

**Directive Principles of State Policy and Fundamental Duties: Constitutional
Imperatives**

Dr. Uday Shankar

Rajiv Gandhi School of Intellectual Property Law

Indian Institute of Technology Kharagpur

**Lecture 29: Fundamental Duties under Constitution: Debates, Reports of Various
Committees**

Greetings to all of you. We are starting module 6, where we are going to discuss evolution and relevance of fundamental duties under the Indian Constitution. And in today's session, we shall be looking into fundamental duties under the Indian Constitution. How the debates on this very important aspect of the constitution has taken place and what was submitted in various reports related to the functioning of the fundamental duties or effectuation of the fundamental duties. So the concepts we aim to cover in this session is that how fundamental duties are incorporated and can we really categorize those fundamental duties. The role played by the report submitted by Swaran Singh Committee. How the committee's report has been deliberated and discussed on the floor of the house. And then what role played by Justice JS Verma Committee Report in giving effect to fundamental duties. And how this National Commission for Working of the Constitution report has expressed its opinion and observation on the significance of fundamental duties.

As we are aware that the 1950 Constitution did not provide for any fundamental duties as was the case with rights and directive principles. The directive principles and rights were categorically provided in the constitution right from the beginning but then the significance of duties were not thought of making it a part of written document. Primarily the reason was that the framers thought that culturally the Indian society is a duty driven society and thus that value, that culture, that very internalization of the moral values would make every Indian to be conscious about duties. And possibly for that reason, it was decided not to have a separate set of provisions on fundamental duties right at the beginning of the framing and formulating the constitution for independent India. Because it was believed that the preambular ideals, particularly fraternity, would be seen as duties of citizens of this country. It would be seen as

the very obligation of every citizen towards the nation, towards fellow citizens. And something similar or similar kind of reading has also been suggested for other important provisions which are there in Part III or Part IV of the Constitution. For example, Part III talks about evolution of untouchability. There also it has been thought that that in addition to the endeavour done by the state in addition to the measures undertaken by the state the fellow citizens should also be showing compassion and undertaking necessary responsibilities for addressing the social evil but as the functioning of the Constitution started progressing It was realized that let the fundamental duties be categorically included in the Constitution. And this very understanding, this very impression, what got further concretized during the time when there was political turbulence in this country and an emergency was imposed by the government.

Where there was a sort of belief that citizens are too much on to presenting the demand to the state and not adhering to the duties towards the state. And that's how Swaran Singh Committee was constituted. And this committee has suggested to incorporate a set of fundamental duties in the Constitution. And the report of the committee was accepted. The report has been translated into constitutional amendment through 42nd constitutional amendment act. And Article 51A(a) to Article 51A(k) was included under Part IVA of the Constitution. So a new part was added in the constitution as Part IVA just after the provisions on the directive principles. The Swaran Singh Committee strongly recommended a separate chapter for the inclusion of fundamental duties. where the committee suggested that these duties are anchored on the idea of civic, moral and national duties. And the committee suggested to incorporate eight fundamental duties.

In addition to that, committee also suggested for enacting a law for enforcing fundamental duties and such law shall necessarily provide for penal action for the violation of the duties. The committee suggested to include also the following duties: Imposition of penalty for refusal to observe any penalty, Duty to pay taxes and No law sanctioning penalty can be challenged in a court of laws. So these are the three duties which were recommended in the committee report. But then it was not accepted by Parliament while deliberating upon the subject matter to script fundamental duties under the Indian constitution. This is what was debated. In Lok Sabha. When 42nd Constitutional Amendment Act was presented as 44th Constitutional Amendment Bill by invoking the power to amend the Constitution under Article 368 of the Constitution. It was argued that the fundamental duties are not in conflict with fundamental rights. That's what Mr. BK Daschowdhury. He further quoted that *"The challenges follow the noble ideals that*

inspired our national struggle for freedom.” He further said that the challenges follow the noble ideals that inspired our national struggle for freedom. Mr. P. Narsimha Reddy also stressed on the importance of fundamental duties by saying: *“..the fundamental duties and the provision against the anti-national activities, etc. These are all aimed to shield our democracy from the sort of overt and covert activities that have been habitually indulged in by certain sections of the people so that this democracy and this State which the founding fathers handed down to us can be fully protected, developed and taken towards our cherished goal of socialism and secularism which have been enshrined in our preamble.”* Mr. D Basumatari expressed that the fundamental duties are introduced in order to infuse a sense of responsibility, among the citizens. Mr. Shankar Rao suggested that the *“Fundamental Duties are nowhere related either to the Fundamental Rights or the Directive Principles It was necessary to state specifically that the Fundamental Rights and Directive Principles are subject to the Fundamental Duties.”* So it was suggested that let the fundamental duties be given higher value in the hierarchy of rights, directives and duties. So the Parliament has deliberated on the significance of fundamental duties and finally they approved it as a part of the constitutional scheme. And given the status of constitutional nature to fundamental duties by adding a new provision as Part IVA. The constitutionalization process of fundamental duties has always raised an issue on implementation of the fundamental duties. So, to address the issue of implementation of fundamental duties, the government has constituted a Committee in the year 1999 under the chairmanship of Justice Verma. The committee was established to work out a strategy as well as methodology of operationalizing a countrywide program for teaching fundamental duties in every educational institution as a measure of in-service training.

So the committee suggested that how fundamental duties or teachings of fundamental duties can be integrated with the educational program of the country and particularly focusing on the school education and teacher education. That how necessary intervention can be done. By making it a part of curriculum. By encouraging the stakeholders in a scale education to make it a part of co-curricular activities. And also engaging with print and electronic media. Justice Verma committee highlighted that the institutionalization of duties are is the result of the dictates of the social system and the environment in which one lives, under the influence of role models, or on account of punitive provision. So it is about what kind of moral values which society has acknowledged and approved. It is about in general the social cohesion which prevails. And to whom we really look up to for one's own development of the personality or one's own idea. And then whether such moral and social values imposes a penalty in terms of

carrying a guilt feeling by not following those values. Thus it is suggested that that wherever there are gaps in the legislative designs duties can play a significant role in addressing that gap or wherever there is an expectation of abiding by the rules, possibly duties can also facilitate in enforcing the discipline. If law exists but violations occur, what is desirable is not only to look for necessary penal consequences as laid down under the law. Sometime on an important issues, additional strategies are also needed and that's how the committee observed that : *“The element of compulsion in legal sanction when combined with the natural urge for obedience of the norms to attract social approbation would make the citizens willing participants in the exercise.”* So somewhere the report acknowledges the limitation of law and legal processes for addressing all social issues and truly advocates for considering duties as supplementary element to enforce the legal norms. And thus the committee suggested that there is a need to devise methods which are a combination of these aspects to ensure acceptable model for adhering to the duties. So the committee was of the view that the fundamental duties as a concept is a constitutional value and such value needs to be incorporated in our educational curriculum and in co-curricular activities in schools and colleges so that that constitutional value becomes a part of learning processes right at the early age of human being.

Justice Verma Committee report suggested different strategies for effectuating fundamental duties. It suggested to organize advocacy programs to upscale the awareness amongst the citizens on fundamental duties. It has suggested that in the government publications or the publications which are of advertising materials from the government like diaries, it is encouraged to give a space to Preamble and Fundamental Duties in such publications. It has also been suggested that print and electronic media should be used for popularizing fundamental duties. So broadcast radio, video spots on fundamental duties was suggested with a focus on national flag, music, particularly on public broadcasters platform. Justice Verma Committee also suggested let January 3 be observed as Fundamental Duties Day to promote awareness. It is also suggested that let there be an establishment of an autonomous body to monitor and promote the implementation of fundamental duties where such bodies should be manned by senior citizens And government shall also think of extending necessary financial support so that such body can act independently and efficiently. The report also suggested that in order to make people aware about the fundamental duties, it is desirable to have easy to understand booklets for citizens so that the significance of duties can also be spread through non-formal educational design and adult education program. Reports suggested that let there be a responsibility of media to value cultural morality and to ensure that the program organized

by them should have element of decency focus was given on environmental issues through the coverage of media beyond political agendas. So that there should be an additional constitutional responsibility on the same.

Building upon this committee report when a committee was constituted to review the functioning of the Constitution or working of the Constitution by Vajpayee government under the chairmanship of Justice M.N. Venkatachaliah, that committee re-emphasized and reiterated the recommendation of Justice Verma committee report also. Committee suggested that there is an imperative need for wider dissemination of information and generating greater awareness in regard to the fundamental duties of citizen and also to make the citizens inform and aware about obligations. Focus should be given on curating a program for school teachers and higher and professional courses so that the content of fundamental duties can also become part of learning processes in those educational institutions. For this, NCRWC report suggested that what is required is or what is suggested is to publish the content on fundamental duties through NCERT books and school textbooks. It said that let there be anecdotal talks be there for popularizing the duties given in Article 51A and let it be displayed in during morning assemblies. It is also suggested that let there be seminars, workshops, debates, competitions organized on the aspects of fundamental duties. And then suggested that instructional framework needs to be designed for teaching of fundamental duties that integrates with multi-channel learning environment as we follow in today's context including home, school, community and medium. So what was suggested in terms of increasing the awareness on fundamental duties in the Justice Verma Committee report NCRWC again emphasized upon the same and something similar was also made part of the NCRWC document where it has been suggested that state machineries must ensure that fundamental rights are getting implemented through proper legislation. Media should avoid doing any kind of glorification of violence, armed robberies and terrorist activities. It has also suggested that let there be circumspection by electronic media on programmes, serials, pictures, news and advertisement affecting morality, decency and cultural values and heritage of the country So fundamental duties have finally become part of the Constitution where right at the beginning there were 10 duties. We just further got expanded and now we have got 11 duties under Article 51A running from clause (a) to clause (k). These fundamental duties differ in their essence and substance.

As I said that a new duty has been added in the form of clause (k). So, if I categorize fundamental duties, it can be categorized under two broad headings. One could be under the

heading of Duties with Determinate Aims and Legislative Recognition and second one would be under the heading of Duties Promoting Ideals and Beliefs. This is done just for the purpose of academic exercise and understanding the very substance of fundamental duties. So under determinate aims and legislative recognition I put Article 51A(a) which is on abiding with the values of the Constitution. Article 51A(f) which is on valuing and preserving rich heritage. Article 51A(g) which is about protecting natural environment. Article 51A(i) which is about safeguarding public property. Article 51A(k) which is duties on parents to provide opportunities for education between the age of 6 and 14. Then under duties promoting ideals and beliefs, one can argue that Article 51A(b) which is about cherishing noble ideals of national struggle. Article 51A(h) which is about developing scientific temper and then Article 51A(j) which is about striving towards excellence in all spheres of individual and collective activity. So one may conclude that that the fundamental duties which has got introduced through 42nd constitutional amendment act has further strengthened the broader goals of achieving dignity for individuals, ensuring dignity for individuals and also for limiting the role of the states. As we have seen that intense discussion has been made on implementing a strategy of fundamental duties and possibly that strategy is getting reflected with the the reading of interrelationship between fundamental rights and directive principles with fundamental duties. It is suggested that that fundamental duties doesn't only strengthen the democratic values but helps an individual in becoming a good and informed citizen These two committees report have certainly strengthened the very foundation of fundamental duties under the Indian constitution and given very pragmatic and practical suggestion to effectuate fundamental duties through school education.

These are the references for this session.

Thank you.