

## FUNDAMENTAL DUTIES: CADENCE OF IT'S CONTEXTUALIZATION IN THE INDIAN CONSTITUTION.

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### ABSTARCT

*“A duty is an obligatory act, that is to say, it is an act opposite of which would be a wrong”*

*–Salmond<sup>1</sup>*

The fundamental duties under Constitution of India cannot be enforced by writs, however they are useful while interpretation of statutes<sup>2</sup>. Jurisprudence, being science of law, is highly important to explore the relevance and contextualization of any concept pertaining to Law. In the same line, the above statement of Salmond provides a foundation to the nature of fundamental duties under Constitution of India. The principal jurisprudential aspect of duty makes it obligatory irrespective of its original status, which means to say if anything is referred as duty its performance is not subject to denial on which it is burdened procedurally. Another aspect, especially in connection of fundamental duties under Constitution of India, supports to consider that if the duty itself is an obligatory act, what would be its real nature when it is the part of principal law of land i.e. Constitution of a political state which is supreme in that polity.

Further, fundamental duties under Constitution of India was not included by constituent assembly while making the Constitution, rather it was inserted through a constitutional amendment act<sup>3</sup>,

<sup>1</sup> V.D. Mahajan's Jurisprudence & Legal Theory, 5<sup>th</sup> Edition, Page 250

<sup>2</sup> Surya Narain Choudhary V. Union of India AIR 1982 Raj 1

<sup>3</sup> The Constitution (42<sup>nd</sup> Amendment) Act, 1976 (w.e.f. 3<sup>rd</sup> January 1977)

after 26 years of the adoption of original Constitution and it is still the part of same, with an interesting journey of 42 years. On these, its need, usage, relevance & scope can never be denied within Indian polity. As of now, total of 11 fundamental duties<sup>4</sup> are placed at the cost of no specific enforceability, but it is highly interesting that none of the fundamental duties are, even deserves to be denied by a citizen, who is provided with wide range of rights with strict enforceability.

## 1. Introduction

The constituent assembly of India did not provide fundamental duties in original Constitution and some texts suggest that it was taken to the choice on the basis of moral responsibility of the citizens. Later, it was probably realised that extending rights to citizen without fencing them with duties, would be a lead to occurrence of wrong, which we can derive from Salmond again, that “A right is an interest recognized and protected by a rule of right. It is any interest, respect for which is a duty, and the disregard of which is a wrong<sup>5</sup>.”

Later in 1976, based on the recommendations of Swaran Singh Committee, the Constitution of India was amended to insert Part IV A containing article 51A, which initially had ten fundamental duties, but again another amendment<sup>6</sup> added eleventh fundamental duty, which all are still in existence.

The fundamental duties are not justiciable in a court, which indicates that duties are more moral responsibility on citizens. However, all duties under article 51A have been used in interpretation of statutes by court, signifies its essential status which may also be evident from the bare provision “it shall be the duty of every citizen of India-<sup>7</sup>.” The language of the provision itself iterates that duties provided are essential and mandatory in nature. However, non-justifiability may be a feature of welfare state where punishing citizens are considered a harder step unlike the police state and so it might have been left to the conscience of citizen of this state to maintain them responsible.

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<sup>4</sup> Part IV A, Article 51 A, Constitution of India

<sup>5</sup> Supra Note 2, Page 252

<sup>6</sup> The Constitution (86<sup>th</sup> Amendment) Act, 2002 sec. 4 (w.e.f. 1<sup>st</sup> April 2010)

<sup>7</sup> Article 51A, Part IV A, Constitution of India

WE, The PEOPLE OF INDIA, having solemnly resolved to constitute India into a [SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC] and to secure all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity and integrity of the nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION<sup>8</sup>.

The preamble is the part of Constitution of India<sup>9</sup>.

It is now settled that when we look to the preamble, it reflects that actually people of India have resolved for the performance of several duties irrespective of its status of justifiability. Therefore, inclusion of fundamental duties under the Constitution of India do not seem to have provisions of strict enforcement because of its wider connotation have already been inculcated in preamble and fundamental rights. The interpretation of constitution is the jurisdiction of Honourable Supreme Court of India, for what it is said to be Guardian of the Indian Constitution, not only for direct implementation of provisions but also to create ingredients for the Constitutional Law of India, which includes Constitutional Provisions, Judicial Decisions & Constitutional Conventions.

Therefore, contextualization of fundamental duties under Indian Constitution is not limited to advisory extent. It has wider range of implementation, which we have seen in several judicial decisions and it has enough propensity to convince the functional relevance of itself.

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<sup>8</sup> Preamble to the Constitution of India

<sup>9</sup> Keshavanand Bharati V. State of kerala AIR 1976 SC 1461

## 2. Historical Perspective

The context of anything, especially in law, is better understood through its historical account and its analysis in parlance of study being undergone, so as to create a perspective inclined on history itself. The contextualization of fundamental duties under Indian Constitution can also be metered on same scale to connect the study here further.

Fundamental Duties provided under Constitution of India are found to be existing in political system in one or other form, even before its incorporation. It is true that none of them was known to be duty or fundamental duty expressly. Some instances are discussed here further.

India borrowed the concept of Fundamental Duties from USSR. The influence of USSR's constitutional philosophy in Indian Polity, after the commencement of Constitution of India, is indirect but foundational in nature. Union of Soviet Socialist Republics was a union of socialist republic states from 1922 to 1991. It embodied duty of citizens as enumerated below:

[Article 59 of the Constitution<sup>10</sup> stated that citizen's exercise of their rights was inseparable from performance of their duties. Articles 60 through 69 defined these duties. Citizens were required to work and to observe labour discipline. The legal code labelled evasion of work as "parasitism" and provided punishment for this crime. The Constitution also obliged citizens to protect socialist property and oppose corruption. All citizens performed military service as a duty to safeguard and "enhance the power and prestige of the Soviet state." Violation of this duty was considered "a betrayal of the motherland and the gravest of crimes". Finally, the Constitution required parents to train their children for socially useful work and to raise them as worthy members of socialist society]<sup>11</sup>.

India is also a union of states<sup>12</sup> and it was made expressly a socialist state with the same constitutional amendment<sup>13</sup> which inserted the fundamental duties in the Constitution of India.

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<sup>10</sup> 1977 Soviet Constitution aka Brezhnev Constitution

<sup>11</sup>[https://en.wikipedia.org/wiki/1977\\_Soviet\\_Constitution](https://en.wikipedia.org/wiki/1977_Soviet_Constitution)

<sup>12</sup> Article 1(1), Part I, Constitution of India

<sup>13</sup> Supra Note 4

Therefore, the fibre similarity has not only been found in several fundamental duties but also, in the basic polity and constitutional philosophy.

The inclusion of fundamental duties is also found in consonance with Article 29 (1) of the Universal Declaration of Human Rights, of which India was a signatory since its inception. It says “Everyone has duties to the community in which alone the free and full development of his personality is possible”<sup>14</sup>. The fundamental duties inserted in Constitution of India are also of similar objective.

In 1971, an act<sup>15</sup> was passed by the parliament, which was applicable to whole of India, to protect the dishonour of [National Flag, Constitution of India]<sup>16</sup> & the National Anthem<sup>17</sup>. Importantly, violation of the same was made punishable with imprisonment. Further, this part converts to be a fundamental duty<sup>18</sup>, later in 1977. The Emblems and Names (Prevention of Improper Use) Act<sup>19</sup>, 1950 was also made to regulate the National Flag and other Emblems & Names, but Flag Code of India<sup>20</sup>, 2002 has been an attempt to bring all such laws together.

Apart from above, The Indian Penal Code<sup>21</sup>, 1860 has made punishable several offences like Offences against the State<sup>22</sup>, Offences Relating to Elections<sup>23</sup>, which are indirectly pertains to the duty of members of society by not committing such offences. However, committing any offence is violation of public duty in a way but these two categories are relating to the national actions.

The provisions of the Protection of Civil Rights Act<sup>24</sup>, 1955 has also had intention to promote harmony and common brotherhood by abolishing the practise of untouchability, which is one of the fundamental duties<sup>25</sup> now. Provisions of the Representation of People Act<sup>26</sup>, 1951 are having

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<sup>14</sup> Article 29(1), Universal Declaration of Human Rights, 1948

<sup>15</sup> The Prevention of Insults to National Honour Act, 1971

<sup>16</sup> Section 2, The Prevention of Insults to National Honour Act, 1971

<sup>17</sup> Section 3, The Prevention of Insults to National Honour Act, 1971

<sup>18</sup> Article 51A(a), Constitution of India, w.e.f. 3-1-1977

<sup>19</sup> Act No. 12 of 1950

<sup>20</sup> w.e.f. 26<sup>th</sup> January 2002

<sup>21</sup> Act No. 45 of 1860

<sup>22</sup> Ch. VI, Act No. 45 of 1860

<sup>23</sup> Ch. IXA, Act No. 45 of 1860

<sup>24</sup> Act No. 22 of 1955

<sup>25</sup> Article 51A(e), Constitution of India

<sup>26</sup> Act No. 43 of 1951

similar fibre, which declares that soliciting of vote on the ground of religion and the promotion or attempt to promote feelings of enmity or hatred between different classes of citizens of India on the grounds of religion, race, caste, community or language is a corrupt practice. A person indulging in a corrupt practice can be disqualified for becoming a Member of Parliament or of a State Legislature<sup>27</sup>. The Wildlife (Protection) Act, 1972 prohibits trade in rare and endangered species and The Forest (Conservation) Act, 1980 prohibits indiscriminate deforestation and diversion of forest land for non-forest purposes. These two provisions have glimpse of some fundamental duties.

Finally, Swaran Singh Committee was set up, in 1976, when the need of fundamental duties as an express part of Constitution was felt during the operation of the internal emergency (1975–1977). The committee recommended inclusion of a separate chapter on fundamental duties in the Constitution. It stressed that the citizens should become conscious that in addition to the enjoyment of rights, they also have certain duties to perform as well. The Congress Government at Centre accepted these recommendations and enacted The Constitution 42<sup>nd</sup> (Amendment) Act, 1976 and a new Part IVA consisting of a single Article 51A, was added to the Constitution, which initially has ten fundamental duties of the citizens. Later, 11<sup>th</sup> fundamental duty<sup>28</sup> was added to this part and till date same status is maintained.

ISSN: 2582-8479

### 3. Jurisprudential Nexus

The fundamental duties, as expressed, have not been the part of Indian Constitution since inception, rather it was added later in 1976, and therefore it could not be the part of huge debate of constituent assembly, where each provision was discussed sufficiently before being added to the Constitution of India. The constituent assembly had several legal luminaries and so the debate examined the legal & jurisprudential aspect of all provisions. But, in case of fundamental duties, a committee studied & recommended the insertion, so it needs to take a course to find out the jurisprudential nexus of the fundamental duties inserted.

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<sup>27</sup> Section 8A, Act No. 43 of 1951

<sup>28</sup> The Constitution 86<sup>th</sup> (Amendment) Act, 2002, w.e.f. 1-4-2010

In the core of Jurisprudence, Every obligation is normative judgement, and normative judgements imply social rules. Duty is a species of obligation<sup>29</sup>. A duty is an obligatory act, that is to say, it is an act opposite of which would be a wrong<sup>30</sup>. The nature of duty itself suggests it to be honoured by the stakeholders and when duty becomes fundamental through supreme law of the land i.e. Constitution, it deserves implantation and no denial, as in case of Indian Constitution, no matter it has not been made constitutionally enforceable like fundamental rights.

Further, it can also derive the status of fundamental duties in Indian Constitution through some notable judgements. In one of the interpretations, Honourable Bombay High Court's Nagpur Bench iterated that [The Preamble is the guiding light to the Constitution of India. In the course of debate of Constituent Assembly, Prof. K. P. Shah, who was the first person to raise the point about insertion of fundamental duties in the Constitution, had said that the Constituent Assembly ought to enter fundamental duties of the citizens in the Constitution and that should be treated as of the same vigour and force as that of the fundamental rights included in the Constitution. The Constituent Assembly, however, did not include his suggestion and it is for the first time under the leadership of Bharat Ratna Late Mrs Indira Gandhi the fundamental duties were inserted. Upon reading the fundamental duties, it is clear to us that there is emphasis on values, which is clear from words; cherish, uphold, defend, promote, value, protect, develop, safeguard and strive. These fundamental duties inserted in the Constitution, to our mind, are largely complimentary with 'fraternity', 'unity' and 'integrity' of nation and for creating a bond of the brotherhood amongst the people having different religion, creed, caste, race and language in the various States of the Bharat]<sup>31</sup>.

In another, Honourable Supreme Court of India clearly stated that [Almost a quarter century after the people of India have given the Constitution unto themselves, a chapter on fundamental duties came to be incorporated in the Constitution. Fundamental duties, as defined in Article 51A, are not made enforceable by a writ of court just as the fundamental rights are, but it cannot be lost sight of that duties in Part IVA - Article 51A are prefixed by the same word fundamental which was prefixed by the founding fathers of the Constitution to rights in Part III. Every citizen

<sup>29</sup> Dias, Jurisprudence, 5<sup>th</sup> Edition, 2013, Pages 228 & 229

<sup>30</sup> Supra Note 2

<sup>31</sup> All India SC, ST & Backward Classes Employees V. Union of India & Others on 20<sup>th</sup> December 2014

of India is fundamentally obligated to develop the scientific temper and humanism. He is fundamentally duty bound to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievements. State is, all the citizens placed together and hence though Article 51A does not expressly cast any fundamental duty on the State, the fact remains that the duty of every citizen of India is the collective duty of the State. Fundamental duties, though not enforceable by a writ of the court, yet provide a valuable guide and aid to interpretation of constitutional and legal issues. In case of doubt or choice, peoples wish as manifested through Article 51A, can serve as a guide not only for resolving the issue but also for constructing or moulding the relief to be given by the courts. Constitutional enactment of fundamental duties, if it has to have any meaning, must be used by courts as a tool to tab, even a taboo, on State action drifting away from constitutional values]<sup>32</sup>. So, it is important to get here that the concept of fundamental rights is advanced as a strong and mandatory nature, which is evident from the basics of jurisprudence and from court's interpretations as well, interestingly, these judgements are binding in nature in India<sup>33</sup>.

#### 4. Conceptual Relevancy

[According to Professor Fuller, the main attributes of duty may briefly be stated as follows:

- It should be general, though limited exceptions are permissible.
- It should be promulgated.
- It should be prospective and intelligible.
- It must be consistent in itself.
- It should be capable of fulfilment and cogent with inner morality.

Since duties are only prescribed behaviour, it follows that they express patterns of conduct to which people are expected to conform]<sup>34</sup>.

The duties under Indian Constitution, however, have not been expressly framed within the ambit of duties explained here above, but still it would be relevant to connect both as no other specific

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<sup>32</sup>AIIMS Students Union V. AIIMS & Others, AIR 2001 SC 3262

<sup>33</sup>Article 141, Constitution of India

<sup>34</sup> Dr. N.V. Paranjape, Studies in Jurisprudence and Legal Theory, 6<sup>th</sup> Edition, 2011, Page 289

frame has been provided or limit defined. The fundamental duties, under Constitution of India, are general as none of them are specifically construed. They are promulgated through a competent and jurisdictional legislative process. They have not been made retrospective, even not required, so they are prospective and also these duties are intelligible, as being classified. As far as, the consistency of fundamental duties is concerned, only court's interpretation is jurisdictional and no inconsistency with other provisions or with itself has been prevalent so far. The application of duties is defining its capability of fulfilment, despite the fact that it is not specifically enforceable, and very interestingly, it has been left to the conscious of the bright citizens of this country, which entails moral responsibility of the citizens.

It, further, is a view that fundamental duties inserted under Constitution of India are not only conceptually relevant but also jurisprudentially, legislatively & in judicial testaments. The view is rationalized by Honourable Supreme Court of India that [the recommendations of the Justice J.S. Verma Committee on Fundamental Duties of Citizens pave the way for strong commitment to basic human values and social justice. The Constitutional Amendment incorporating the ten Fundamental Duties of Citizens is a valuable pointer to what the country expects of its citizens. Further, it appears to be totally wrong presumption and contention that knowledge of different religions would bring disharmony in the society. On the contrary, knowledge of various religious philosophies is material for bringing communal harmony as ignorance breeds hatred because of wrong notions, assumption, preaching and propaganda by misguided interested persons. Let us ask a question to ourselves whether during the last more than five decades, have we tried to safeguard the public property and to abjure violence? Whether bands for attaining a political object or strike for redressing the grievances have not increased the violence? In most of the cases, public properties are targeted and damaged. Loss is to the nation. Further, are we trying to promote harmony and the spirit of common brotherhood among all people of India believing in different religions? It appears that we have not taken necessary steps for such a purpose. Similarly, up till now instead of protecting and improving the natural environment, we have damaged it. There is wide spread deforestation; lakes are being used for constructing buildings and we are losing compassion for living creatures including human beings. Why that is so? Let it be discussed by

experts. May be that basics of all religions may help in achieving the objects behind fundamental duties]<sup>35</sup>.

## 5. Comparative Perspective

The comparative placement of fundamental duties in different constitution is a path to mobilize its contextualization to be proper and in line with the global comparative parlance

Germany-Basic Law for the Federal Republic of Germany, which became Constitution of German People on 3<sup>rd</sup> October 1990, provides, through an amendment dated 24<sup>th</sup> June 1968, for liability to military and other service by men who have attained age of 18 years, in the Federal Border Guard or in Civil Defence Organization, when called upon<sup>36</sup>. However, women between 18 and 55 years of age can only be utilized in civilian health system or in the stationary military hospital organization<sup>37</sup>, in such cases. Apart from this provision, no other duty has been provisioned by citizens in Constitution and this duty is not as strict as it may attract action in case of non-compliance, probably because of jurisprudential rationality.

The Constitution of USSR, 1936 provided for separate chapter namely Fundamental Rights and Duties of Citizens<sup>38</sup>, which became inspirational for insertion of Fundamental Duties under Constitution of India, however, no provision has been found about non-compliance of duties by citizens, there also.

It is noteworthy that Constitutional status of fundamental duties, as provided in Constitution of India, has not been found in case of Australia, United States of America, South Africa, Canada, United Kingdom & France. Since this study concentrates only on constitutional provision of fundamental duties or similar duties by citizens, the statutory or other provisions pertaining to duties of citizens have not been considered for the purpose of comparative study.

It is, thus, observed that the position of fundamental duties under Constitution of India is sui generis and appreciable, while comparing with other countries. However, requirement of having

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<sup>35</sup> Ms Aruna Roy & Others V. Union of India & Others, AIR 2002 SC 3176, Decided on 12<sup>th</sup> September 2002

<sup>36</sup> Section/Article 12a(1), Germany-Basic Law for the Federal Republic of Germany, as provided in D D Basu, Select Constitutions of the World, 4<sup>th</sup> Edition, 2009

<sup>37</sup> Section/Article 12a(4) Ibid

<sup>38</sup><https://www.departments.bucknell.edu/russian/const/36cons04.html>

such duties may be subject to limitations relating to several aspects like form of government, format of polity, structure of parliament, population, lifestyle of citizens, relation between citizens and the government etc. Insertion of fundamental duties may not be necessarily grounded with the lack of sense of commitment among the citizens. It may also depend on status of population. In case of India, the population is not only on higher side but also it has great diversity and cultural significance. In addition to that it has so many things to be preserved with great sense of respects like; great history of freedom struggle, nobles & aspirations, cultural heritage, transformation into society of high educational status, common brotherhood and social harmony, protection of environment, animals, natural resources, biodiversity & ecology, development of scientific temper and protection of sovereignty, unity and integrity of India.

## 6. Correlation with Fundamental Rights

Since, the initial idea of having fundamental duties was derived from the Constitution of USSR (1936), where the chapter of duties is combined with the fundamental rights, it's a primary ground to admit certain correlation between fundamental rights and fundamental duties under Constitution of India. Further, two important ways are available to examine the correlation between the two, which is jurisprudential admissions and judicial testaments.

Under jurisprudence, [it has been generally accepted that every legal right is attended with a co-relative duty. Therefore, there is no disagreement on the point that rights and duties are co-existent. The authorities, however, differ in their opinion whether with each duty there must be a co-relative duty. According to Austin, duties may be both, relative and absolute. By relative duties he means such duties which have corresponding rights. Relative duties are owed to a person other than the one imposing them and breach of them is called a civil injury remedy for which is compensation (damages) or restitution to the injured party. However, breach of an absolute duty is generally treated as an offence for which wrongdoer is punished. A duty towards the sovereign or the state is one of the examples of absolute duty mentioned by Austin. Except, Dr. Allen Salmond, Pollock, Keeton & Paton have not accepted the Austin's concept of Absolute Duty and its example]<sup>39</sup>. Most of the Jurisprudence scholars accepted correlation between rights and duties and some, even,

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<sup>39</sup> Supra Note 35, Page 288

opined to be it inseparable. So, subject to the scholarly admissible exceptions and difference of views, jurisprudence backs the rights and duties as being correlative.

Under judicial testaments, Honourable Supreme Court of India expresses as follows:

[Apart from other provisions, Article 19(6) is a clear indicator and so are clauses (h) and (j) of Article 51A. Education up to undergraduate level aims at imparting knowledge just to enrich mind and shape the personality of a student. Graduate level study is a doorway to admissions in educational institutions imparting professional or technical or other higher education and, therefore, at that level, the considerations akin to those relevant for professional or technical educational institutions step in and become relevant. This is in national interest and strengthening the national wealth, education included]<sup>40</sup>.

[The fundamental duties are implicit in concept of fundamental rights, the former providing certain restrictions on the exercise of the latter]<sup>41</sup>.

[Article 51-A does not expressly cast any fundamental duty on the state, the duty of every citizen of India is the collective duty of the state. Its de facto enforceability in the sense that Article 51-A is a yardstick against which the action of the state may be assessed]<sup>42</sup>.

Apart from above, it has been under discussions that Fundamental Rights, Directive Principles of State Policy and Fundamental Duties may also be utilized as interrelated in interpretation of different kind by courts. In a workshop on Fundamental Rights and Fundamental Duties, under Speaker's Research initiative in Parliament of India, Shri Ravishankar Prasad, Honourable Union Minister For Law & Justice, Government of India, appeared as the expert and opined that [In sum, Fundamental Rights, Fundamental Duties and Directive Principles are a triangle. Fundamental rights are for the common man and citizens of India, Fundamental duties are for how duties will be carried. Directive Principles are for governance, which includes procedures and restrictions on the government]<sup>43</sup>.

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<sup>40</sup> P. A. Inamdar V. State of Maharashtra, AIR 2005 SC 3226

<sup>41</sup> Union of India V. Naveen Jindal, AIR 2004 SC 1559

<sup>42</sup> Supra Note 33

<sup>43</sup> <http://sri.nic.in/fundamental-rights-and-fundamental-duties>

## 7. Justiciability Status & Its Scope

The fundamental rights, as enumerated under Constitution of India, are made justiciable, so because in case of its violation, it can be enforced by courts of law through certain judicial mechanism, which is provided in the Constitution of India as a separate fundamental right<sup>44</sup> only. It has been in deliberations of scholars that fundamental duties, as inserted under Constitution of India, are not justiciable, as it cannot be enforced by courts of law, in case of non-compliance. The two important extents are required to be understood as below:

Whether duty should be strictly enforceable?

And, against whom duty shall be enforced?

There are so many views and answers with justifications but while considering to the first extent, as accorded in jurisprudence, generally, duty should not be strictly enforceable like rights, otherwise it may lead to become absolute duty only, breach of which is punishable under the law of land and it will become crime, and not the duty.

Further, the Honourable Supreme Court of India made a ratio that [Article 51-A does not expressly cast any fundamental duty on the state, the duty of every citizen of India is the collective duty of the state]<sup>45</sup>, which signifies that the fundamental duty cannot be enforced against the state like fundamental rights.

Therefore, it is retrieved here that the fundamental duties, provided under Constitution of India, is not expressly enforceable, but in the interpretation of other statutes, it is a great aid and because of its use through nexus with Fundamental Rights, Directive Principles of State Policy and some other statutes, it cannot be said exactly non-justiciable. Interestingly, it is the part of the Constitution of India, and so it cannot be sleeping provision, despite that fact that it has no direct provision to enforce. It has direct, interrelated & implementable role in the function of Indian polity and in such scenario, it is not even recommendable to consider the justiciability status to the fundamental duties under the scheme of Constitution of India.

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<sup>44</sup> Article 32, Constitution of India

<sup>45</sup> Supra Note 33

Its scope in future is sole matter of legislation, to the extent relates to be implicated in statutes to be enacted in future and executive needs to be brand ambassador for the social expansion of the fundamental duties, and most importantly, judiciary has to explore its justification and justiciability status in all required circumstances under the periphery of court's jurisdiction.

There must be some attempts to rationalize the fundamental duties through civil society, learned class & researchers. Implementation of anything may not always be fruitful by making it binding. By making things clear to the cognizance of citizens through different effective mechanisms is highly advisable in Indian scenario. The group of Advocates, Doctors, professionals, professors and other experience holders may contribute to make citizens aware about the fundamental duties and its relevance, which will modify the fence of participants to the higher side.

## **8. Strict Contextualization**

The fundamental duties, as inserted under the Constitution of India, have strict contextualization in the sense that it is inseparable part of the Constitution and it has not been mandated anywhere either in the Constitution itself or in any other law or in any of the judgements of the honourable Supreme Court of India that any part of the Constitution of India has its operation and legal effect differently of specially. It signifies that the fundamental duties are strictly in the line of the constitutional parameters and its interpretations and usage is on same scale within same authority with no relaxation of application, wherever required. The fundamental duties have cadence with most prominent part of the Constitution of India i.e. fundamental rights. It is also revealed that it shares equal steps with directive principles of state policy also, in certain ways, which are one of the uniquely focused aspects of the Constitution of India. So, Part III, IV & IVA are in a cadence of contextualization and it increases the importance of fundamental duties with a great feature.

## 9. Culminating Upshot

The insertion of Fundamental Duties in Constitution of India from its rationale point of view has been a unique feature increasing the effect on higher side in strengthening the nation. From all points considered thoroughly in this study, it will be right in its way to express that the fundamental duties, as inserted under the Constitution of India, are historic, jurisprudentially, judicially and functionally relevant, correlated with the enforceable part of fundamental rights, having a suitable justiciability status, comparatively significant in other constitutions, not limited to advisory status and it is strictly in the line and context of the Constitution of India.

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ISSN: 2582-8479