool for discrimination.

Legislative measures

The Protection of Women from Domestic Violence Act, 2005 extends this constitutional vision into the private sphere of the home, recognizing that practices derogatory to women's dignity often occur within intimate and familial relationships. The Act provides comprehensive civil remedies for physical, sexual, emotional, and economic abuse, thereby ensuring that women are protected not only from public violations but also from systemic domestic subordination. It redefines the family space as a constitutional site of equality and respect, giving practical meaning to the duty to renounce degrading practices within the most personal social structures.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 further reinforces this constitutional mandate within the institutional and professional domain. Enacted in response to the Supreme Court's pronouncement in *Vishaka v. State of Rajasthan*,¹² the Act recognizes sexual harassment as an infringement of a woman's fundamental rights to equality and dignity, and imposes a legal duty upon employers and institutions to create safe, respectful, and non-discriminatory work environments. In doing so, it translates the ethical dimension of Article 51A(e) into a framework of institutional accountability, ensuring that the obligation to uphold women's dignity is not merely personal but collective and structural.

The Bharatiya Nyaya Sanhita, 2023, reflects a reoriented criminal jurisprudence that places human dignity and gender justice at its core. By strengthening offences relating to sexual violence, cruelty, dowry harassment, and trafficking, the Sanhita operationalizes the constitutional command to eliminate practices that degrade women. Its provisions addressing sexual offences, stalking, voyeurism, and domestic cruelty transcend the narrow confines of physical harm and recognize violations of psychological and digital integrity, signalling a modern, rights-based understanding of women's dignity in line with the moral obligations envisioned by Article 51A(e).

Judicial initiatives

In *Shayara Bano v. Union of India*¹³, the Supreme Court struck down the practice of Triple Talaq, which allowed for instantaneous and irrevocable divorce at the husband's whim under the Muslim Personal Law. Thereby effectively transforming the moral obligation of Article 51A(e) into a legal reality, asserting that any custom, regardless of religious or cultural sanction, cannot survive if it treats women as inferior or subjects them to a life of perpetual insecurity.

In *Mohd. Ahmed Khan v. Shab Bano Begum*¹⁴ the Supreme Court clarified that a Muslim woman is entitled to maintenance under section 125 CrPC (now section 144 of the

12 (1997) 6 SCC 241; 1997 INSC 604.

13 (2017) 9 SCC 1; 2017 INSC 785.

14 (1985) 2 SCC 556; 1985 INSC 97.

BNSS), as it is a secular provision intended to prevent vagrancy and destitution, and it applies to divorced women of all religions. Subsequently, in *Danial Latifi v. Union of India*¹⁵ the Supreme Court interpreted section 3(1)(a) of the Muslim Women (Protection of Rights on Divorce) Act, 1986 to hold that the liability of husband to pay maintenance is not limited to the iddat period, but it extends for the entire life of a divorced muslim wife unless she gets married for second time. This judicial intervention effectively enforces the constitutional duty of the State and its citizens to reject any custom that undermines the socio-economic security and inherent dignity of women.

Government initiatives

The Beti Bachao, Beti Padhao scheme, a joint initiative of the Ministries of Women and Child Development, Health and Family Welfare, and Education, was primarily directed at combating the declining child sex ratio and promoting the education and empowerment of girls.

(f) To value and preserve the rich heritage of our composite culture

The duty under Article 51A(f) enjoins every citizen “*to value and preserve the rich heritage of our composite culture*”, encapsulating the constitutional vision of India as a civilization defined not by uniformity but by pluralism, tolerance, and cultural synthesis. The phrase “composite culture” refers to the cumulative and shared legacy of India’s diverse religious, linguistic, regional, and artistic traditions that have evolved through centuries of interaction and mutual influence. It emphasizes the idea that Indian identity is neither monolithic nor sectarian but interwoven from multiple cultural strands.

In *Rajeev Suri v. Archaeological Survey of India*,¹⁶ the Supreme Court expressed strong disapproval of the Archaeological Survey of India’s (ASI) prolonged inaction in protecting the Gumti of Shaikh Ali, a Lodhi-era monument located in Delhi’s Defence Colony. The court took note of findings by the Central Bureau of Investigation (CBI) revealing that the local Residents’ Welfare Association had been using the 15th century heritage structure as its office since the 1960s, in blatant violation of preservation norms. The court’s rebuke underscored the ASI’s statutory and constitutional responsibility to safeguard monuments of historical significance, thereby reaffirming the citizen and State obligation under Article 51A(f) to preserve India’s composite cultural heritage.

Complementing judicial scrutiny, recent governmental initiatives have also reflected a renewed national and international commitment to heritage conservation. In July 2024, during the 46th Session of the World Heritage Committee held at Bharat

15 (2001) 7 SCC 740; 2001 INSC 468.

16 SLP (C) No. 12213/2019.

Mandapam, the Prime Minister highlighted India's success in repatriating over 350 cultural artefacts, emphasizing this achievement as a testament to global goodwill and respect for India's civilizational legacy. Among these, 298 antiquities were returned from the United States under a Cultural Property Agreement aimed at curbing the illicit trafficking of cultural property. Similarly, in 2022, the Government of Australia repatriated 29 religious and cultural artefacts that had been unlawfully taken from India. Collectively, these judicial and executive measures signify India's deepening resolve to protect, restore, and reclaim its cultural patrimony, translating the constitutional ideal of valuing and preserving heritage into tangible national action.

Legislative measures

The Indian Treasure Trove Act, 1878 one of the earliest legislative measures in this domain, sought to regulate the discovery of hidden treasures possessing archaeological or historical significance. It required any person finding such treasures to report the discovery to the authorities, ensuring that valuable artefacts of historical or cultural importance remained under State supervision rather than private possession. This Act laid the foundation for later statutory recognition of cultural preservation as a matter of public interest.

The National Museum Act, 1949 marked an early post-independence initiative to institutionalize conservation and display of India's cultural wealth. It provided for the establishment of the National Museum in New Delhi, entrusted with collection, preservation, and scientific study of antiquities and artistic works that reflect the nation's heritage. The Act symbolizes the State's proactive role in curating national memory through public institutions.

The Ancient Monuments and Archaeological Sites and Remains Act, 1958 represents the cornerstone of India's heritage protection regime. It provides for the declaration, maintenance, and conservation of monuments and archaeological sites of national importance, along with the regulation of construction activities within their vicinity. The Act prohibits construction within 100 meters of protected monuments and restricts development within 200 meters and beyond that, thereby safeguarding the historical integrity of heritage zones. The AMASR (Amendment) Bill 2022 seeks to allow the Central Government to undertake essential "public works" within the 100-metre prohibited zone, provided there is no reasonable alternative and a mandatory heritage impact assessment is conducted. It also proposes to replace the existing blanket 100/200-metre rules with site-specific prohibited areas to balance infrastructural development with the preservation of smaller or less sensitive monuments

The Antiquities and Art Treasures Act, 1972 is the primary legislation enacted to fulfill India's international obligations under the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of

Ownership of Cultural Property. The Act regulates the export of cultural property to prevent illicit trafficking and underscores India's commitment to global cultural cooperation and the repatriation of stolen heritage objects. It mandates the compulsory registration of specific antiquities, the licensing of dealers, and the absolute prohibition of export by any entity other than the Central Government. By ensuring transparency and accountability in the movement of heritage materials, this statute fortifies India's position against the transnational smuggling of artefacts and facilitates their restitution through diplomatic channels, as evidenced by the recent return of hundreds of antiquities from the United States and Australia.

The aforesaid statutes existed prior to the Constitution (Forty-Second Amendment) Act, 1976, and already contained penal provisions, still it was deemed necessary to include them as part of fundamental duties. The idea was to encourage voluntary compliance and promote civic responsibility. The statutes of Post-Constitution (Forty-Second Amendment) Act, 1976 are:

Maintenance and Welfare of Parents and Senior Citizens Act, 2007, For centuries, the joint family system has been part of our culture. However, social change and the rise of nuclear families have weakened these informal support networks, leaving many elderly citizens vulnerable. As we are forgetting these inherent moral responsibilities, the Act was enacted to codify these values into law. This legislation acts as a vital "social security net," ensuring that the civilizational duty to care for our elders remains a protected pillar of our composite heritage. It has been nicely summed up in the Objects of the Act, the same is reproduced below:

Traditional norms and values of the Indian society laid stress on providing care for the elderly. However, due to withering of the joint family system, a large number of elderly are not being looked after by their family. Consequently, many older persons, particularly widowed women are now forced to spend their twilight years all alone and are exposed to emotional neglect and to lack of physical and financial support. This clearly reveals that ageing has become a major social challenge and there is a need to give more attention to the care and protection for the older persons. Though the parents can claim maintenance under the Code of Criminal Procedure, 1973, the procedure is both time-consuming as well as expensive. Hence, there is a need to have simple, inexpensive and speedy provisions to claim maintenance for parents.

Judicial measures

In *M.C. Mehta v. Union of India*¹⁷ (the Taj Trapezium Case), the Supreme Court addressed the deteriorating environmental conditions surrounding the Taj Mahal,

17 (1997) 2 SCC 353; 1996 INSC 534.

one of India's most significant heritage monuments, said to be one of the wonders of the world. The court recognized that the monument's marble was corroding due to industrial emissions and air pollution from the surrounding "Taj Trapezium Zone." By ordering relocation or conversion of polluting industries to cleaner fuels, the court linked environmental protection directly to heritage preservation, observing that safeguarding cultural monuments was integral to the constitutional mandate of Article 51A(f). The judgment thus extended the scope of heritage protection to include the ecological context in which monuments exist, establishing that the right to a clean environment also encompasses the duty to protect physical and aesthetic integrity of India's historical landmarks.

In *Subhas Datta v. Union of India*,¹⁸ the Supreme Court reinforced this interpretive approach by emphasizing the citizen's duty under Article 51A(f) in the context of protecting the Victoria Memorial in Kolkata. The court directed measures to regulate pollution and vehicular traffic in the surrounding area, highlighting that environmental degradation around monuments constitutes a direct threat to national heritage. The Court observed that preserving such structures is not merely an act of aesthetic concern but a constitutional duty that sustains national identity and cultural continuity.

(g) To protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures

The Fundamental Duty enshrined under Article 51A(g) reflects a profound ecological consciousness embedded in the constitutional framework, emphasizing that environmental protection is not merely a governmental responsibility but a shared civic and moral duty. Introduced by the Constitution (Forty-Second Amendment) Act, 1976, during a period of growing global awareness about environmental degradation, this clause signifies India's commitment to integrate ecological ethics into the broader constitutional philosophy of sustainable development and human welfare.

In the present times, owing to increased activity, the environment with all its living creatures are being degraded and depleted. We should make concrete efforts and take initiatives to ensure a pollution free atmosphere to save the planet earth.

Legislative measures

The Wildlife (Protection) Act, 1972 stands as the cornerstone of India's wildlife conservation regime. It provides for protection of wild animals, birds, and plants through establishment of sanctuaries, national parks, and biosphere reserves. The Act prohibits hunting and trade in wildlife and their derivatives, and categorizes species into schedules based on their level of protection. By criminalizing poaching and habitat destruction, it embodies the constitutional ideal of compassion for living

18 (2015) 11 SCC 324; 2015 INSC 86.

creatures and has enabled India to preserve critical ecosystems and species such as tigers, elephants, and rhinoceroses

The Water (Prevention and Control of Pollution) Act, 1974 represents India's first comprehensive environmental legislation. It established the Central and State Pollution Control Boards, tasked with monitoring water quality, preventing contamination of rivers and lakes, and ensuring that industrial effluents meet prescribed standards. This law operationalizes the duty to protect natural water bodies, explicitly mentioned in Article 51A(g), and aligns with the constitutional vision of safeguarding the right to clean and unpolluted water

The statutes of Post-Constitution (Forty-Second Amendment) Act, 1976 are:

The Forest (Conservation) Act, 1980 complements this protection by regulating the diversion of forest land for non-forest purposes. It requires prior approval from the Central Government for any such activity, thereby preventing indiscriminate deforestation and ensuring that developmental activities account for ecological balance. The Act's regulatory framework reflects the recognition that forests are not merely economic resources but vital components of the nation's environmental heritage.

The Air (Prevention and Control of Pollution) Act, 1981 Following the global environmental awakening after the Stockholm Conference of 1972, India enacted the Air (Prevention and Control of Pollution) Act, 1981, extending pollution control mechanisms to air quality management. It empowers regulatory authorities to impose emission standards, monitor air quality, and restrict the use of certain fuels and industrial processes that contribute to air pollution. Together, the Air and Water Acts institutionalize environmental governance and accountability at multiple administrative levels.

The Environment (Protection) Act, 1986 serves as the umbrella legislation that consolidates and strengthens the environmental protection regime in India. Enacted after the Bhopal Gas Tragedy of 1984, it provides the Central Government with broad powers to coordinate environmental policies, set standards for pollutants, regulate hazardous substances, and enforce environmental impact assessments. The EPA has since become the foundation for several critical rules and policies, including those on waste management, biodiversity conservation, and environmental clearance procedures.

The Biological Diversity Act, 2002 was enacted to implement India's commitments under the Convention on Biological Diversity (1992) and to regulate access to the country's vast biological resources. The Act seeks to conserve biodiversity, ensure its sustainable use, and promote fair and equitable sharing of benefits arising from the use of genetic resources and associated traditional knowledge. It establishes the National Biodiversity Authority (NBA), State Biodiversity Boards, and Biodiversity Management

Committees at the local level, thereby fostering decentralized conservation and community involvement. Importantly, it protects traditional knowledge systems from biopiracy and commercial exploitation without consent, aligning with Article 51A(g)'s ethos of ecological stewardship and respect for all forms of life.

The Forest Rights Act, 2006 represents a transformative shift in India's environmental jurisprudence by linking ecological conservation with social justice. It recognizes the customary rights of forest-dwelling Scheduled Tribes and other traditional forest communities over the lands and resources they have historically conserved and sustained. By legally empowering these communities to manage and protect forests, the Act reinforces the idea that conservation is most effective when rooted in local participation and cultural traditions. The FRA thus operationalizes Article 51A(g) by acknowledging that environmental protection is not merely a top-down administrative task but a shared constitutional responsibility between the State and indigenous communities who embody India's traditional ethos of coexistence with nature.

The National Green Tribunal Act, 2010 institutionalises the principle of environmental justice and provides a specialized judicial forum for the expeditious resolution of environmental disputes. The National Green Tribunal (NGT), established under this Act, has the power to adjudicate matters relating to environmental protection, forest conservation, and biodiversity preservation, and to enforce rights and duties arising under laws such as the Environment Protection Act, Forest Conservation Act, and Biological Diversity Act. The tribunal operates on the principle of sustainable development, precaution, and polluter-pays, thereby translating constitutional and statutory duties into actionable remedies. By holding both State and private entities accountable for ecological harm, the NGT serves as a guardian of Article 51A(g)'s constitutional vision, ensuring that environmental protection remains a matter of enforceable right and civic duty.

Judicial initiatives

In *Subash Kumar v. State of Bihar*,¹⁹ the court first established a clear nexus between environmental protection and the right to life. The petitioner alleged that industrial effluents discharged by a paper mill had contaminated the Bokaro River, polluting the region's primary source of drinking water. The Supreme Court held that the right to life includes the right to enjoy pollution-free water and air, and that citizens have both the right and the duty to seek judicial remedies for environmental harm. While the court cautioned against the misuse of public interest litigation for personal gain, it firmly recognized environmental protection as an essential component of Article 21, supported by the civic duty under Article 51A(g).

In *Vellore Citizens' Welfare Forum v. Union of India*,²⁰ the court confronted the ecological damage caused by tanneries in Tamil Nadu that were discharging untreated effluents into agricultural lands and water bodies. Invoking international environmental principles, the court introduced the “Precautionary Principle” and the “Polluter Pays Principle” into Indian law, declaring that these were inherent to the constitutional framework. The judgment observed that sustainable development, balancing economic growth with ecological preservation, was not merely a policy choice but a constitutional obligation flowing from Articles 21, 48A, and 51A(g). This decision marked a significant milestone in transforming environmental protection into a central tenet of constitutional governance.

In *M.C. Mehta v. Kamal Nath*,²¹ the court applied the Public Trust Doctrine to environmental resources, holding that the State is a trustee of all natural resources, which are meant for public use and cannot be converted into private ownership or commercial exploitation. The case arose from illegal diversion of the Beas River by a private company associated with a former Minister, which caused severe ecological damage. The court declared that the environment and natural resources such as rivers, forests, and air are held in trust by the State for the people, reinforcing the idea that citizens' duty under Article 51A(g) parallels the State's obligation under Article 48A to protect and improve the environment.

In *Murli S. Deora v. Union of India*,²² the court addressed the issue of passive smoking in public spaces. Recognizing the harmful effects of tobacco smoke on non-smokers, the court prohibited smoking in public places such as hospitals, educational institutions, and public transport. Although the case did not arise from an environmental dispute in the traditional sense, the judgment extended the moral dimension of “compassion for living creatures” under Article 51A(g) to human health and welfare. It demonstrated the court's expansive interpretation of the environmental duty as encompassing all actions necessary to ensure the physical well-being of individuals and communities.

Government initiatives

The LiFE, Lifestyle for Environment, Campaign, launched by Prime Minister Narendra Modi at COP26 in Glasgow in 2021, seeks to inspire individuals and communities to adopt environmentally responsible lifestyles. The campaign emphasizes the principle of “Pro Planet People”, urging a shift from a *use-and-dispose* culture to a *reduce-reuse-recycle* mindset. Its core philosophy aligns directly with the citizen's duty under Article 51A(g), environmental conservation is not merely the domain of the State but a collective behavioural commitment that begins at the individual level. By encouraging conscious choices, such as reducing single-use plastics, conserving water,

20 (1996) 5 SCC 647; 1996 INSC 952.

21 (1997) 1 SCC 388; 1996 INSC 1482.

22 (2001) 8 SCC 765; 2001 INSC 551.

and supporting eco-friendly products, it operationalizes the constitutional vision of *compassion for all living beings* and harmony with nature. In effect, LiFE transforms Article 51A(g) from a normative constitutional provision into a mass movement for ecological consciousness and global climate responsibility.

The Swachh Bharat Abhiyan (Clean India Mission), launched on October 2, 2014 represents a monumental civic initiative aimed at ensuring sanitation, waste management, and cleanliness across India. While it primarily addresses public health and hygiene, its environmental dimensions are undeniable. By promoting solid waste segregation, elimination of open defecation, and behavioural change regarding waste disposal, the mission strengthens the citizen's constitutional duty to improve the natural and social environment. The program's integration of cleanliness drives, school campaigns, and community-led waste management systems reflects the participatory spirit envisioned in Article 51A(g). It redefines environmental protection not merely as conservation of forests and wildlife but as preservation of the human living environment, the spaces where people live, work, and coexist.

(h) To develop the scientific temper, humanism and the spirit of inquiry and reform

This duty captures one of the most intellectually profound and forward-looking aspects of India's constitutional philosophy. The concept of scientific temper, a term popularized by Jawaharlal Nehru, goes beyond promotion of science and technology. It represents a way of thinking and living based on evidence, rationality, and openness to change, rejecting superstition, dogma, and blind adherence to tradition. It is necessary to raise up the moral and scientific temper of the citizens to contribute in development of the nation. It is the duty of every citizen to keep pace with the development on the specific times and adopt techniques in its correct perspective to ensure better quality of life.

Legislative measures

The Right to Information Act, 2005 empowers citizens to seek information from the government, thus promoting transparency, accountability and the spirit of inquiry in governance. It encourages people to question government actions and policies, fostering a culture of inquiry and reform by enabling informed decision-making and public participation.

At its core, the RTI Act transforms the "spirit of inquiry" into a legally enforceable mechanism. It empowers citizens to question public authorities, seek information regarding governmental decisions, and scrutinize the functioning of democratic institutions. In doing so, it nurtures a rational and evidence-based engagement between the state and its citizens. The right to ask questions, demand reasons, and obtain factual data from the government encourages an informed citizenry, one that does not rely on speculation, rumor, or blind faith, but on verified facts and reasoned

analysis. Thus, the RTI framework strengthens the very essence of the scientific temper envisioned by Article 51A(h).

(i) To safeguard public property and to abjure violence

This duty reflects the constitutional expectation that citizens will uphold the values of non-violence, discipline, and respect for community resources, principles deeply rooted in India's moral and political philosophy. It serves as a reminder that democracy cannot thrive merely through rights; it also depends on citizens' willingness to protect shared assets and maintain peace within society.

The first part of this duty, to safeguard public property, emphasizes the idea that all public resources belong collectively to the people and must be preserved for the common good. The second part, to abjure violence, derives its philosophical foundation from the Gandhian principle of *ahimsa* (non-violence), which has historically underpinned India's freedom struggle and moral consciousness.

Legislative measures

The Prevention of Damage to Public Property Act, 1984 (PDPP Act), enacted against the backdrop of increasing incidents of vandalism, arson, and destruction of state property during political agitations and civil unrest, reflects the State's attempt to translate this moral duty into a legally enforceable norm. The PDPP Act criminalizes acts of mischief resulting in damage to public property, including destruction or defacement of property belonging to the government, local authorities, or public institutions.

Judicial measures

In 2007, upon noticing lack of adequate enforcement mechanisms for dealing with mob violence and destruction of public property as also the lacunae in the Prevention of Damage to Public Property Act, 1984, Supreme Court initiated suo motu proceedings in *In Re: Destruction of Public and Private Properties v. State of A.P.*²³ and thereafter appointed two committees to look into these matters, one headed by Justice (Retd.) K.T. Thomas and another under Fali S. Nariman, Senior Advocate. Based on the reports of these committees, the Supreme Court issued several guidelines touching issues such as the determination of liability for damages, the mechanism for claiming compensation, regulation of media during such events and the role of police. The court, however, left it to the Parliament to enact appropriate legislation towards this end.

Subsequently, in 2015, Ministry of Home Affairs prepared a draft of the Prevention of Damage to Property Act (Amendment) Bill, 2015 and even invited public comments on the same. The Bill is still under consideration.

23 (2009) 5 SCC 212; 2009 INSC 535.

Recently, during the protests against the Citizenship (Amendment) Act (CAA) in 2019 and 2020, around 500 cases of damage to public and private properties were registered in Delhi alone.

Three States - namely, Haryana, Uttar Pradesh and Madhya Pradesh - have enacted State legislations to recover damages for destruction of public property during riots or public protests from those causing damage.

State of Uttar Pradesh was the first to enact The Uttar Pradesh Recovery of Damages to Public and Private Property Act, 2020 to deal with acts of violence at public places and to provide for recovery of damage to public or private property during bundh, riots, public commotion, protests in respect of property and constitution of claims tribunals to investigate the damages caused and to award compensation.

State of Haryana also enacted the Haryana Recovery of Damages to Property During Disturbance to Public Order Act, 2021 to provide for recovery of damages to properties caused by persons during disturbances to public order by an assembly, lawful or unlawful, and for constitution of claims tribunal to determine the liability, to assess the damages caused and to award compensation. Following Uttar Pradesh and Haryana, the State of Madhya Pradesh enacted the Madhya Pradesh Prevention of Damage to Public and Private Property and Recovery of Damage Act, 2021 with similar aims and objectives.

(j) To strive towards excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of endeavour and achievement

The Constitution (Forty-Second Amendment) Act, 1976 envisioned this clause as a moral compass for nation-building. It recognizes that a constitutional democracy can flourish only when its citizens commit themselves to constant self-improvement and contribute to the advancement of the community and the State. The duty to “strive towards excellence” thus transcends individual ambition, it embodies the principle that personal progress and national progress are interdependent.

The duty under Article 51A(j) is therefore both individual and collective in its operation. On one hand, it calls upon citizens to pursue personal excellence, through discipline, skill, and knowledge. On the other, it envisions institutional and societal excellence, urging public bodies, educational institutions, and industries to maintain standards that uplift the moral and material conditions of society. It becomes our fundamental duty to ensure that in addition to our personal and professional excellence, we also undertake that the country is benefitted and is taken to new heights amongst the country of nations.

In *Balaji Raghavan v. Union of India*,²⁴ the petitioners challenged the constitutional validity of the National Awards system, such as the *Bharat Ratna*, *Padma Vibhushan*,

Padma Bhushan, and *Padma Shri*, arguing that these honours violated the principle of equality under Article 18(1), which prohibits the State from conferring titles. The Supreme Court, however, upheld the validity of these awards, holding that they do not amount to “titles” in the constitutional sense but are instead recognitions of exceptional merit and contribution to national life.

The court thus explicitly linked the system of national honours to the constitutional philosophy of Article 51A(j). It observed that these awards are not symbols of privilege but instruments to inspire citizens to pursue excellence in their respective fields. By recognizing extraordinary achievement in areas such as art, science, literature, and public service, the awards embody the constitutional duty of citizens to strive for higher levels of endeavour and collective advancement.

Since the start of Vaccine Maitri Programme in January, 2021, India has supplied 7.23 crore doses of COVID vaccine to 94 countries and 2 UN entities in the form of grant, commercial export or through COVAX till November 29, 2021. Between January 2021 and June 2023, India exported 30.1 crore COVID vaccine doses, show data from the Ministry of External Affairs. While a majority of these doses, 77 percent were commercial exports, 17.3 percent were directed to low-income developing nations through COVAX. The rest were provided as grants.

(k) Who is a parent or guardian to provide opportunities for education to his child or ward between the age of six and fourteen years

The duty under Article 51A(k) of the Indian Constitution imposes a specific and practical obligation upon citizens, “*who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.*” This clause, inserted by the Constitution (Eighty-Sixth Amendment) Act, 2002, marks a significant step in India’s constitutional evolution by directly linking citizens’ duties with children’s rights to education. It complements Article 21A²⁵, which makes education a Fundamental Right for all children in the same age group, thereby ensuring a dual structure of responsibility, where the State guarantees education, and citizens ensure its realization within the family and community.

The *Unni Krishnan Case* (*supra*) is a landmark judgment that laid the foundation for the recognition of education as a Fundamental Right in India, an idea that later found explicit constitutional expression in Article 21A and the corresponding Fundamental Duty under Article 51A(k). In this case, the Supreme Court was called upon to examine the validity of the capitation fee system and the right to establish and administer educational institutions under Articles 19(1)(g) and 41. However, the court went beyond the immediate issue to explore whether the right to education could be read into the broader framework of the right to life under Article 21.

25 Added *vide* Constitution (Eighty-Sixth Amendment) Act, 2002.

The Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) is the principal legislative measure enacted to operationalize both the Fundamental Right to education under Article 21A and the Fundamental Duty under Article 51A(k) of the Constitution. The Act gives concrete shape to the constitutional vision that every child between the ages of six and fourteen must not only have access to education but also the opportunity to receive quality, equitable, and inclusive education, ensuring that no child is left behind on grounds of social, economic, or cultural disadvantage.

VII Conclusion

The Fundamental Duties enshrined under Article 51A of the Indian Constitution represent a vital yet often underemphasized dimension of India's constitutional philosophy. While the Fundamental Rights empower citizens and the Directive Principles of State Policy guide the State, the Fundamental Duties serve as the moral and civic compass that binds both, creating a holistic constitutional framework rooted in responsibility, discipline, and participatory democracy. Introduced through the Constitution (Forty-Second Amendment) Act, 1976, and later expanded by the Constitution (Eighty-Sixth Amendment) Act, 2002, these duties reflect the belief that democracy can thrive only when citizens are not mere beneficiaries of rights but active contributors to national growth and social harmony.

Over time, the judiciary has played an instrumental role in giving substantive meaning and enforceable character to these duties. Through landmark decisions such as *AIIMS Students' Union v. AIIMS*, *M.C. Mehta v. Union of India*,²⁶ *Balaji Raghavan case*²⁷ and *In Re: Destruction of Public and Private Properties*²⁸, the Supreme Court has interpreted Fundamental Duties not merely as moral exhortations but as constitutional obligations integral to the realization of rights and governance ethics. Similarly, legislative measures from the Prevention of Damage to Public Property Act, 1984, and Right to Information Act, 2005, to the Right to Education Act, 2009 have progressively operationalized these duties, bridging the gap between citizen responsibility and legal accountability.

In essence, the Fundamental Duties function as the ethical foundation of Indian constitutionalism. They remind citizens that liberty without responsibility leads to chaos, and governance without civic virtue leads to decay. Each duty, whether it concerns respect for the Constitution, protection of the environment, promotion of harmony, or striving for excellence, contributes to the moral architecture of the Republic. For a constitutional democracy as diverse and dynamic as India, these duties serve not only as normative ideals but as practical instruments for nurturing unity, integrity, and progress.

26 AIR 1987 SC 1086; 1986 INSC 281.

27 *Supra* note 24.

28 *Supra* note 23.

Thus, the future of India's democracy lies in the internalization of these duties as everyday civic habits. As the nation continues to evolve amidst global and domestic challenges, the Fundamental Duties remain a living reminder that the Constitution is not merely a legal document but a collective moral covenant, calling upon every citizen to act with conscience, compassion, and commitment toward building a just, enlightened, and resilient India.