

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

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**Lecture 38: Fundamental Duties and their Reflection in the Legislative and Judicial  
Framework I**

Greetings to all of you. We are in module 8 where we aim to discuss the role of the legislature, the executive and the judiciary towards fundamental duties. In that, we shall be looking into the fundamental duties individually and try to map the fundamental duties with the legislative proposals, legislative initiatives, legislative measures, some of the significant policies of the government and prominent pronouncements from the judiciary. So, in today's session we shall be talking about these fundamental duties, where we will try to understand that how the law making body and the judiciary has dealt on the duty is given from Article 51A(a) to Article 51A(e). Fundamental duties have been seen as a very significant element of the Constitution. It has been conceptualised as a set of values which would play a significant role in nation-building by ensuring informed citizenry in all important assignments of nation-building and also the relevance of collective action. And that is why when you look at the structuring of the Indian Constitution, you find that it is a magnum opus, which is having a very rich depository of diversified values entrenched ideals and valuable aspirations of the people. Now, those ideals aspirations or entrenched value they get reflected from different provisions of the Constitution. Needless to emphasise that fundamental duties are a very significant one which gives a profound clarion call to the citizenry, urging them to align their conduct with the ethos of a thriving and harmonious society. It has been argued that this values are always there with Indians and possibly for that reason those values were not translated into a codified form at the time of the framing of the Constitution in the year 1950, because there was a general perception that Indians have inculcated those values and those values are very much part day to day living and life of individuals.

But then in the mid-1970s, there was a need felt to codify those duties or some of the duties, and the same has become a part of the constitutional document through the 42nd Constitutional Amendment Act. A new part as Part IVA was introduced in the Constitution. And as the literature suggests drawing inspiration from the codification part drawing inspiration from the erstwhile Soviet Union Constitution which we have also discussed in our earlier sessions. These fundamental duties are directed towards citizens with a very precise and very defined and determined understanding that it would cultivate a sense of responsibility, national pride and allegiance to the constitutional framework. And that is the reason when you look at the content of the directive fundamental duties, you would find that it refers to respecting the constitution, which refers to upholding sovereignty, promoting harmony, protecting the environment, safeguarding public property and fostering scientific temper. Technically, it has been suggested that these duties are not to be enforced in the court of law, they are not a mandate of getting enforced through a legal process or legal sanction. Possibly, because the reason that they are inherent to living of an individual that there is a sort of conscious call for every individual that everyone must abide by these duties.

But then in this session we shall try to look at that whether there is reflection of this duties in the laws made by the legislature. The legislature has expected that the conduct of an individual must be in conformity with the duties regardless of making no explicit provision of the duties in relation to the legislation. Fundamental duties are sort of guiding star where it guides individual and community to strive to work towards a strong nation. And that is why when you look at the relevance of fundamental duties you find that on the one hand it stresses upon the need of one's responsibility towards the society and also makes everyone a responsible citizen, which plays a significant role or which can play a significant role in making an individual a responsible citizen in terms of asserting or claiming rights as well. Possibly this is the reason why every understanding of the rights in India, we generally try to develop as something which is always coupled with the duties of the individual. So, no nation can progress if its people simply confined claim over rights and keep on neglecting the duties.

Duties given under Article 51A technically they are not enforceable and then one can say that it is purely a progressive of the legislature to translate the duties in the form of a legislative framework by enacting laws and through that ensuring the involvement of judiciary as and when there is a breach of the conditionality let down in the law. Fundamental duties cast their luminous shadow over numerous legislations. As I said that there may not be a direct preference

of duties while making the laws. When you read the Preamble to the 42nd Amendment Act, you may not find a direct preference, but then the language of the law certainly connects with the duties which are referred to under Article 51A. And through this one can currently argue that that these duties while getting translated into a law can very well make a proposition of duty becoming enforceable through that legal process. So, once the law is enacted there are instances where the law has been interpreted by the Supreme Court or by the High Court contextualizing fundamental duties either for justifying the enactment of the law or for reminding the citizen of their duties. So, that the spirit of law can be maintained and respected. Let us look at these duties individually and try to connect with some of the laws which are enacted. Though you would find that the laws which are enacted may be predated to the very incorporation of the duties under the Indian Constitution.

So, what we have done in this session is that we are trying to just connect those legislations with the duty, whether it is predated or post-dated, of the incorporation of the fundamental duties. Article 51A(a) read “to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem” As a citizen of the country I do have a foremost duty an obligation to abide by the Constitution and all my conduct must be in of the Constitution. I must respect the ideals of the Constitution and the institutions which are established by the Constitution. Same goes with the flag, national flag and national anthem. If you look at these two laws, you would find that these two laws, though enacted before the incorporation of this duty under the Indian Constitution. However, they imposed a very defined obligation on every citizen towards the national anthem, the national symbol, and the national honour. Prevention of Insults to National Honour Act, 1971 and the Emblems and Names (Prevention of Improper Use) Act, 1950 Supreme Court while highlighting the significance of Article 51A(a) in this case of Union of India v. Dayanand, (2008) reads that *“We may add that in our constitutional set-up every citizen is under a duty to abide by the Constitution and respect its ideals and institutions. Those who have been entrusted with the task of administering the system and operating various constituents of the State and who take oath to act in accordance with the Constitution and uphold the same, have to set an example by exhibiting total commitment to the constitutional ideals. This principle is required to be observed with greater rigour by the members of the judicial fraternity who have been bestowed with the power to adjudicate upon important constitutional and legal issues and protect and preserve the rights of individuals and society as a whole”*.

So, in this case, you would find that the court has highlighted that the contours of the duty are not to be limited only to ordinary citizens, even to citizens who occupy high constitutional offices, even though they are bound by these ideals. In this case, where it was related to ensuring parity in the service conditions of two different categories of employees, recruited through two different routes, the court very aptly read the significance and reminded that even the individuals, even the citizens who are holding high positions they are also bound by the duties. They are also bound by the ideals of the Constitution.

Article 51A(b) reads as “to cherish and follow the noble ideals which inspired our national struggle for freedom”. Again the Prevention of Insults to National Honour Act, 1971, you find that imposes an obligation that is that we value our respectable past. And under this Act this is a penalty which has been made for insulting the national flag and the Constitution. The honor of the Indian national flag and the Constitution are some of the significant noble ideals that inspired our national struggle for freedom. These noble ideals are also these days having tried to make part of public life of every individual and also to ensure that every individual internalizes those values which are very important for nation building and contribution of an individual in that nation building. The initiative of the government with the name of Azadi Ka Amrit Mahotsav, where the government planned this initiative to commemorate 75 years of independence and glorious history of motherland, its culture and achievements. The government has come out with a set of initiatives, freedom struggle, idea at 75, resolve at 75, actions at 75, achievements at 75 under this very visible and very prominent banner of Azadi Ka Amrit Mahotsav. Freedom Struggle serves as the foundation for our commemoration initiatives under Azadi Ka Amrit Mahotsav, bringing to life the stories of unsung heroes whose sacrifices made our freedom possible. Ideas@75 focuses on programmes and events inspired by ideas and ideals that have shaped us and will guide us as we navigate through this period of Amrit Kaal. Resolve@75 focuses on our collective resolve and determination to shape the destiny of our motherland. Actions@75 focuses on all the efforts that are being undertaken to help India take its rightful position in the new world order. Achievements@75 focuses on marking the passage of time and all our milestones along the way. It is intended to grow into a public account of our collective achievements as a 75-year-old independent country. If you look at this very initiative of the government, you would find that it is closely connected with the fundamental duty given in clause (b), where it is sort of a reminder to all of us that as an individual, we do have a very defined duty towards the country and towards the society.

Let us briefly look at the significance of national anthem. On 24th January the question of having a national anthem was considered. The Constituent Assembly had appointed a Committee to make recommendations about the final selection of which one should be taken as the national anthem for the country. After due deliberation, the matter was left on the president to make a declaration in the assembly and President Dr Rajendra Prasad declared it on 24th January and his decision was: *“The composition consisting of the words and music known as Jana Gana Mana is the National Anthem of India, subject to such alterations in the words as the Government may authorise as occasion arises; and the song Vande Mataram, which has played a historic part, in the struggle for Indian freedom, shall be honoured equally with Jana Gana Mana and shall have equal status with it.”* As I said, there is a law of 1971 which penalises for causing an insult to the national flag, and Section 2 provides for a penalty for any insult. Section 3 of the Act provides for punishment which says that it could be for 3 years for intentional prevention of singing of the Indian National Anthem. In the case of Aruna Roy v. Union of India (2002), which is a very significant intervention by the judiciary to make teaching of our freedom movement, teaching of our important religious leaders in the school syllabus has been validated by the court. Supreme Court has said that *“Besides, the NCFSE would also be in consonance with the fundamental duties enshrined under Article 51A. May be that basics of all religions may help in achieving the objects behind fundamental duties.....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 core components of school curriculum as mentioned in the National Curriculum for Elementary and Secondary Education-A Framework (1988) are all the more relevant in the present scenario. The Constitutional Amendment incorporating the ten Fundamental Duties of Citizens is a valuable pointer to what the country expects of its citizens. All these must find a prominent place in the total education system of India including the school environs”*. This very paragraph also highlights the close connection between our ancient religious text and the relevance of fundamental duties, where we do acknowledge the significance of religious teachings for the self-development of an individual, for ensuring that an individual acts with responsibility and morality, which should drive the conduct of that individual. That is how we have also tried when we have connected the discussion of the fundamental duties with the Indian Knowledge System.

Let us come to the next fundamental duty, which is to uphold, protect the sovereignty, unity and integrity of India, which is in Article 51A(c). If you look at the new penal laws, you would

find that there is a very categorical elucidation of an action or omission as an offense, if anything is done dishonouring the integrity of the country. Section 147 – 158 under Chapter VII of the Bharatiya Nyaya Sanhita, 2023, deals with Offences against the State. Section 152 of the Bharatiya Nyaya Sanhita, 2023 deals with acts endangering the sovereignty, unity and integrity of India. Because sudden duties are of such nature that it should not be simply left on the conduct of individual. There is a responsibility of the state that the conduct of individual must be brought to the notice of the law and to be made to go through the rigor of the law if that conduct is not coherent with, not conducive with the integrity of the country with the unity of the country that is how penal laws become very important.

Pledge we take on important national days also symbolizes our commitment towards the duty given under Article 51A(c). We generally take place pledge during independence day, during republic day celebration in our institutions. It has also been seen that a place is also printed on the opening page of a school textbook, where the value of class C has been categorically incorporated, where every school-going child learn that value in the formative age. The judiciary has also highlighted on the role of this clause. Madras High Court in *Mathivanan v. State*, (2021), on this very interesting case where the petitioner has gone for sightseeing on a hill station named Sirumalai taking photograph from that hill station posted certain photographs with a caption as trip to Sirimulai for shooting practice. Now, this very caption attracted the attention of the enforcement agencies and the enforcement agency understood as a statement from someone who is threatening the unity of the country and sort of waging war against the country when shooting practice was used. Quashing the FIR against that individual, the court made the very significant observation: *“To this, the hypothetical author would have added one more fundamental duty - duty to laugh. The correlative right to be funny can be mined in Article 19 (1) (a) of the Constitution of India (the use of crypto vocabulary to be forgiven)”* So, the court has, in a way, tried to give a very meaningful understanding to this clause. Another case with regard to having a statue of Dr. Ambedkar in the leaders park, the court in this *M. Veeraraghavan v. Govt. of T.N.*, (2021), the Madras High Court observes that *“Article 51A contemplates it shall be the duty of every citizen of India to uphold and protect the sovereignty, unity and integrity of India, to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women. Therefore, it is the constitutional duty of every citizen to ensure that religious, linguistic, regional or sectional diversities are not permitted amongst the citizen.”* This is what the court has said in relation to

the installation and erection of a statue of our leaders who played a significant role in drafting the Constitution, the architect of the Constitution. On the issue of asking the students to be part of functions on national days, on republic days or independence day the court has observed in *Old Students Association v. State of Andhra Pradesh*, (2019) referring to Article 51A (c): *“participation of the children in such event on the occasion of Republic day and Independence day celebrations or any other day intended for the above purposes, does not amount to violation of fundamental right or human rights guaranteed to the children. But compelling children, who are unwilling to participate in Government programmes, by issuing Government orders, outside the school premises amounts to violation of fundamental right guaranteed under Article 21”*.

Let us look at the next clause which is on to defend the country and render national service when called upon to do so. It is very important duty where all of us can be asked for can be called for national duty if the situation demands. It is very significant to note that Article 51A(d) does not talk about military service; it talks about national service, and sudden initiatives are there or legislations are there that talk about involving youth in national service. For example, the National Cadet Corps Act 1948 aims with an idea of creating a human resource of organized trained and motivated youth and to provide leadership in all walks of life and be always available for the service of the nation. Another important scheme which is popularly known as the National Service Scheme (NSS) run by the Ministry of Youth Affairs & Sports. which students from schools (+2 level), technical institutions, and universities in community service activities and government-led programs. The primary objective is to develop students' personalities and character through voluntary community service. It is very important measures to realize the duty given under Article 51A(d). Then we have the National Services Act 1972 which provides for the registration of qualified persons and for rendering national service by such persons. Section 3 provides for the liability of the person to be called for national service. We do have a Civil Defense Act which is for in asking civilians to come forward in cases of civil defence in cases of hostile attack and disaster management. These enactments are as I said that some legislate legislations are predated they are prior to Article 51A, but then certainly they embody the principles of Article 51A(d). Article 51A(e) talks about to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious linguistic and regional or sectional diversities to renounce practices derogatory to the dignity of women. So, Article 51A(e) is into two sets. We have had a detailed discussion in fact, one session we devoted on second part which is about renouncing practices derogatory to the

dignity of women. On the duty of harmony maintaining harmony and to inculcate a spirit of brotherhood we find this initiative of the government Ek Bharat Shreshtha Bharat has a phenomenal role in cross cultural integration. The Ek Bharat Shreshtha Bharat is an initiative which aims to enhance interaction & promote mutual understanding between people of different states/UTs through the concept of state/UT pairing. The states carry out activities to promote a sustained and structured cultural connection in the areas of language learning, culture, traditions & music, tourism & cuisine, sports and sharing of best practices, etc. We also celebrate Rashtriya Ekta Diwas on October 31st, which reaffirms the nation's inherent strength and resilience while celebrating cultural diversity through mutual interaction and reciprocity among people of different states and union territories.

This legislation can be seen to be connected with this duty: the Protection of Civil Rights Act, 1955 – provides punishment for any form of practice of untouchability. Section 196 in Chapter X of the Bharatiya Nyaya Sanhita, 2023 (Section 298 – Section 302), Chapter XIV of the Bharatiya Nyaya Sanhita, 2023 provides for Offences against Religion. Chapter V of the Bharatiya Nyaya Sanhita, 2023 deals with Offences against Woman, which is regard to the second duty under Article 51A(e). Prevention of Witch (Daain) Practices Act, 1999 – prevents the witch practices and the identification of a woman as a witch. Indecent Representation of Women (Prohibition) Act, 1986 – prohibits the indecent representation of women through any other manner.

Now, in the case of Lal Zenda Coal Mines Mazdoor Union v. Western Coalfields Ltd., (2014) which is decided by the Bombay High Court, where the court has looked into an issue of making a contribution to the Prime Minister's National Relief Fund, where the contribution is made without having explicit consent from the employees. The court highlighted the significance of the duty where the court observed that *“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. Thus, in the light of the Constitutional provisions under Section 51-A and the explanation given by Dr. Ambedkar for the word ‘Fraternity’ means a sense of common brotherhood of all Indians, we are of the firm opinion that the petitioners in these writ petitions are bound by the aforesaid Constitutional obligation and mandate. It is the fundamental duty of every citizen and the*

*employees of the WCL and the Trade Unions to obey the Constitutional mandate about 'Brotherhood'.*”

The court has, in a way, justified that it is fine if a contribution has been made to that relief fund for addressing the national disaster. Another case, *Sajimon Parayil v. State of Kerala* (2025), which was decided by the Supreme Court, where the court was looking into the issue of harassment while summoning witnesses on a case where a committee was constituted to look into the working conditions of women in the Malayalam film industry, where an SIT was made. So, the matter has come before the Supreme Court while hearing an appeal against the Kerala High Court. The High Court has dismissed the petition that alleged coercion and harassment of harassment by the SIT, which was formed to investigate complaints arising from the Hema Committee report. This report was about the working conditions of women in the Malayalam film industry. The court highlights the relevance of Article 51A(e) and the court said that: “The safeguard of the fundamental right to privacy under our Constitution is assured to the individual not only by the State but also at the instance of fellow citizens who are obligated under Part IV-A of our Constitution to abide by the Constitution and respect its ideals as also to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women”. To the individual, not only by the state, but also at the instance of another case of *Rajeev Kumar Upadhyay v. Srikant Upadhyay*, (2024), which is again a case related to the Prevention of Witch (Daain) Practices Act, 1999. The court highlighted the significance of Article 51A(e), where the court said that “*There is undoubtedly a right to live with dignity, as discussed above. But concomitantly, there is a duty cast upon every citizen to promote harmony and a spirit of common brotherhood amongst all, keeping aside the differences that are only natural in a country which is as vast and varied as India. Reference can be made to Article 51A of the Constitution. It is to be emphasized that 51A(e) extracted herein below postulates a duty to renounce practices which are derogatory to women*”. This is the case where it was about practices that were being followed, and there was an FIR filed against the individuals under this law. The relevance of this kind of pledge is also what we take on prominent days. For example, this International Women's Day pledge. This kind of pledge, though apparently very symbolic, also appears to be very symbolic, but then they have a very entrenched role of reminding us that there is a very specific duty bestowed upon us, and we shall always be remembering and reminding ourselves of that duty.

So, one may say that this duty plays an important role in reminding us of our moral obligation, civic obligation to uphold the integrity of the country, to maintain harmony and also to ensure that our conduct is ethical. These duties they are technically not enforceable, but they significantly influence legislative policies or the judicial interpretation. Laws were enacted though they are predated, but then one can find a reference one can find a kind of connect between the duties and with such laws. Additionally, we have also seen that judicial pronouncements have reinforced the importance of the duties where they have categorically highlighted while interpreting a law that how this can be taken into account for reminding individuals as their responsibility as well as for the state of what they need to do in order to see that duties are also been complied with. So, amongst the enforcement of fundamental duties, though it remains a legislative prerogative, there is no denying that these duties play a very important role in shaping responsible citizenship in the country.

These are the references for the session.

Thank you.