

**NATIONAL COMMISSION TO REVIEW THE
WORKING OF THE CONSTITUTION**

A

Consultation Paper*

on

***EFFECTUATION OF FUNDAMENTAL
DUTIES OF CITIZENS***

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on

Effectuation of Fundamental Duties of Citizens

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1. Subhash C. Kashyap, Citizen and the Constitution, CDS, Ministry of Information and Broadcasting, Publications Division, Government of India, New Delhi, 1997;
2. Understanding the Constitution, NCERT, New Delhi, 2000;
3. Fundamental Duties of Citizens (Verma Committee Report), MHRD, Government of India, New Delhi, 1999.

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PART – I

Introduction

1.1 Introduction

1.1.1 When the working of Part IV-A of the Constitution, consisting of the sole article, namely article 51A, dealing with Fundamental Duties of citizens, is taken up for review, certain crucial questions are bound to arise. The most crucial of all questions would be: Has article 51A served its purpose, and if not, where have the people who worked the provision defaulted in the discharge of their democratic duties of citizenship and failed their fellow citizens? There can be no two opinions about the need for the retention of the article in the Constitution, and equally there can be no dispute on the fact that the provision requires to be known and effectuated much better than what has been the case thus far.

Three things make a nation. First is noble ideals. Second is the citizens capable of achieving the noble ideals. Third is the striving for excellence by such citizens.

Noble Ideals (a)

Rich heritage (f) Excellence (j)

1.1.2 Our dream of free India was, and is

“Where the mind is without fear and the head is held high;

where knowledge is free;

where the world has not been broken up into fragments of narrow domestic walls; where words come out from the depth of truth;

where tireless striving stretches its arms towards perfection;

where the clear stream of reason has not lost its way into the dreary desert sand of dead habit;

where the mind is led forward by the into ever widening thought and action into that heaven of freedom, my Father,

let my country awake*.

1.1.3 Mahatma Gandhi, the father of the nation, had been dreaming Independent India to be a place where there would be no poverty, no disease, no ignorance, no depravity.

Nahin daridra kon dukhi no deena

Nahin kou abudh no lachchan heena

1.1.4 This dream could materialize, and shall materialize, when every citizen solemnly resolves to discharge with all his wisdom and might, the Fundamental Duties enshrined in article 51A of the Constitution.

* Rabindra Nath Tagore

1.1.5 The Nation is what the Citizens are. The Citizen is the unit of the Nation.

God,

Merciful God;

Because a dark deepening crisis

Is engulfing this beloved land of ours,

Give us men a time like these demands.

Honest men,

Men of strong minds,

Of big hearts and true faith and ready hands;

Men whom the lust for power will not corrupt;

Men whom the spills of office will not buy;

Men who possess opinions and a will;

Men for whom service to the nation will come

Before their selves;

Men who will not lie;

Men who will not indulge in gimmickry;

Men who will not feed us on slogans or on stunts.

Give us, O God

Men of Honour,

Of Integrity;

Men who can and will

Stand up to demons of demagogy;

Men who will not yield to treacherous flatterers;

Tall men, sun crowned

Men who live above the fog and fluff of mock adulation,

In public duty and private thinking.

God, give us such men as

A trying and testing time like this demands.

1.1.6 Where from will God give us SUCH MEN?

Our Constitution says : Article 51A will make all Citizens of India, SUCH MEN.

SUCH MEN will achieve the Noble Ideals (Clause-(a)) by striving for excellence (Clause-(j)) while also translating into daily life the Fundamental Duties enshrined in clauses (b) to (i).

1.1.7 “The future of India lies in acting, implementing and invigorating compliance with Fundamental Duties enshrined in article 51A of the Constitution”.

1.2 Historical Background

1.2.1 To achieve the above objective, a brief historical background leading to the inclusion of article 51A in the Constitution of India, needs to be set out. The Swaran Singh Committee appointed by the Congress Party for a review of the Constitution had recommended that certain Fundamental Duties and obligations which every citizen owed the nation should be included in the Constitution. These recommendations were implemented with the incorporation of the new article 51A in the Constitution. Incidentally, this happened during the period of emergency aberration in our democratic history. Alongside the introduction of article 51A, several other articles of the Constitution were also amended. Some of the amendments had the effect of crippling the powers of the High Court and the Supreme Court. Soon after the emergency ended and a new Government assumed office in 1977, the Constitution (44th Amendment) Act, 1978 was passed, whereby many of the amendments brought in by the 42nd amendment were undone.

1.2.2 What is significant to note is that 44th Amendment did not disturb these provisions. Thus, article 51A commands the confidence of all the political parties and has remained on the statute book for 24 years.

1.2.3 The inclusion of Fundamental Duties brought our Constitution in line with article 29 (1) of the Universal Declaration of Human Rights and with provisions in several modern Constitutions of other countries.

1.2.4 There appear to be good reasons why the authors of the Constitution did not feel the need of enacting the Fundamental Duties in the Constitution as given to us.

1.2.5 Firstly, the framers of the Indian Constitution were such visionaries as had practiced values in life, discharging their societal and national obligations and had followed noble ideals which had inspired our national struggle for freedom and the need to defend the country, promote harmony, secularism and preserve the rich heritage of the composite Indian culture. To the framers of the Constitution, these were basic and inherent values which were being practiced by each and everyone. These were first nurtured in the home traditionally and were subsequently supplemented by education in schools and colleges. These were integral part of the way of life in India and it was taken for granted that aberrations in the practice of these will not be acceptable to the society. As such no need was felt to incorporate the Fundamental Duties specifically in the Constitution □.

1.2.6 Secondly, the duties were spelt out by the Preamble to the Constitution which contains the ideals and aspirations of the people of India and the dedication of Constitution for fulfilling such ideals and aspirations. We have solemnly resolved to secure to all the citizens of India justice, liberty, equality and fraternity. Whatever is needed to achieve these goals, is our obvious duty to perform – is a dictate of the Preamble.

1.2.7 Thirdly, all the rights enshrined in Part III on Fundamental Rights have inbuilt obligations therein. The need is to read them so as to spell out and understand the duties flowing therefrom.

{(2) & (3) – Mr. Justice R C Lahoti – Rastogi Memorial Lecture}

1.2.8 However, “with the lapse of time, degradation of values, particularly values in public life became blatantly evident and the nation felt the need to amend the Constitution and incorporate these values specifically as the Fundamental Duties of every citizens”.

1.2.9 Article 51A, which constitutes Part IVA of the Constitution, reads as under:

□ Justice Verma Committee Report.

“Article 51A. Fundamental Duties – It shall be the duty of every citizen of India –

- (a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- (b) to cherish and follow the noble ideals which inspired our national struggle for freedom;
- (c) to uphold and protect the sovereignty, unity and integrity of India;
- (d) to defend the country and render national service when called upon to do so;
- (e) 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;
- (f) to value and preserve the rich heritage of our composite culture;
- (g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;
- (h) to develop the scientific temper, humanism and the spirit of inquiry and reform;
- (i) to safeguard public property and to abjure violence;
- (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.”.

1.2.10 This article has the potential to regenerate and reconstruct the nation. It has been on the statute book for the last 24 years. It commands that – “it shall be the duty of every citizen of India” – but it is an irony that more than 99 per cent of the citizens of India do not even know about the existence of this article in the Constitution, much less its provisions. The awakening letter of Mr. Justice Rangnath Mishra, Former Chief Justice of India, addressed to the Hon’ble Chief Justice of India, (who took cognizance of it and it was registered as a Writ Petition) said : -

“All of us are experiencing to our horror degrading human behaviour in society every day. The deterioration is gradually becoming sharper and unless this fall is immediately arrested and a remedial measure found out and enforced, the situation would not improve. Fundamental Duties have remained in the Constitution Book and have not come out to reach even the class of people who handle the Constitution.”.

“If society becomes duty based, every one in India should turn attention on performance of duties and through such performance ensure and be entitled to the rights of a citizen.”.

“.....as a nation-building measure, teaching Fundamental Duties in every educational institution and as a measure of in-service training everywhere was necessary as these cannot be inculcated in our citizens unless these are brought into their minds and living process through teaching and education”.

“..... it is the obligation of the State to educate the citizens in the matter of Fundamental Duties so that a right balance between Rights and Duties may emerge”.

1.3 Concept of Duty

1.3.1 There has been some rather disproportionate emphasis on the rights of citizens as against their duties even though the traditions and temper of Indian thought through the ages laid greater emphasis on duties. Actually, rights and duties are the two sides of the same coin. For every right, there is a corresponding duty. Rights flow only from duties well performed. Duty is an inalienable part of right : What is duty for one is another person's right and respect human life and not to injure another person. If everyone performs his/her duty, everybody's rights would be automatically protected. Gandhiji while emphasizing the economic and social responsibilities of all citizens said:

“The true source of right is duty. If we all discharge our duties, rights will not be far to seek. If leaving duties unperformed we run after rights, they will escape us like will-o-the-wist, the more we pursue them, the farther they will fly”.

“I learned from my illiterate but wise mother that all rights to be deserved and preserved come from my duty well done. Thus the very right to live accrues to us when we do the duty of citizenship of the world. From this one fundamental statement, perhaps it is easy enough to define duties of man and women and correlate every right to some corresponding duty to be first performed. Every other right can be shown to be a usurpation hardly worth fighting for”.

Harold Laski has also said that rights are related to functions and are given only in return for some duties to be performed. Rights are conferred on individual citizens not only for their own development but also for social good. As the universal declaration of Human Rights put it : “Everyone has duties to the community in which alone the free and full development of the personality is possible [Article 29 (1)].

1.3.2 When the leaders and the rulers talk of citizenship values, they tend to talk in the language of “you, the people should”. They forget that they are not outside the people, they are also first and foremost the citizens of India and it is as much for them as for others to respect the citizenship values. In fact, in the discharge of their functional responsibilities and duties, they have an additional responsibility to protect and promote citizenship duties and fulfill the oaths they take. Ideally, a proper balance and harmony can be achieved if the State – high functionaries of the Government and the leadership generally – cease to lecture the citizens on their duties and devote their energies and attention to protecting their rights, and the citizens themselves lay greater emphasis on discharging their responsibilities and duties instead of all the time demanding fulfillment of their rights.

PART – II

Fundamental Duties of the Citizens Under the Constitution

2.1.1 Article 51A, which constitutes Part IVA of the Constitution, reads as follows:

“51A. Fundamental Duties: It shall be the duty of every citizen of India –

- (a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- (b) to cherish and follow the noble ideals which inspired our national struggle for freedom;
- (c) to uphold and protect the sovereignty, unity and integrity of India;
- (d) to defend the country and render national service when called upon to do so;
- (e) 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;
- (f) to value and preserve the rich heritage of our composite culture;
- (g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;

- (h) to develop the scientific temper, humanism and the spirit of inquiry and reform;
- (i) to safeguard public property and to abjure violence;
- (j) to strive towards excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of endeavor and achievement.”.

2.1.2 The different clauses of article 51-A require elucidation so that an appropriate basis can be laid for their effectuation strategies as detailed in the paragraphs that follow:

Clause (a) of article 51A

2.(a)1 Clause (a) provides that it shall be the duty of every citizen of India - TO ABIDE BY THE CONSTITUTION AND RESPECT ITS IDEALS AND INSTITUTIONS, THE NATIONAL FLAG AND THE NATIONAL ANTHEM.

2(a)2 The first and the foremost duty assigned to every citizen of India is to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem. These are the very physical foundations of our citizenship. All of us are supposed to maintain the dignity of the Constitution by not indulging in any activities in violation of the letter or spirit of the Constitution. Ours is a vast country with many languages, sub-cultures and religious and ethnic diversities, but the essential unit of the country is epitomized in the one Constitution, one flag, one people and one citizenship. We are all governed and guided by this Constitution irrespective of caste, religion, race, sex, etc. The Constitution is the result of the many commitments, promises and pledges made by nationalist leaders to the people of India. Also, it embodies efforts of reconciliation, accommodation and compromise. All of us and the Fundamental Rights of each of us are protected by it. Similarly, the National Flag and the National Anthem are symbols of our history, sovereignty, unity and pride. If a citizen of India by any overt or covert act shows disrespect to the Constitution, the National Anthem or the National Flag, it would be not only an anti-social and anti-national activity but it would also spell doom to all our rights and very existence as citizens of a sovereign nation. Each citizen must therefore not only refrain from any such activity but also do his best to prevent any miscreant trying to show disrespect to our national symbols. Every nation is proud of its citizens because of their dedication, sincerity and patriotism. We, the citizens of India, have to be equally proud of our nation, our Constitution, our National Flag and our National Anthem. We must put the nation above our narrow personal interests and then only we will be able to protect our hard-earned freedom and sovereignty.

2(a)3 The IDEALS of the Constitution are summed up in the Preamble:-

JUTICE, 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

Therefore, in every word, deed and thought every citizen must remember and practise in life these ideals of the Constitution.

2(a)4 The principal INSTITUTIONS of the Constitution are the Executive, the Legislature and the Judiciary. All institutions fall under these three wings of the State. It is a duty of every citizen to respect these institutions. For instance, if a citizen or a body of citizens or a section of the citizens feels that injustice has been done or is being done to him/her or it, recourse must be taken in the Court of Law for justice as that would be to respect an institution of the Constitution. This aspect of article 51A of the Constitution and its clause (a) has not only been widely neglected and deliberately disrespected, during the last 24 years that article 51A has been on the statute book, there has been a growing tendency of seeking redress by “Hoolad”, “Hartal” and “Hinsa” (Hue and Cry, Strike and Violence) thus committing disrespect to the constitutional institution, the Judiciary.

2(a)5 In his speech at the close of the Constituent Assembly, Dr. B.R. Ambedkar said:-

“If we wish to maintain democracy not merely in form, but also in fact, what must we do? Their first thing in my judgment we must do is to hold fast to constitutional methods of achieving our social and economic objectives. It means that we must abandon the bloody methods of revolution. It means that we must abandon the method of civil disobedience, non-cooperation and satyagraha. When there was no way left for constitutional methods for achieving economic and social objectives, there was a great deal of justification for unconstitutional methods. But where constitutional methods are open, there can be no justification for these unconstitutional methods. These methods are nothing, but the Grammar of Anarchy and the sooner they are abandoned, the better for us”.

2(a)6 “Four things are given to a judge: to hear patiently, to consider diligently, to answer wisely and to decide impartially” (Socrates). If a Judge, in the conduct of his/her judicial functions, neglects any of these four duties, it is a disrespect to the constitutional institution of Judiciary. By granting adjournments and yielding to delaying tactics, resulting in delaying disposal of cases is disregarding the Fundamental Duty of respecting the (Judicial) institution of the Constitution.

2(a)7 In his closing speech at the Constituent Assmibly on 25th November 1949, Dr. Rajendra Prasad observed :-

“We have provided in the Constitution for a judiciary which will be independent. It is difficult to suggest anything more to make the Supreme Court and the High Courts independent of the influence of the Executive. There is an attempt made in the Constitution to make even the lower judiciary independent of any outside or extraneous influence. One of our Articles makes it easy for the State Governments to introduce separation of Executive from Judicial functions and placing the magistracy which deals with criminal cases on similar footing as civil courts. I can only express the hope that this long overdue reform will soon be introduced in the States”.

2(a)8 When lawyers go on strike for redressal of their professional grievances and stall the working of the courts, it is in contradiction to and infringement of the Fundamental Duty enshrined in clause (a). In consequence, thousands of cases fixed for the day are adjourned and the entire working of the court is disrupted. It is blatant disrespect to the constitutional institution – the Judiciary. For redressal of professional grievances, representation can be made to the relevant authorities or to the legislature. Redress can be sought under the remedies provided in articles 226 and 32 of the Constitution. If at all a public demonstration is felt necessary, a silent rally before or after the court hours can serve the purpose. The effectuation of this clause has suffered tremendously because freedom is being abused as unbounded liberty.

2(a)9 Every office holder, elected or appointed, is as much bound by the provisions of article 51A as other fellow citizens. He has the added responsibility to set an example of good citizenship and to induce others within his sphere of influence to abide by the culture of the Constitution.

2(a)10 A Member of Parliament must, as a citizen, respect the ideals of the Constitution and also Parliament, the legislative institution of the Constitution. It is the first and foremost duty to respect the Judiciary and to respect the Institution to which he belongs, that is, Parliament. The conduct or behaviour which stalls the working of the House means disrespect to the constitutional institution. In case of disagreement on any point he is entitled express his opinion and he must abide by and behave within the Rules of Business. He can get his dissent recorded, but in case, he does not feel redressed, and creates “Hoolad, Hartal or Hinsa” to express his disagreement or dissent, it means infringement of his first duty under clause (a) of article 51A.

2(a)11 The following closing remarks of the President of the Constituent Assembly, Dr. Rajendra Prasad, are illuminating and thought provoking : -

Whatever the Constitution may or may not provide, the welfare of the country will depend upon the way in which the country is administered. That will depend upon the men who administer it. It is a trite saying that a country can have only the Government it deserves. Our Constitution has provisions in it which appear to some to be objectionable from one point or another. We must admit that the defects are inherent in the situation in the country and the people at large. If the people who are elected are capable and men of character and integrity, they would be able to make the best even of a defective Constitution. If they are lacking in these, the Constitution cannot help the country. After all a Constitution like a machine is a lifeless thing. It acquire life because of the men who control it and operate it, and India needs today nothing more than a set of honest men who will have the interest of the country before them. There is a fissiparous tendency arising out of various elements in our life. We have communal differences, caste differences, language differences, provincial differences and so forth. It requires men of strong character, men of vision, men who will not sacrifice the interests of the country at large for the sake of smaller

groups and areas and who will rise over the prejudices which are born of these differences. We can only hope that the country will throw up such men in abundance. I can say this from the experience of the struggle that we have had during the period of the freedom movement that new occasions throw up new men; not once but almost on every occasion when all leading men in the Congress were clapped into prison suddenly without having the time to leave instructions to others and even to make plans for carrying on their campaigns, people arose from amongst the masses who were able to continue and conduct the campaigns with intelligence, with initiative, with capacity for organization which nobody suspected they possessed. I have no doubt that when the country needs men of character, they will be coming up and the masses will throw them up. Let not those who have served in the past therefore rest on their oars, saying that they have done their part and now has come the time for them to enjoy the fruits of their labours. No such time comes to anyone who is really earnest about his work. In India today, I feel the work that confronts us is even more difficult than the work which we had when we were engaged in the struggle. We did not have then any conflicting claims to reconcile, no leaves and fishes to distribute, no powers to share. We have all these now, and the temptations are really great. Would to God that we shall have the wisdom and the strength to rise above them, and to serve the country which we have succeeded in liberating”.

Clause (b) of article 51A

2(b)1 Clause (b) provides that it shall be the duty of every citizen of India - TO CHERISH AND FOLLOW THE NOBLE IDEALS WHICH INSPIRED OUR NATIONAL STRUGGLE FOR FREEDOM.

2(b)2 Some of the noble ideals which inspired our national struggle for freedom were:

I. to achieve freedom from foreign rule so that the people of India have self-government which would establish a society where there will be no exploitation of man by man, no poverty, no disease, no illiteracy.

II. The above objective can be achieved only when all citizens have opportunities for all round development of their personality.

III. For all round development of personality, man-making education is required.

IV. Such education can be inculcated when precept is coupled with practice, and

V. Country is placed above self.

The citizens of India must cherish and follow the noble ideals which inspired the national struggle for freedom. The battle of freedom was a long one where thousands of people sacrificed their lives for our freedom. It becomes our duty to remember the sacrifices made by our forefathers for the cause of the country. But, what is much more important is to remember, imbibe and follow the ideals which pervaded our unique struggle. It was not a struggle merely for political freedom of India. It was for the social and economic emancipation of the people all over the world. Its ideals were those of building a just society and a united nation of freedom equality, non-violence, brotherhood and world peace. If we, the citizens of India remain conscious of and committed to these ideals, we will be able to rise above the various fissiparous tendencies raising their ugly heads now and then, here and there.

2(b)3 Parties and politicians who use religion, casteism, separatism, etc. for political ends and for capturing power are clearly violating their Fundamental Duties under the Constitution.

2(b)4 Dr. B R Ambedkar in his closing remarks said in the Constituent Assembly : -

“Will history repeat itself? It is this thought which fills me with anxiety. This anxiety is deepened by the realization of the fact that in addition to our old enemies in the form of castes and creeds we are going to have many political parties with diverse and opposing political creeds. Will Indians place the country above their creed or will they place creed above country? I do not know. But this must be certain that if the parties place creed above country, our independence will be put in jeopardy a second time and probably be lost for ever. This eventuality we must all resolutely guard against. We must be determined to defend our independence with the last drop of our blood.”.

2(b)5 The ideals envisaged in clause (b) are also the ideals of the Constitution some of which are reflected in the other clauses of article 51A itself. The promotion and harmony and 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 *vide* clause (e), to value and preserve the rich heritage of our composite culture *vide* clause (f), to develop scientific temper, humanism and the spirit of inquiry *vide* clause (h), to strive towards excellence *vide* clause (j) are also the noble ideals which inspired our national struggle for freedom.

2(b)6 The implementation of such Fundamental Duties require aspiration of the citizens rather than enforcement or sanction. When at the formative age of life such noble ideals are inculcated and hammered upon, and also practised in daily life, aspiration to practise them throughout life will be inevitable; it will become part and parcel of the nature and character of the citizen. Strong foundations of nature and character are laid during the formative period (6 to 17 years), that is when the boys and girls are at school. It is there that the personality is developed and moulded. It is there that the man is made. Therefore, in every school, private or public, and in every class, education for all round development of personality should be inculcated. The students of today are the nation builders of tomorrow. As the citizen, so the nation.

“Mahatma Gandhi laid stress on the purity of the methods which had to be pursued for attaining our ends. Let us not forget that this teaching has eternal values and was not intended only for the period of stress and struggle but has as much authority and value today as it ever had before. We have a tendency to blame others for everything that goes wrong and not to introspect and try to see if we have any share in it or not. It is very much easier to scan one’s own actions and motives if one is inclined to do so than to appraise correctly the actions and motives of others. I shall only hope that all those whose good fortune it may be to work this Constitution in future will remember that it was a unique victory which we achieved by the unique method taught to us by the Father of the Nation, and it is up to us to preserve and protect the independence that we have won to make it really bear fruit for the man in the street. Let us launch on this new enterprise of running our Independent Republic with confidence, with truth and non-violence and above all with heart within and God over head.” {Closing observations of Dr. Rajendra Prasad, President of the Constituent Assembly}

Clause (c) of article 51A

2(c)1 Clause (c) provides that it shall be the duty of every citizen of India – TO UPHOLD AND PROTECT THE SOVEREIGNTY, UNITY AND INTEGRITY OF INDIA.

2(c)2 To protect the sovereignty, unity and integrity of India is a pre-eminent national obligation of all citizens of India. In a democratic system of governance, sovereignty lies with the people. To defend our sovereignty is our own responsibility. If the freedom and unity of the country are jeopardized, the nation ceases to exist and if there is no nation, who lives?

2(c)3 It may be recalled that the values of sovereignty, unity and integrity of the nation are first mentioned in the Preamble to the Constitution. Under article 19(2) of the Fundamental Rights, reasonable restrictions are permitted on freedom of speech and expression in the interests of the "sovereignty and integrity of India."

2(c)4 The Fundamental Duty enshrined in clause (c) of article 51A is essentially addressed to those citizens who belong to the defence forces or responsible for the maintenance of law and order. It can be said that this Fundamental Duty has been well effectuated. This clause, by necessary implication, imposes a Fundamental Duty on every citizen of India that he shall not do anything derogatory of upholding or protecting the sovereignty, unity or integrity of India. It is a duty prohibitory in nature addressed to traitors and spies.

2(c)5 Practically, the whole of Chapter VI of the Indian Penal Code (IPC) relating to offences against the State is relevant for protecting the sovereignty and integrity of India. If liberty resides in the minds of men and women, the same is true of unity. Any conduct which seeks to destroy or damage unity is punishable under Section 153-A of the IPC; Imputations and assertions prejudicial to national integration are punishable under Section 153-B of the IPC. Statements or reports containing alarming news which tend to promote enmity etc. are punishable under Section 505 (2) of the IPC.

Clause (d) of article 51A

2(d)1 Clause (d) provides that it shall be the duty of every citizen of India -TO DEFEND THE COUNTRY AND RENDER NATIONAL SERVICE WHEN CALLED UPON TO DO SO.

2(d)2 The primordial origins of the State are said to be in the need to defend ourselves against external enemies. In modern nation-States, it is considered axiomatic that every citizen is bound to be ready to defend the country against war or external aggression. The present day wars are not fought on the battlefield only nor are they won only by the armed forces; the citizens at large play a most vital role in a variety of ways. Sometimes, civilians may be required also to take up arms in defence of the country; the citizens are fighting only to defend their own liberty and that of their posterity.

2(d)3 Here, mention may be made of article 23(2) wherein State is allowed to impose "compulsory service for public purposes" subject to the condition that no discrimination is made on grounds of religion, race, caste or class or any of them.

2(d)4 The Fundamental Duty enshrined in clause (d) of article 51A is contingent on the citizens being called upon to defend the country and render national service. It is obviously addressed to all citizens other than those who belong to the army, the navy and the air force. It is a Fundamental Duty entrusted to the common man as indicated by the expression "when called upon to do so". Those citizens who belong to any of the three defence forces are entrusted constantly with this Fundamental Duty. This Fundamental Duty has not so far been tested as there has been no occasion when the common man was called upon to render national service and to defend the country from any external aggression. The defence of the country may be needed against external aggression and war mongering armed rebellion within the country.

Clause (e) of article 51A

2(e)1 Clause (e) provides that it shall be the duty of every citizen 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.

2(e)2 The duty to promote harmony and the spirit of common brotherhood amongst all the people of India essentially flows from the basic value of fraternity enshrined in the Preamble to the Constitution. India is a country

of different castes, languages, religions and many cultural streams but we are one people with one Constitution, one flag and one citizenship. Spirit of brotherhood should come very normally among the citizens of a country like India where the norm has been to consider the entire world as one family. The Constitution also casts upon us the Fundamental Duty of ensuring that all practices derogatory to the dignity of women are renounced. This again should come normally to a country where it is an aphorism that Gods reside where women are worshipped. (*yatra naryastu pujiyante ramante tatra devata*). It is for us to rise above the later day degenerations and aberrations which tarnished the image of our society. Incidentally, it may be noted that under article 23(1) of the Fundamental Rights, traffic in human beings is prohibited.

2(e)3 The first part of the clause (e) deals with the duty of citizens to promote harmony and spirit of common brotherhood among all the people of India. The harmony and brotherhood are to “transcend” religious, linguistic and regional or sectional diversities.

2(e)4 This part does not necessarily involve the elimination of various types of diversities. It is true that diversities will exist but they should be “transcended”. Without eliminating their existence, the citizens can still develop a mental outlook that will enable them to go beyond those diversities. They are required to rise above narrow cultural differences and to strive towards excellence in all spheres of collective activity.

2(e)5 The second part of the clause gives a mandate to remove prejudices and prejudicial or harmful concepts based on diversity on point of sex. Public opinion, in general, and even the opinion of women themselves, may fluctuate from time to time, and region to region, even from individual to individual. The central core of the concept is indignity to women. The passing of the Commission of Sati (Prevention) Act, 1987 emphasizes the importance of the duty. Many laws have been passed by the Union Government and the State Governments which punish practices derogatory to the dignity of women. The significance of clause (e) lies in its call to every citizen to renounce such practices. This clause easily lends itself to its effectuation in a concrete case because of its comparatively precise dimension.” (*Vishaka vs State of Rajasthan AIR 1997 S.C.3011*)

Clause (f) of article 51A

2(f)1 Clause (f) provides that it shall be the duty of every citizen of India TO VALUE AND PRESERVE THE RICH HERITAGE OF OUR COMPOSITE CULTURE.

2(f)2 To preserve the rich heritage of our composite culture is another Fundamental Duty of every Indian citizen. Our cultural heritage is one of the noblest and the richest. Also, it is part of the heritage of the earth. What we have inherited from the past, we must preserve and pass on to the future generations. In fact, each generation leaves its footprints on the sands of time. We must hold precious and dear what our fore-fathers have created and their successive generations bequeathed to us as symbols of their artistic excellence and achievements. Generations to come always draw inspiration from past history which stimulates them to aim at ever greater heights of achievement and excellence. It becomes the ardent duty of every citizen to ensure that these monuments and pieces of art are not in any way damaged, disfigured, scratched or subjected to vandalism or greed of unscrupulous traders and smugglers.

2(f)3 Every culture stands for some noble ideals. In India the foundation, the background, the life centre is spirituality – the keynote of the whole music of national life. Spirituality is a repository of noble ideals and they are essential in preserving the rich heritage of our composite culture.

2(f)4 One of the most ancient civilizations of the world, India can take legitimate pride in having been a civilizational unity without a break for more than five thousand years. We all are part of this great civilization and culture. Our contributions in the field of art, sculpture, architecture, mathematics, science, medicine, etc. are well known. Some of the oldest, deepest and most sublime philosophical thoughts and literature were born in India. We have several historical monuments of great archaeological value spread over the entire country. These include forts, palaces, temples, cave paintings, mosques, churches, etc. Also, this territory has had the honour of being the birthplace of several great religions like Hinduism, Buddhism, Jainism and Sikhism. Our past has shown us the path of peace, love, non-violence and truth. As citizens of this country, it is the responsibility of all of us to work for the preservation of this rich heritage and its cultural values and live in love and harmony.

2(f)5 The Directive Principle relating to protection of monuments and places and objects of national importance under article 49 similarly enjoins the State to protect monuments and places and objects of national, artistic or historic importance.

2(f)6 Clause (f) being the heart and soul of article 51A, requires explanation, elaboration and illustration, since the expression “rich heritage” is comprehensive. This clause requires the citizens to value and preserve the rich heritage of our composite culture. Emphasis is on two types of action viz. valuation and preservation of our heritage. The process of valuation of heritage presupposes an appreciation of the

heritage. It is essentially an intellectual process but it is a necessary prelude to the preservation of heritage which is a physical activity. Nobody will be inspired to preserve the heritage unless he has an appreciation of its richness. India has a splendid culture and it requires lifetime to understand and appreciate its many facets. The culture of India is considered to be composite culture and a culture which is composite is bound to have components derived from various sources. In the words of Sri Aurobindo, the seer, the Indian culture is described as:

“More high reaching, subtle, many sided, curious and profound than the Greek, more noble and humane than the Roman, more large and spiritual than the old Egyptian, more vast and original than other Asiatic civilizations, more intellectual than the European prior to the 18th century, possessing all that these had and more, it was the most powerful, self-possessed, stimulating and wide in influence of all past human cultures.”

2(f)7 The compositeness of Indian culture is due to the wide and democratic nature of the Indian thought. Indian culture is basically spiritual. It is eternal law of life “May good thoughts come to us from the entire universe”. Our nation has a tradition of sheltering the persecuted and the refugees of all religions and all nations of the earth.

2(f)8 Under the leadership of Mahatma Gandhi, our freedom struggle received its inspiration, courage and moral strength from truth and non-violence out of the inexhaustible reservoir of the basic values of “Satyam” (Truth), “Shivam” (Goodness) and “Sundaram” (Beauty).

2(f)9 THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (Adopted by the General Assembly of the United Nations on December 10, 1948) declares in clause (1) of Article 29: “Everyone has duties to the community in which alone the free and full development of his personality is possible.”

2(f)10 All round development of personality of the citizen in all the aspects, intellectual, mental, physical and spiritual, is a rich heritage of our composite culture and is a panacea for all administrative, political and social ills. It is the Fundamental Duty of every citizen to develop his/her whole personality through education which should not be merely for the learning of certain selected subjects but also for the development of the intellect and of the mind, of the body and of the spirit. Its ultimate aim should be to improve simultaneously the standard of life and the standard of living of an individual. One of the reasons for erosion of moral values in public life and steep deterioration in work consciousness is the dilution and deviation of the spirit behind education. The need of the hour is to reverse this trend.

2(f)11 Article 28 of the Constitution prohibits imparting religious instruction in educational institutions which are run or aided by the State. This article has been grievously misrepresented so that spiritual education has been made out of bounds in educational institutions. Religious means the manifestation of the divinity inherent in man (Vivekananda). It could never have been intended by the founding fathers of the Constitution to exclude the manifestation of the divinity in students. On the contrary, manifestation of divinity and manifestation of perfection inherent in man constitute the first and foremost purpose of education. There cannot be a shred of doubt that this was not and could not be prohibited. What was prohibited was sectarian education, that is, promotion of philosophy of any particular sect or sects. Truly speaking, instruction for spiritual development is the basis and foundation of man-making education.

2(f)12 The Sri Prakash Committee (1959) defined moral value as that which guides us to behave properly with others, and spiritual value as that which takes us out of our narrow selves, and inspire us to sacrifice for the good of others or for a great cause. The Committee noted that learning of such moral and spiritual values is very essential.

2(f)13 The National Policy on Education (NPE) (1986/1992) attaches great importance to the cultural perspective of education. To quote the recommendations made in the NPE on value education:-

“The growing concern over the erosion of essential values and an increasing cynicism in society has brought to focus the need for readjustments in the curriculum in order to make education a forceful tool for the cultivation of social and moral values. Such value education should help eliminate obscurantism, religions fanaticism, violence, superstition and fatalism. Apart from their combative roles, value education has a profound positive content, based on our heritage, national goals universal perceptions. It should lay primary emphasis on this aspect.”

2(f)14 The highest heritage of our composite culture which engaged attention of Indian seers and sages and which they found out after a disciplined quest is that there is a divine element in human beings. The manifestation of divinity is a crucial indicator of civilization of human kind. Civilization is the manifestation of that divinity in man. To imbibe in oneself that divinity and inculcate in every citizen the urge to endeavour all-round development of his personality on that basis, is the highest heritage of our

composite culture which has to be followed and preserved, as Fundamental Duty of every citizen.

2(f)15 The divine core of personality is covered by five dimensions :-

- (i) Physical dimension consisting of the body and the senses;
- (ii) Energy dimension which performs digestion of food, blood circulation, the respiration and every activities within the body;
- (iii) Mental dimension characterised by the activities of the mind – thinking and feeling;
- (iv) Intellectual dimension characterised by the determinative faculty and will power; and
- (v) Psychic dimension experienced as bliss, e.g. during deep sleep.

2(f)16 A rich heritage of our composite culture is man-making education initiated from childhood and continued through-out life. A rich heritage of our composite culture has been the dedication of the individual and performance of higher law in day-to-day life. It must be recalled that in our culture right from the initial stage of law making, the law consisted of duty and duties only, which could broadly be divided into three aspects – sacrifice; ceremonies; and temporal duties (*Shrauta, Grihya* and *Samayacharika*), the last one being referred to as Dharma Sautras. As we became more civilized, the concept of rights became more important so much so that the rights of the citizens over shadowed the duties of the citizens.

2(f)17 Our composite culture lays greatest emphasis on **higher law**, which is the **panacea** for all political, social, economic and ethical ills in the society. Higher law means a determined resolve to a conduct and behaviour which will have the effect of rendering all penal laws redundant.

2(f)18 The foremost are five :

- (i) If a citizen commits theft, he is punished with imprisonment or with fine or both; this is law. However, if the citizen takes the determined resolve within himself that he will not commit theft even if the whole world may, this is higher law (*Asteya*);
- (ii) If a citizen causes hurt to another person, he is punished; this is law. However, if the citizen takes a determined resolve within himself that he shall not cause hurt to anyone; this is higher law (*Ahimsa*);
- (iii) If a citizen commits cheating he is punished; this is law. However, if the citizen takes a determined resolve within himself that he shall not cheat or deceive any body; this is higher law (*Satya*);
- (iv) If a citizen takes a bribe he is punished; this is law. However, if every citizen takes a determined resolve not to take bribe, and not to give bribe, even if the whole world may; this is higher law (*Aprigraha*); and
- (v) If a citizen outrages the modesty of a women he is punished, this is law. However, if the citizen takes the determined resolve that (except his wife) he shall always look upon women as his mother, sister or daughter; this is higher law (*Brahmacharya*).

2(f)19 Thus, not to commit an offence because of prescribed punishment makes a citizen law abiding. To resolve to practise higher law and to discharge the duties called higher law, would be a process of rejuvenating and reconstructing the nation. Therefore, all-round development of personality of the citizen which is the richest heritage of our composite culture is the most significant part of article 51A.

2(f)20 The noble ideals cherished and followed [under clause (b)] and the rich heritage of our composite culture followed and preserved [under clause (f)] and the endeavour to strive towards excellence in all spheres of individual and collective activity [under clause(j)] – these combined as triveni – have the potency and potential to regenerate and reconstruct the nation.

2(f)21 To protect the rich heritage of our composite culture and to prevent it from being adversely influenced from any contradictory, derogatory or destructive culture is a significant aspect of the Fundamental Duty to value and preserve the rich heritage of our composite culture. Therefore, any warning sounded particularly to the younger generation is significantly valuable. “..... our culture, which is a composite culture of several cultures in India, is the best and yet we are aping the western methods and

trying to become westernized far too rapidly. It was said of Mahatma Gandhi that he would rather have had the British stay if they become Indian.... We, who are struggling as a developing country, cannot endure because we are required to keep our culture going....” Regarding addiction to drug and liquor and fast club life, “Is it this kind of culture to which we were born and is it this kind of culture which we must ape and copy? This is not our society and I only hope that our boys and girls, even if they go abroad, will not bring back those habits to us because we on our part must preserve our culture. We as a nation have existed spiritually and have a spiritual past and a spiritual future which we cannot jeopardize by learning the absurd ways” of other countries. {Mr. Justice M Hidayatullah, former Chief Justice of India : Convocation Address, Bangalore University}

2(f)22 When we review the working of clause (f), it is striking that there has been an invasion of Western school of thoughts on India, in dress, in diet, in literature; and the Indian mind has been going under the spell of the West. Reviving of Indian heritage is most necessary. It is the only way to recultivate the social and moral values which are the pride of our composite culture. The target is to achieve the national goals of heritage and bringing home the idea of universal brotherhood.

2(f)23 Clause (f) has the potential that its implementation in daily life by each and all citizens would be the panacea for all administrative, political and social ills and will lead to all round development of personality of the citizen and will achieve the ultimate objective, viz. eradication of poverty, disease and illiteracy.

2(f)24 The display of scenes and dialogues of violence, vices and vulgarity on the TV have adverse influence on the immature mind of the young generation. This menace is growing day by day and is to be checked without further delay.

2(f)25 It is generally accepted that deterioration in the values and lack of probity in public life are the two evils which hamper the growth of our nation. In para 3.13, the Justice Verma Committee quoting from the Lord Nolan Committee of UK, has set out the following values. These values would be suitable recognized in the clause dealing with Fundamental Duties; Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and leadership by example.

2(f)26 If these are incorporated and recognized, it can be hoped that we have none of the sins described by Mahatma Gandhi as follows :

Politics without Principle, Commerce without Morality, Wealth without Work, Education without Character, Science without Humanity, Pleasure without Conscience, Worship without Sacrifice.

Clause (g) of article 51A

2(g)1 Clause (g) provides that it shall be the duty of every citizen of India - TO PROTECT AND IMPROVE THE NATURAL ENVIRONMENT INCLUDING FORESTS, LAKES, RIVERS AND WILD LIFE, AND TO HAVE COMPASSION FOR LIVING CREATURES.

2(g)2 In the face of the menace of the increasing pollution and environmental degradation, it is the duty of every citizen to protect and improve natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures. The rising air, water and noise pollution and large-scale denudation of forest are causing immense harm to all human life on earth. The mindless and wanton deforestation in the name of needs of development is causing havoc in the form of natural calamities and imbalances. By protecting our forest cover, planting new trees, cleaning rivers, conserving water resources, reforesting wastelands, hills and mountains and controlling pollution in cities, villages and industrial units, we can help save the future of our fellow citizens and of planet earth itself. What is needed is a concerted effort at, an awareness campaign and a planned strategy to move forward through voluntary citizen initiatives. Governmental steps alone cannot help bring about a pollution-free atmosphere to live now and in the future.

2(g)3 The mention of protection of environment, etc. as a duty of citizens, is intended to reinforce the other constitutional provision - article 48A under the Directive Principles of State Policy which enjoins the State to protect and improve the environment and safeguard the forests and wild life.

2(g)4 Earth is the common heritage of man and animals. We have no right to annihilate or drive away from their territory or natural habitat the wild denizens. Ancient Indian thought talks of *Sarvesham Shantir bhavatu* (peace unto all living beings and entire environment) or *Ahimsa paramodharma*. *Ahimsa paramo tapah* (non-violence is the greatest duty and the greatest penance).

2(g)5 This duty has received intensive and extensive, legislative and executive attention during the last few years. The Environment (Protection) Act, 1986, is an important step in that direction. The range of its provisions and the far-reaching

measures that can be undertaken through statutory rules and orders that can be issued under the Act, show that the duty to protect and improve the natural environment has been spelt out quite elaborately in our law.

Clause (h) of article 51A

2(h)1 Clause (h) provides that it shall be the duty of every citizen of India - TO DEVELOP THE SCIENTIFIC TEMPER, HUMANISM AND THE SPIRIT OF INQUIRY AND REFORM.

2(h)2 One of our great founding father, Jawaharlal Nehru always laid great emphasis on the need for Indian citizens developing a scientific temper and a spirit of inquiry - an inquisitiveness for learning from developments around the world. This was particularly necessary because of the most revolutionary scientific advances during this century and in the context of our background of superstitions and obscurantism. Nehru laid the foundations of the modern industrialised India by building the necessary scientific and technological infrastructures. Now, it is the bounden duty of every citizen to preserve and promote a scientific temper and a spirit of inquiry to keep pace with the fast changing world. Also, the Constitution ordains that science and technology must be tempered with a sense of humanism because ultimately the end of all progress is the human being and the quality of life and relationships that is developed.

2(h)3 Scientific temper means outlook founded on organised knowledge and experience. Scientific temper is based on reason and rationality in contradistinction to superstition or blind faith. Scientific temper discards obsolete learning. It requires thirst for knowledge and urge for research for facts and a zeal for setting things right.

2(h)4 Humanism is primarily rational coupled with emotional quality. Every citizen has three elements inherent - animality, humanity and divinity. Caution and control are required against falling into animalism. Humanism is outstanding in man's nature. There must be its incessant manifestation in conduct and behaviour. Every citizen should strive for development or rise towards divinity - qualities higher than human. No one can aspire to be divine unless he/she strives in thought, word and deed to be first a human.

2(h)5 To cause harm in body, reputation or property to others by any word, deed or thought is animality. To advance in one's career or in any activity without causing harm to any one is humanity. To go forward taking along another towards his progress and even pushing another ahead of oneself - selfless service - is divinity. Spirit of inquiry and reform is prerequisite for every right action, progress and development.

Clause (i) of Article 51A

2(i)1 Clause (i) provides that it shall be the duty of every citizen of India - TO SAFEGUARD PUBLIC PROPERTY AND TO ABJURE VIOLENCE.

2(i)2 It is most unfortunate that in a country which preaches non-violence to the rest of the world, we see from time to time spectacles of senseless violence and destruction of public property indulged in by a few of its citizens. This is why it became necessary to prescribe the responsibility "to safeguard public property and abjure violence" as a fundamental citizenship duty.

2(i)3 The clause (i) has been invariably observed in its breach. If violation of the various Fundamental Duties under article 51A is rated, this clause is outstanding. Whenever there is a strike or bundh or rally, and mob mentality develops, public property is the first casualty. Buses and buildings are destroyed, sometimes followed by loot and arson. Where as it is the Fundamental Duty of every citizen to protect public property and abjure violence, they just remain silent spectators - miserable and helpless. What is the remedy? Answer is inculcation of human values right from the formative period of life so that strong foundation is laid for effectuation of Fundamental Duties, more particularly enshrined in clauses (b), (f), (i) and (j).

Clause (j) of article 51A

2(j)1 Clause (j) provides that it shall be the duty of every citizen of India - 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.

2(j)2 The drive for excellence in all spheres of individual and collective activity is the demand of times and a basic requirement in a highly competitive world. Nothing but the best would have survival potential in tomorrow's world. This would include respect for professional obligations and excellence. Whatever work we take up either as individual citizens or as groups, our effort should be directed to achieving the goal of excellence. Also, special emphasis is called for in the area of collective activity.

In *Dr. Dasarathi Vs. State of Andhra Pradesh* (AIR: 1985 AP 136), it was held that under article 51A (j) of the Constitution, we all owe a duty to ourselves to strive towards excellence in all spheres of individual and collective activity so that this nation may constantly rise to higher levels of endeavour and achievement. When the State undertakes to promote excellence, it can do so only through the methods which our Constitution permits to adopt. Rewarding of sycophancy only helps to retard the growth of efficiency and excellence.

2(j)3 The clause (j) has the potential not only to regenerate and reconstruct the country but also to raise it to the highest level. "Excellence" is the secret of all development and all success. "Excellence" brings about communion with the Divine "Yogah Karmasu Kaushalm". Japan and Singapore are living examples. It is amazing that Japan stood up head and shoulders in such a short time after the devastation in Hiroshima and Nagasaki. The open secret is "Excellence". Every single citizen, in whatever walk of life he is, endeavours and perseveres for excellence in his project because right from primary schools the word "Excellence" is inculcated in his blood, by displaying numerous mottos, maxims and quotes containing the word "Excellence".

2(j)4 Here, far from striving for excellence, it has become generally the nature and character of the citizen to find loopholes in law and flourish individually on adulteration, hoarding, black-marketing apart from *hoolad*, *hartal* and *hinsa*. Steep deterioration in work consciousness, the urge for maximum wages for minimum work, sub-standard production, blackmailing, and corruption have become rampant in society and growing day by day. This has to be reversed. Those at the top must begin and strive for it.

Dr. Rajendra Prasad expressed himself in these words :

"I would have liked to have some qualifications laid down for members of the Legislatures. It is anomalous that we should insist upon high qualifications for those who administer or help in administering the law but not for those who make it except that they are elected. A law giver requires intellectual equipment but even more than that capacity to take a balanced view of things, to act independently and above all to the true to those

fundamental things of life – in one word – to have character. It is not possible to devise any yard-stick for measuring the moral qualities of a man and so long as that is not possible, our Constitution will remain defective”.

PART - III

Steps Towards Effectuation of Fundamental Duties

3.1.1 Effectuation of Fundamental Duties is the ladder with elucidation and elaboration as the first step, awareness as the second; inculcation as the third; aspiration as the fourth; implementation (performance) as the fifth; besides enforcement. If colloquia and consultations on Fundamental Duties in the context of given events or situations are organized by citizens' groups in this mode, it will be easier for them to comprehend the full import of the provisions of article 51A, add citizenship values to their inner being, and to realize their full potential.

3.2 Awareness :

3.2.1 It is axiomatic that ignorantia legis non-execusat. However, one in a thousand is aware of article 51A; the Fundamental Duties. Even highly educated citizens may not be aware of this part of the Constitution. For instance, it is the command of clause (b) that every citizen shall cherish and follow the "NOBLE IDEALS" which inspired our national struggle for freedom. What were those "Noble Ideals"? During the period of our national struggle for freedom, the population of our country was 33 crores which means that 67 crores were born post-independence, after 15th August 1947. They have to be informed what the "noble ideals" were. Article 51A does not identify them. The Constitution does not define them. Even the common man of those days would say that the object of national struggle for freedom was to redeem the country from the bondage of the British Rule and to acquire self-rule instead. And the ideals were enshrined in "Vande Matram" and "Jhanda Ooncha Rahe Hamara" or "Inqalab Zindabad."

3.2.2 Practically nothing has been done to inform and awake general public to the Fundamental Duties which are mandatory or to cause awareness for their publicity and propagation.

3.2.3 The current conjuncture of socio-economic forces and the disgust aroused by falling ethical standards provide a timely opportunity to launch a nation-wide MOVEMENT to enable all citizens to become aware of their rights and responsibilities, understand their obligations to observe Constitutional Values and carry out Fundamental Duties in day to day activity.

3.2.4 The rights and responsibilities of the citizens in a democracy are immense. And yet no systematic effort was made over the years to educate the citizens in democratic governance. The State and the society have failed to provide adequate means and mechanisms for citizens to identify, imbibe and practise the “Culture of the Constitution”. This failure is mainly responsible for the low level of effectuation of Fundamental Duties.

3.2.5 The beginning has been made by the Department of Education in the Ministry of Human Resource Development in the Teaching of Values in primary and secondary schools. Similar steps have yet to be taken in the Universities and Institutes of Higher Learning. At the level of social action, several efforts have been made to generate awareness of the importance of discharging Fundamental Duties and enable citizens to imbibe and practise citizenship values.

3.2.6 For convenience of operation, the citizenry may be divided into eight groups. **Every effort should be made to identify the values relevant to each Group, discuss their application in live situations, and develop strategies for their effective internalization.**

3.3 Inculcation

3.3.1 It is the Fundamental Duty of every citizen to develop his whole personality and also that of his sons and daughters and of his pupils in the formative age of nature and character (6 years to 17 or 21 years). The purpose of schools should be to impart education not merely for the learning of certain selected subjects but also for the development of the intellect and of the mind, of the body and of the spirit of the pupil. Its ultimate aim should be to improve simultaneously the standard of life and the standard of living of an individual. **One of the reasons for erosion of moral values in public life and steep deterioration in work culture is the dilution and deviation of the true spirit behind education. The need of the hour is to reverse this trend.**

3.3.2 In his memorable letter to the Chief Justice of India, Mr. Justice Ranganath Misra said : -

“As a nation-building measure, teaching Fundamental Duties in every educational institution and as a measure of in service training everywhere”, was necessary as these “cannot be inculcated in our citizens unless these are brought into their minds and living process through teaching and education”. “It is the obligation of the State to educate the citizens in the matter of Fundamental Duties so that a right balance between Rights and Duties may emerge.”.

3.3.3 Mr. Justice Venkataramiah in his landmark judgement in M C Mehta (II) Vs. Union of India and Ors. (1998) 1 SCC 471, *inter-alia*, gave directions that:

- (i) the Central Government shall direct to the educational institutions throughout India to teach at least for one hour in a week, lessons relating to protection and the improvement of the natural environment including forests, lakes, rivers and wild life in the first ten classes;
- (ii) the Central Government shall get text books written for the said purpose and distribute them to the educational institutions free of cost;
- (iii) the children shall be taught about the need for maintaining cleanliness commencing with the cleanliness of the house, both inside and the outside and with the street in which they live;
- (iv) the Central Government shall consider training of teachers who teach this subject by the introduction of short-term courses for such training;
- (v) the Central Government, the Governments of the States and all the Union territories shall consider desirability of organizing “keep the city/town/ village clean” week;
- (vi) to create a national awareness of the problems faced by the people by the appalling all-round deterioration of the environment.

3.3.4 The most purposeful and practical part of Justice Verma Committee Report (1999) is the exposition of ways and means of generating awareness of and inculcating, Fundamental Duties in the citizens. To quote :

“Citizenship is a solemn duty which every individual must discharge with due diligence and dedication. The current conjuncture of social, economic and political forces calls for a movement which captures the imagination of masses and motivates all categories of citizens to abide by the provisions of the Constitution in performing their duties and exercising their rights”.

3.3.5 Towards creating more awareness and consciousness of Fundamental Duties among citizens, the Committee recommends the following:

- Organizing advocacy and sensitization programmes.
- Preamble to the Constitution of India and the 10 clauses of article 51A on Fundamental Duties to be appropriately displayed on all government publications, diaries, calendars and at public places so that they always remain in the focus of the citizens.
- Radio and video spots, highlighting important messages related to Fundamental Duties, in the background of proper music and the National Flag, to be commissioned by All India Radio, Doordarshan, and other DD Channels. This should become a regular feature at least in all Doordarshan channels around the country, once or twice a day, to have significant impact over the years.
- January 3 to be observed as Fundamental Duties Day.
- Need to set up an autonomous body to act like ombudsman on Citizenship Values which could create a mechanism to act as catalyst towards overseeing operationalization of Fundamental Duties. The human resource of the senior citizens could be effectively utilized for discharging commitment of this nature. The financial implications for setting up this body which has also a state funding aspect will have to be taken into consideration.
- Small booklets on various aspects of Fundamental Duties written in a language easy to understand could also be developed for different levels of citizens. Such booklets should be particularly utilized by the citizens learning through Non-Formal Education (NFE) and Adult Education (AE) programmes run by state governments and voluntary agencies. The concept of Fundamental Duties can form a major component of NFE and AE programmes.
- The media should exercise considerable circumspection on the programmes, serials, pictures, news and advertisements affecting the morality or the decency of our people and cultural heritage of the country.
- Environment issues need to get more space in the media. The media should take the role of an activist guard. It is not that it has to be a current topic or a part of political agenda that the media will pay attention to. Media people have to remain alive to their constitutional responsibilities arising from Fundamental Duties to see that subjects like environment do not become a casualty.
- Media has a duty to avoid presenting acts of violence, armed robberies and terrorist activities in a manner that glorifies the perpetrators' acts, declarations or death in the eyes of the public. Fundamental Duties are not only sacrosanct but also have the element of compulsion requiring obedience, provided the machinery of the state appreciates its true nature and motivates the implementation machinery towards this end. The primary need, therefore, is to ensure a faithful and effective implementation of the existing legislation in the area covered by legislation and for prompt measures to legislate in the remaining field to fill the legislative vacuum.

3.3.6 Contribution of NGOs

Non Governmental Organizations can effectively contribute to the spreading of awareness and inculcation in the citizens as the practical aspects of effectuation of Fundamental Duties, by evolving a variety of ways and means suitable to the areas of their operation. There are NGOs which have been undertaking such projects effectively. For instance, the Citizenship Development Society

3.3.7 On 7th April, 1979, closely following the enshrinement of Fundamental Duties of Citizens in the Constitution, a group of patriotic citizens with an urge to ensure effectuation of these duties and to prompt good citizenship values set up the Citizenship Development Society (CDS), as a registered body.

3.3.8 Several efforts were made to generate awareness of the importance of practising citizenship values. The main ingredients of action programmes taken up by the CDS were:

- (i) Strengthening Citizenship education at all levels of the educational ladder,
- (ii) Developing training/orientation programmes for imparting Citizenship Values to persons in various walks of life,
- (iii) Tuning and orienting the national ethos of good citizenship values and undertaking field work and rural development programmes.
- (iv) Pressing and persuading the Planning Commission to lay stress on Citizenship Duties, Values and Citizenship Education.

3.3.9 CDS approached the Ministry of Information and Broadcasting to strengthen their programmes for fostering good citizenship on AIR and Doordarshan. The Ministry accepted their request to produce a series of films on good citizenship to promote citizenship values among masses. At the Society's instance, a documentary film entitled "Aaramb" was produced by the Ministry's Film Division, and the film was telecast in 1985.

3.3.10 A Project entitled "Production of Reading Material, Songs, Posters and Slogans", for fostering good citizenship among adult learners in the Union territory of Delhi was implemented in the 1985-86. Further reading material and visuals were prepared for use at the adult literacy and primary stages during 1986-88. Preparation and publication of Hindi booklets on citizenship duties for neo literates was also undertaken by the CDS.

3.3.11 A Centre for Research and Training in Citizenship Development (C.R.T.C) was established by the CDS with the following objects:

- a. Research in various aspects of citizenship development
- b. Designing training and orientation programmes for citizenship education
- c. Preparation of course materials to impart education in citizenship duties
- d. Providing consultation services for citizenship education

3.3.12 The CDS approached University of Mumbai to consider introducing Citizenship Development as one of the important areas of graduate studies. Their Board of Studies in Politics has accordingly drafted a syllabus of a Paper entitled "Citizens, Citizenship Awareness and Training in Citizenship". They have further informed that this Paper will be compulsory for all the students in the faculty of Arts, Commerce and Science at graduate level.

3.3.13 Taking lead from this initiative of Mumbai University, the CDS has taken up the subject of Citizenship Awareness and Training with other Universities in India. Unfortunately, University Grants Commission (UGC) have informed that they have no scheme under which funds could be provided for promoting Citizenship Awareness at the university level.

3.3.14 As a result of two Panel Discussions organised on the subject of the Citizenship Values enshrined in the Indian Constitution, it was decided to distil citizenship values enshrined in the Constitution and prepare a Book under the title "Citizens and the Constitution". At the request of the Society, the Publication Division of the Ministry of Information and Broadcasting, printed and published this path-breaking book. The book has been translated into some other Indian languages. A Symposium on this Book was organised on 2nd March, 1998 in collaboration with the India International Centre, Rashtriya Jagriti Sansthan and D.H. International Centre of Indic Research.

3.3.15 To this end, the CDS is committed to focus public attention on the following:

- Good citizenship deserves to be accorded the highest priority in national life.
- Citizenship development should be based on values of democracy, rule of law and social justice.
- Good citizenship should be founded on a civic culture of mutual consideration and accommodation between Citizens, State and Civil Society.
- Citizenship education in democratic governance is indispensable for each age group, for every vocation and for every station of life.
- Citizens who are called upon by election, nomination or appointment to fulfill public responsibilities should pledge themselves to respect the rights of fellow citizens and carry out Fundamental Duties in letter and spirit.

3.3.16 There are some other NGO's which are endeavouring through Seminars and workshops the inclusion of education for personality development as a course subject in Schools. Information and Inculcation of Fundamental Duties has been and can be, the predominant part of their projects.

3.3.17 Inculcation in Schools

To inculcate effectively the human values constituting development of the whole personality of the student, such measures as the following are necessary :-

1. A class for about one hour duration for men making education and for imparting the Fundamental Duties enshrined in article 51A of the Constitution and also fundamental values from all faiths, on three days a week.
2. A lecture to inculcate human values and Fundamental Duties by eminent persons or spiritual luminaries (followed by questions and answers) once in three months.
3. Periodical essay and elocution competition on value based topics.
4. Yearly awards to students who stand first in translating the values into reality.
5. Active involvement of parents in the inculcation of human values.

6. Annual meet of teachers to evaluate the performance of value based education.

3.3.18 It is only when devotion, dedication and determination to duties become a habit or a part of nature and character of the citizen that it will be implemented in daily life. Nature and character are formed, and the personality is developed, during the formative period of life that is the age of 6 to 17 years. It is at this stage of life (and that is generally the period when boys and girls are at school that their nature and character are made by teachers. It is the teacher, with whom boys and girls are for six hours or so physically, but more than 10 hours a day mentally, that can construct the nature and character of the citizens in the making. It is the Guru (Teacher) whose prime duty is to inculcate human values in the SHISHYA (Pupil)

3.3.19 The role of parents is first to inculcate Sanskars in their children; not only by precept but more so by practice; and, secondly, to cooperate with the teachers through vigilance that their child practices in daily what he learns in the school, particularly the lessons in all round development of personality.

3.3.20 The role of school management is to extend necessary support to the teachers and to provide necessary facilities for inculcation of human values in the students.

“The greatest of all the means for ensuring the stability of the Constitution is the education of citizens in the spirit of the Constitution”.

Aristotle

3.3.21 It will be only appropriate if in all forms of oaths or affirmations prescribed under the Third Schedule to the Constitution, the following words be added :

“.....and that, being fully conscious of the fact that I am first a citizen of India and then anything else, I shall sincerely discharge all the Fundamental Duties enshrined in Part-IVA of the Constitution”.

And this pledge should be renewed every year on the 3rd day of January at an assembly of all persons holding public office, in all public institutions – legislative, judicial and executive.

3.4 Aspiration

3.4.1 Sincere and effective inculcation of Fundamental Duties particularly in the younger generation will automatically give rise to aspiration to translate them into daily life. The test whether inculcation has been sincere and effective is as to whether aspiration has arisen in the minds of the students, to implement the Fundamental Duties.

3.4.2 Inculcation precedes and implementation follows aspiration.

3.4.3 To make citizens aware of and to aspire for implementation of the Fundamental Duties in daily life must be the primary concern and obligation of the State. To that end, suitable provisions could be added in due course in Part IV of the Constitution.

3.4.4 In every educational institution whether public or private, the entire teaching staff and the students of the school or college or the university, as the case may be, should take the following pledge on the opening day and the closing day of each academic session:

“I do solemnly and faithfully undertake to perform / discharge the entire Fundamental Duties enshrined in Part-IVA of the Constitution”.

3.4.5 Every holder of a public office (whether political, academic, administrative, educational or otherwise rendering public services) is first a citizen and then office-holder. Every office holder should be conscious of his added responsibility of himself setting a good example of good citizenship by translating into daily life the Fundamental Duties enshrined in article 51A and thereby induce fellow citizens particularly those within the sphere of his power and influence, to do the same thing. And all this he should do particularly in the discharge of his official duties and also in his individual personal life as a citizen. For instance, the holders of political office like Prime Minister, Chief Ministers of States, Ministers and Members of Parliament, Members of Legislative

Assemblies and Members of Legislative Councils should be persons who sincerely promote harmony and the spirit of common brotherhood amongst all the people in India transcending religion, linguistic and regional or sectional diversities. Such of them who thrive on caste and community – based electoral politics, whose outlook is sectarian and who regularly espouse the cause of the community or the other or who do not show equal respect to all religions and persons belonging to different religions, cannot set an example in the matter of discharging Fundamental Duties. Similarly leaders, who in the past had organized, violent demonstrations or indulged in destruction of public property or allowed depletion of forests and pollution of lakes and rivers or responsible for destruction of wild life cannot inspire other citizens to follow the Fundamental Duties. These illustrations apply with equal force to the teaching community and other public servants.

3.4.6 Every public servant before he assumes charge of his office shall take a pledge (standing before the entire staff of the office) :

“I solemnly pledge myself to discharge, as a citizen of India, all the Fundamental Duties enshrined in Part-IVA of the Constitution”. And this shall be renewed every year on the 3rd January.

3.5 Implementation

3.5.1. The following suggestions for the amendment of the Constitution have been received to ensure the full implementation of the Fundamental Duties.

(i) The opening words of Article 51A should be reworded as follows :

“Every citizen of India shall implement in daily life the following duties”:

(ii) Article 51A should be shifted to Part II (Citizenship) of the Constitution.

(iii) Suitable changes may be carried out to make Fundamental Duties to form a compendium with the Fundamental Rights.

3.5.2 It will be premature to think of amending the Constitution without making a determined effort to educate the citizens in the spirit of the Constitution. If the suggestions made above for effectuating the Fundamental Duties are effectively carried out a responsible citizenry may be expected to tackle successfully the basic problems at home and ensure that India occupies the rightful place abroad. The discussion in Part IV on enforcement brings out the legal and legislative support which is already available for practical actions and programmes to effectuate Citizenship Value.

PART – IV

Enforcement of Fundamental Duties

4.1.1 The Fundamental Rights in Part III, the Directive Principles of State Policy in Part IV and the Fundamental Duties in Part IVA form a compendium and have to be read together.

4.1.2 It is true that there is no legal sanction provided for violation or non-performance of Fundamental Duties. There is neither specific provision for enforceability nor any specific prohibition. However, Fundamental Duties have an inherent element of compulsion regarding compliance.

4.1.3 Out of the ten clauses in article 51A, five are positive duties and the other five are negative duties. Clauses (b), (d), (f), (h) and (j) require the citizens to perform these Fundamental Duties actively.

4.1.4 It is said that by their nature, it is not practicable to enforce the Fundamental Duties and they must be left to the will and aspiration of the citizens. However, in the case of citizens holding public office, each and all Fundamental Duties can be enforced by suitable legislation and departmental rules of conduct. Appropriate

sanctions can be provided for lapse in respect of each Fundamental Duty and it is quite practicable to enforce the sanction against every citizen holding a public office; for instance, departmental promotions can be deferred, increments can be withheld, etc. If an officer takes part in a strike or stalls the proceedings of his institution, he can be made to forgo the salary for that day.

4.1.5 Likewise, sanctions can be provided for professional bodies such as the Bar Council of India, the Medical Council of India, the Institute of Chartered Accountants and the Institute of Engineers, etc.

4.1.6 It is no longer correct to say that Fundamental Duties enshrined in article 51A are not enforceable to ensure their implementation and are a mere reminder. Fundamental Duties have the element of compulsion regarding compliance. What is needed is to enact suitable legislation wherever necessary to require obedience of the duties by the citizens, with legal sanctions. There is need for comprehensive legislation in this area to ensure a faithful and effective implementation of the Fundamental Duties.

4.1.7 A number of judicial decisions are available towards the enforcement of certain clauses under Article 51A. Comprehensive legislation is needed for clauses (a), (c), (e), (g) and (i). The remaining 5 clauses, which are exhortation of basic human values, have to be developed amongst citizens through the education system by creating proper and graded curricular input from primary level of education to the higher and professional levels.

4.2 **Judicial pronouncements**

4.2.1 In Chandra Bhavan Boarding and Lodging, Bangalore Vs. The State of Mysore and Anr., (1969) 3 SCC 84, challenge was laid to a notification fixing minimum rates of wages, the problem posed before the court was to strike a balance between two propositions: one, should not a worker be paid, by way of minimum wages, an amount which would enable the two ends meet and to survive: and on the other hand, fixing of minimum wages may result in the industry or the unit being killed taking away its right to exist. The court held that freedom of trade does not mean freedom to exploit. Nor do the provisions of the Constitution are the barriers to progress. They provide a balance for orderly progress towards the social order contemplated by the Preamble of the Constitution. The court held:

“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 mandate of the Constitution is to build a welfare society in which justice – social, economic and political, shall inform all institutions of our national life. The hopes and aspirations aroused by the Constitution will be belied if the minimum needs of the lowest of our citizens are not met.”

4.2.2 Officers in All-India Services (Administrative, Forest, Police, etc.) were not taking the training seriously resulting in deterioration of the services. Service Rules were amended so as to give weightage to the training and penalize the failure. On a challenge being laid to the constitutionality of the amendment in the Rules in Mohan Kumar Singhania & Ors. Vs. Union of India & Ors., (1992) Supp.1 SCC 594, in order to uphold the validity of the amendment, Ratnavel Pandian, J. drew strength from article 51A. Referring to clause (j), which commands every citizen of India 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, it was held that the effort taken by the Government in giving utmost importance to the training programme of the selectees so that this higher civil service being the topmost service of the country is not wasted and does not become fruitless during the training period is in consonance with the provisions of article 51A (j). The constitutionality of the amendment was, thus, upheld.

4.2.3 In several cases, the Supreme Court has upheld the validity of laws relating to ecology and environment and has made directions binding the citizens and the State finding the source of power to do so in article 51A. In Rural Litigation and Entitlement Kendra & Ors. Vs. A State of Uttar Pradesh & Ors., (1986) Supp. SCC 517, Ranganath Misra, J. held.

“Preservation of the environment and keeping the ecological balance unaffected is task which not only governments but also every citizen must undertake. It is a social obligation and let us remind every Indian citizen that it is his Fundamental Duty as enshrined in Article 51A (g) of the Constitution.”

4.2.4 In *Rural Litigation and Entitlement Kendra, Dehradun & Ors. Vs. State of U.P. & AIR 1985 SC 652*, in order to prevent imbalance to ecology and hazard of healthy environment being created due to working of lime-stone quarries, the Supreme Court directed the quarries lessees being cancelled and lime-stone quarries being closed down permanently. The directions were issued in face of fundamental right to trade and business and the right to earn livelihood. Assigning paramount significance to Fundamental Duties and rather placing the Fundamental Duties owing to people at large above the fundamental right of a few individuals the court held that such closure would undoubtedly cause hardship, “but it is a price that has to be paid for protecting and safeguarding the right of the people to live in healthy environment with minimum disturbance of ecological balance and without avoidable hazard to them and to their cattle, homes and agricultural land and undue affectation of air, water and environment”.

4.2.5 In *Sachidanand Pandey & Anr. Vs. State of West Bengal & Ors., (1987) 2 SCC 295*, the court expressed in unmistakable terms that whenever a problem of ecology is brought before the court, the court is bound to bear in mind article 48A of the Constitution and article 51A (g) which proclaims the Fundamental Duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures. Policy decisions taken by State are not ordinarily to be interfered with by the courts. But if it is the question of giving effect to the Directive Principle and the Fundamental Duty, the court is not to shrug its shoulders and say that priorities are a matter of policy not to be touched by court, the court may always give necessary directions so as to secure implementation of Directive Principles and Fundamental Duties.

4.2.6 In *State of Punjab & Ors. Vs. G.S.Gill and Anr., (1997) 6 SCC 129*, kindling the spirit of clauses (e) and (j) of article 51A and the Directive Principle contained in article 38 (1), the court reminded the administrators of the government that they too are primarily the citizens and, therefore, their vision should be of national interest. “The primary responsibility of an administrator is to perform his functions in the services of the nation as an enlightened citizen to strengthen a new democratic state. The public administrator should get rid of all mental reservations on narrow considerations of caste, religion, sectional or regional. He should have a wider concern for society as a whole. Otherwise he is not worthy to be an administrator or enlightened citizen to work for others. In public administration, responsibility is of highly personal and moral quality and is not necessarily related to formal status of power, although it is probably true that greater power brings greater responsibility.” In short, the court held that the Fundamental Duties oblige the administrators of the government to be good administrators.

4.2.7 In *M.C.Mehta (II) Vs. Union of India & Ors.*, (1998) 1 SCC 471, article 51A containing Fundamental Duties of citizens was read casting duties on the government and for issuing certain directions consistently with article 51A. Directions were:-

- (i) the Central Government shall direct to the educational institutions throughout India to teach at least for one hour in a week, lessons relating to protection and the improvement of the natural environment including forests, lakes, rivers and wild life in the first ten classes;
- (ii) the Central Government shall get text books written for the said purpose and distribute them to the educational institutions free of cost;
- (iii) the children shall be taught about the need for maintaining cleanliness and with the cleanliness of the house, both inside and outside and the street in which they live;
- (iv) the Central Government shall consider training of teachers who teach this subject by the introduction of short-term courses for such training;
- (v) the Central Government, the Government of the States and all the Union Territories shall consider desirability of organizing "Keep the city/town/village clean" week;
- (vi) to create a national awareness of the problems faced by the people by the appalling all round deterioration of the environment.

4.2.8 In *Vellore Citizens' Welfare Forum Vs. Union of India*, (1996) 5 SCC 647 and *Bandkhal and Surajkund Lakes matter*, (1997) 3 SCC 715, the Supreme Court recognized 'The Precautionary Principle' and the 'The Polluter pays' principle as essential features of 'Sustainable Development' and part of the environment law of the country. Article 21, Directive Principles and Fundamental Duty clause (g) of article 51A were relied on by the Supreme Court for spelling out a clear mandate to the State to protect and improve the environment and to safeguard the forests and wild life of the country. The court held it mandatory for the State Government to anticipate, prevent and attack the causes of environment degradation.

4.2.9 *State of U.P. Vs. Yamuna Shanker Misra & Anr.*, (1997) 4 SCC 7, is an interesting case where the object of writing the confidential reports and making entries in the character rolls were read in the light of article 51(j) as giving an opportunity to a public servant to improve excellence. The net of this Fundamental Duty was spread so wide by the court as to spell out the eternal values of honesty, integrity, good conduct and efficiency getting improved in the performance of public duties and standard of excellence in services constantly rising to higher levels so as to be a successful tool to manage the services with officers of integrity, honesty, efficiency and devotion.

4.2.10 The State of A.P. appointed a person as Poet laureate in Telugu with an honorarium initially for five years and then for life accompanied by certain attractive perks. The successor government terminated the appointment. The learned poet challenged the termination. Though the High Court did not doubt the eminence and achievement of the petitioner, however, tracing the history of such appointments, the court found that it was not a recognition of merit but, in essence, a royal mirth-maker a reward for solemn flattery for the king. Referring to article 51A (j), Justice P.A.Chaudary said – “I have no hesitation in holding that the wild celestial fire that ever burns in the mortal frame of man should not be quenched either by indifference or mediocracy But when the State undertakes to promote excellence it can do so only through the methods which our Constitution permits it to adopt. Rewarding of sycophancy only helps to retard the growth of efficiency and excellence. Conferment of poet Laureateship which more or less looks like conferment of a title may be a constitutional anathema”. [Dr. Dasarathi Vs. State of Andhra Pradesh AIR 1985 AP 136].

4.2.11 Another interesting case is from Calcutta High Court. Syllabus was prescribed for readings in history in the State of West Bengal. West Bengal Head Masters' Association laid challenge to the syllabus as violative of inter-alia article 51A (b) of the Constitution inter alia. The grievance was that the syllabus lays emphasis on studying Bolshevik, Chinese and South-East Asia Revolutions but it does not specifically mention whatsoever on the social, literary, scientific, religious or political Indian Leaders, not the requisite emphasis on different phases of freedom movement in India. The association pleaded a fundamental right to read the Indian history. A Division Bench of the Calcutta High Court in West Bengal Head Masters' Association & Anr. Vs. Union of India & Ors., AIR 1983 Calcutta 448, held that there was no such Fundamental Right,

“Article 51A(b) imposes a duty on every citizen of India to cherish and follow the noble ideals which inspired our national struggle for freedom. The performance of the duty is quite personal to every citizen of India. No duty has been imposed on the State, but on the citizens of India. There is much deference between right and duty. While a right can be claimed against another, duty has to be performed. It is not necessary for us to consider whether the duty imposed on every citizen of India under article 51A of the Constitution can be enforced against a citizen or not. A citizen cannot claim that he must be properly equipped by the State so as to enable him to perform his duties under article 51A which does not confer rights but imposes certain duties. So a student cannot claim that he

must be taught the Indian history in class VIII so that he can perform his duty under clause (b) of article 51A of the Constitution.”

4.2.12 In *Bijoe Emmanuel vs State of Kerala*, AIR 1987 SC 8 at pp.751, 752 it has been held that there is no provision of law which obliges anyone to sing the National Anthem nor is it disrespectful to the National Anthem if a person who stands up respectfully when the National Anthem is sung does not join the singing. It is true that article 51A (a) of the Constitution enjoins a duty on every citizen of India “to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem”. Proper respect is shown to the National Anthem by standing up when the National Anthem is sung. It will not be right to say that disrespect is shown by not joining in the singing. It was observed that there was no law enacted by Parliament making it obligatory to comply with article 51A(a). The Supreme Court allowed the petition filed by the children and directed the authorities to re-admit the children into the school. The court ended their judgment by adding – “our tradition teaches tolerance; our philosophy preaches tolerance; our constitution practices tolerance; let us not dilute it.” In another matter the correctness of this decision has been doubted. The matter has been referred to a Constitution Bench of the Supreme Court, which would examine correctness of the decision and also many a relation aspects.

4.2.13 The Supreme Court in *Vishaka and others Vs. State of Rajasthan* (AIR 1997 SC 3011) found it necessary for protection of working women from sexual harassment to lay and by this the classical exercise of the law making powers under article 141 of the Constitution laid:

“It is necessary and expedient for employers in work places as well as other responsible persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women:

- (1) The Duty of the Employer or other responsible persons in work places and other institutions:

It shall be the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

- (2) Definition:

For this purpose, sexual harassment includes such unwelcome sexually determined behaviors (whether directly or by implication) as:

- (a) physical contact and advances;
- (b) a demand or request for sexual favours;
- (c) sexually coloured remarks;
- (d) showing pornography;
- (e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Where any of these acts is committed in circumstances where under the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work whether she is drawing salary, or honorarium or voluntary, whether in Government, public or private enterprises such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it created a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

(3) Preventive Steps:

All employers or persons in charge of work place whether in the public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality of this obligation they should take the following steps:

- (a) Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.
- (b) The rules/regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.
- (c) As regards private employers steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.
- (d) Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

(4) Criminal Proceedings:

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the employer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority. In particular, it should ensure that victims, or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

(5) Disciplinary Action:

Where such conduct amounts to misconduct in employment as defined by the relevant service rules, the employer in accordance with those rules should initiate appropriate disciplinary action.

(6) Complaint Mechanism:

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in the employer's organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

(7) Complaints Committee:

The complaint mechanism, referred to in (6) above, should be adequate to provide, where necessary, a Complaints Committee, a special counsel or other support service, including the maintenance of confidentiality.

A woman should head the Complaints Committee and not less half of its member should be women. Further, to prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committee should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment.

The Complaints Committee must make an annual report to the Government department concerned of the complaints and action taken by them.

The employers and person on charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints Committee to the Government department.

(8) Workers' Initiative:

Employees should be allowed to raise issues of sexual harassment at workers' meeting and in other appropriate forum and it should be affirmatively discussed in Employer-employee Meetings.

(9) Awareness:

Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner.

(10) Third Party Harassment:

Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

(11) The Central/State Governments are requested to consider adopting suitable measures including legislation to ensure that the guidelines laid down by this order are also observed by the employers in Private sector.

(12) These guidelines will not prejudice any rights available under the Protection of Human Rights Act, 1993.

Accordingly, we direct that the above guidelines and norms would be strictly observed in all work places for the preservation and enforcement of the right to gender equality of the working women. These directions would be binding and enforceable in law until suitable legislation is enacted to occupy the field. These Writ Petitions are disposed of accordingly."

4.2.14 It was also observed that these guidelines would not prejudice any rights available under the Protection of Human Right Act, 1993. These were the most effective measures for enforcement of the Fundamental Duties; in particular to renounce practices derogatory to the dignity of women – a Fundamental Duty enshrined in clause (e) of article 51A, in the effectuation of that duty.

4.3 Justice Verma Committee

4.3.1 The Government of India announced the setting up of a Committee under the Chairpersonship of Justice J.S Verma, former Chief justice of India, and presently Chairman, National Human Rights Commission (NHRC), vide Order No. 16-23/98 sch. 1 dated 21 July 1998 “to work out a strategy as well as methodology of operationalizing a countrywide programme for teaching fundamental Duties in every educational institution as a measure of inservice training” in accordance with the Terms of Reference stated below:

4.3.2 The Terms of Reference of the Committee were as follows:

1. To develop a package for teaching Fundamental Duties at primary secondary, senior secondary and university levels.
2. To decide the activities as part of curriculum and co-curricular activities.
3. To review the exiting programme already being implemented by the NCERT under the national Curricular Framework and the need for identifying additional inputs into it.
4. To develop programme packages for the training of citizens through non-formal education / adult education programme / media (print, electronic, etc.)

4.3.3 The Committee attempted to analyze the issue of teaching of Fundamental Duties at all levels of education through improvement of the content and process, particularly of school education and teacher education, including interventions through curricular, co-curricular and media inputs, both print and electronic.

4.3.4 In order to devote its thinking on the issue of operationalization of the teaching of Fundamental Duties, the Committee decided to study this issue in its holistic perspective and came out with a report on October, 1999. The salient recommendations made in this report are detailed in Annexure I and cover aspects such as the following:

- General awareness and consciousness.

- Optimising benefits from existing schemes / programmes.
- Protection and improvement of environment.
- Reorienting approaches to school curriculum.
- Elimination of gender bias.
- Reorienting teacher education programmes.
- Incorporating Fundamental Duties in higher and professional education
- People's representatives from Panchayats to Parliament.
- Public administration and civil servants.
- Administration and justice.
- Business and industry.
- Media.

4.4 Available Legal Provisions

4.4.1 The Verma Committee was conscious of the fact that any non-operationalization of Fundamental Duties might not necessarily be the lack of concern or non-availability of legal and other enforceable provisions; but it was more a case of lacuna in the strategy of implementation. It, therefore, thought it appropriate to list in brief some of the legal provisions already available in regard to enforcement of Fundamental Duties. A summary of such legal provisions is given below:

- i. In order to ensure that no disrespect is shown to the National Flag, Constitution of India and the National anthem, the Prevention of Insults to National Honour Act, 1971 was enacted.
- ii. The Emblems and Names (Prevention of Improper Use) Act 1950 was enacted soon after independence, *inter alia*, to prevent improper use of the National Flag and the National Anthem.
- iii. In order to ensure that the correct usage regarding the display of the National Flag is well understood, the instructions issued from time to time on the subject have been embodied in Flag Code of

India, which has been made available to all the State Governments, and Union territory Administration (UTs).

iv. There are a number of provisions in the existing criminal laws to ensure that the activities which encourage enmity between different groups of people on grounds of religion, race, place of birth, residence, language, etc. are adequately punished. Writings, speeches, gestures, activities, exercise, drills, etc. aimed at creating a feeling of insecurity or ill-will among the members of other communities, etc. have been prohibited under Section 153A of the Indian Penal Code (IPC).

v. Imputations and assertions prejudicial to the national integration constitute a punishable offence under Section 153 B of the IPC.

vi. A Communal organization can be declared unlawful association under the provisions of Unlawful Activities (Prevention) Act 1967.

vii. Offences related to religion are covered in Sections 295-298 of the IPC (Chapter XV).

viii. Provisions of the Protection of Civil Rights Act, 1955 (earlier the Untouchability (Offences) Act 1955)

ix. Sections 123(3) and 123(3A) of the Representation of People Act, 1951 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 being a Member of Parliament or a State Legislature under Section 8A of the Representation of People Act, 1951.

4.5 Suggestions for Further Action

4.5.1 The recommendations made by Justice Verma Committee on Operationalisation of Fundamental Duties of Citizens (Annexure 1) deserve to be reiterated forcefully. In particular, it is suggested that there is imperative need for wider dissemination of information and generating greater awareness in regard to the Fundamental Duties of citizens and obligations of citizenship. This must assume the dimensions of a peaceful, nation wide, mass-based movement. This can be done through –

- (a) organization of advocacy and sensitization programmes,
- (b) display of the text of article 51A 'Fundamental Duties' prominently in government publications, diaries calendars, offices and at public places,
- (c) radio and video spots highlighting important messages related to Fundamental Duties on AIR, Doordarshan and other channels,
- (d) setting up an autonomous body to act like ombudsman on citizenship values and for overseeing operationalisation or effectuation of Fundamental Duties,
- (e) publication of small booklets on various aspects of Fundamental Duties written in simple language and aimed at different levels of citizens through non-formal education, open schooling, adult education, and universalisation of literacy programmes
- (f) circumspection by electronic media on programmes, serials, pictures, news and advertisement affecting morality, decency and cultural values and heritage of the country,
- (g) activist role by electronic and print media in the matter of Fundamental Duties like protection of the environment,
- (h) media avoiding the glorification of acts of violence, armed robberies, and terrorist activities, and
- (i) the state machinery ensuring the effectuation of Fundamental Duties, where necessary, by prompt legislation.

4.5.2 The benefits from the already existing schemes need to be optimised by monitoring work of NGOs and other institutions operating government-funded schemes focussed on aspects of national integration, communal harmony, culture and values, and environment, in tune with the spirit of clauses (e), (f) and (g) of article 51A and making mid-course corrections where necessary.

4.5.3 The Directive Principle of State Policy in article 48A, the Fundamental Duty in article 51A (g) and the existing laws in the area need to be implemented and enforced in the light of the judgments of the Supreme Court.

4.5.4 There is need for fundamental transformation in the direction and approach to curricular and co-curricular activities for imparting education in schools and teacher training institutions. This can be done by –

- (a) publishing the content of Fundamental Duties through books published by the NCERT and School Textbook Bureaus,
- (b) presenting each clause of article 51A through anecdotal talks, at morning assemblies at schools,
- (c) organising seminars, debates, competitions on different aspects of Fundamental Duties of citizens, and
- (d) designing an instructional design for education in Fundamental Duties that fits into the present day multi-channel environment where learning accrues from a variety of sources at home, school, community, print and electronic media.

4.5.5 In order to ensure dignity of women, gender biases and sex-stereotyping must be eliminated from all textbooks both at state and national levels.

4.5.6 Programmes of education for school teachers and higher and professional courses have to be so designed as to enable communication of the content of Fundamental Duties of citizens and the value of abiding by them. What is needed is a vigorous advocacy with state educational agencies, teacher education institutions and university departments for inclusion of Fundamental Duties component in curricula. All courses in Human Rights should also include Fundamental Duties.

4.5.7 An independent comprehensive unit encompassing familiarisation with the Constitution of India and Fundamental Duties of citizens thereunder need to be incorporated in the elementary and secondary teacher education courses.

4.5.8 NCC should be made compulsory in all pre-service teacher education institutions. This would promote the values of sovereignty, unity and integrity of the nation.

4.5.9 The need to shift emphasis from rights to duties in all walks of life is indeed urgent. Undue emphasis on one's own rights without any awareness of one's duties is not a sign of good citizenship.

4.5.10 The Fundamental Duties set out in article 51A were not intended to be legally enforced by one citizen against the other. They are like the Ten Commandments which every citizen is expected to bear in mind and conduct himself towards the State and society accordingly. Therefore, the endeavour of the State should be not so much to give teeth to the Fundamental Duties but to spread awareness of the duties among the people.

4.5.11 The courts in India have been taking note of the Fundamental Duties in judicial decisions. Being provisions of the Constitution, the courts will have due regard to the Fundamental Duties in interpreting the text of the Constitution. They will also be justified in moulding relief in individual cases having regard to the antecedents of the person seeking relief, particularly judged by the yardstick of Fundamental Duties.

4.5.12 Some of the expressions used in the Fundamental Duties may be elaborated or explained to facilitate better understanding. For instance, "the noble ideals which inspired our national struggle for freedom", may be explained to include –

- (a) putting an end to foreign rule,
- (b) ushering in a Government of the people, by the people and for the people and
- (c) securing to all citizens justice, liberty and equality, and promoting among them all fraternity and unity.

4.5.13 It is suggested that a few more Fundamental Duties, namely, duty to vote in an election, duty to pay taxes and duty to resist injustice may be added in due course to article 51A in Part IVA of the Constitution.

QUESTIONNAIRE

ON

EFFECTUATION OF FUNDAMENTAL DUTIES OF CITIZENS

1. Are you aware of article 51A of the Constitution of India which requires every citizen of India to discharge 10 Fundamental Duties?

Yes No

2. Are you familiar with the ideals and institutions of the Constitution?

Yes No

3. Are your neighbours and other citizens respecting the ideals and institutions of the Constitution?

Yes No

4. Are your leaders who represent your Constituency, respecting the ideals and institutions of the Constitution?

Yes No

5. Whether your neighbours/other citizens cherish and follow the noble ideals which inspired our national struggle for freedom?

Yes No

6. Whether your leaders who represent your Constituency follow those noble ideals?

Yes No

7. Is it necessary to inculcate those noble ideals in the school going children?

Yes No

8. Do you believe in the spirit of common brotherhood amongst all the people of India with different languages, cultures, etc.?

Yes No

9. Whether the solution is to select from school students belonging to Scheduled Castes and Scheduled Tribes and give them special education and special coaching so that they can be brought to the level of their fellow students in the general category and compete with them?

Yes No

10. Whether by law practices derogatory to the dignity of women can be eradicated?

Yes No

11. Whether punishment provided in the law for practices derogatory to the dignity of women are suitable and adequate?

Yes No

12. Whether you value the rich heritage of our composite culture?

Yes No

13. Whether there is onslaught of western culture on the minds of our younger generation?

Yes No

14. Whether you are in favour of complete ban on scenes of violence, vices and vulgarity being depicted on the TV screen?

Yes No

15. Whether you discourage or discourage your children from witnessing the scenes of violence, vice and vulgarity on the TV?

Yes

No

16. Whether you have taken determined resolution within yourself not to speak untruth, not to do "Hinsa"?

Yes

No

17. Whether you have taken a determined resolution within yourself not to take or give bribe?

Yes

No

18. Whether the laws have been able to eradicate corruption or to contain it?

Yes

No

19. Whether human values must be inculcated in school students by providing it as a subject of study?

Yes

No

20. Do you inculcate human values in your children so that excellence be always their aim in whatever duty/work is assigned to them?

Yes

No

21. Whether your neighbours are striving towards excellence in the spheres of their individual activity?

Yes

No

22. Whether Fundamental Duties under clause (b), (f) and (j) have the potential to raise our country to the highest level?

Yes

No

23. Whether the Fundamental Duties under clauses (b), (f) and (j) can be enforced by law?

Yes

No

24. Whether inculcation of human values is the solution?

Yes

No

25. Do you believe that organising advocacy and sensitization programmes will help create awareness and consciousness of Fundamental Duties among citizens?

Yes

No

26. Whether display of 10 clauses of article 51A on publications and public places be helpful in inculcation of Fundamental Duties?

Yes

No

27. Can important messages related to Fundamental Duties be effectively transmitted through radio and T.V. ?

Yes No

28. Should Fundamental Duties they be observed in educational institutions and offices?

Yes No

29. Should Fundamental Duties be included as separate curriculum area ?

Yes No

30. Should environment issues get more space in the media and media should take the role of activist guard?

Yes No

31. Do you believe in enacting more legislation to enforce Fundamental Duties can be helpful?

Yes No

32. Given the ever spreading tentacles of multi channel learning environment and increasing globalization of mass media, do you think, education in Fundamental Duties can be tackled though media without affecting our cultural concerns ?

Yes No

33. Will elimination of gender bias and sex stereotyping from school and college textbooks help in respecting the dignity of women ?

Yes No

34. Should teacher education programmes be specially designed to teach Fundamental Duties with the hope that they will influence the students?

Yes No

35. Should human rights and Fundamental Duties be included in professional and higher education courses?

Yes No

36. Is there a need for special programme of training legislators to make them aware of the Fundamental Duties?

Yes No

37. Please give details of any other suggestions/comments on which you would like to make on effectuation of Fundamental Duties (in not more than 200 words)

Attach additional sheet if necessary

Annexure 1

(See paragraphs 4.3.4 and 4.5.1)

Report of Justice Verma Committee (1999)

on

Operationalisation of Fundamental Duties

Salient Recommendations

Operationalization Overview

The operationalization strategy is based on the maxim that to discharge Fundamental Duties, the onus is on every citizen and there is no one with higher credentials or superior authority to teach Fundamental Duties to others who alone may be required to imbibe these values and perform the duties.

The word ‘operationalization’ points out to action for discharging responsibility towards defined expectations. The concept of duty as an integral part of the personality of an individual should emanate from the deep concerns within the individual to discharge certain obligations and responsibilities towards the social system in which he/she lives. Duty consciousness is a virtue and a value. There should be no dichotomy between knowing the right value and manifesting it by internalizing it in one’s behavior. It is in this context often said that the values are caught and not taught and that role models have a great significance in transmitting values..

Duties are observed by individuals as a result of dictates of the social system and the environment in which one lives, under the influence of role models, or on account of punitive provisions of law. It may be necessary to enact suitable legislation wherever necessary to require obedience of obligations by the citizens. If the existing laws are inadequate to enforce the needed discipline, the legislative vacuum needs to be filled. If legislation and judicial directions are available and still there are violations of Fundamental Duties by the citizens, this would call for other strategies for making them operational.

The desired enforceability can be better achieved by providing not merely for legal sanctions but also combining it with social sanctions and to facilitate the performance of the task through exemplar role models. 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. The real task, therefore, is to devise methods which are a combination of these aspects to ensure a ready acceptance of the programme by the general citizenry and the youth, in particular.

The Committee is strongly of the view that the significance of dignity of the individual in all its facets and the objective of overall development of the personality of the individual must be emphasized in the curriculum at all the stages of education... This requires consciousness of citizenship values which are a combination of rights and duties, and together give rise to social responsibilities. Methods must be devised to operationalize this concept as a constitutional value in our educational curriculum and in co-curricular activities, in schools and colleges.

Appropriate references are available in school curricula about the significance and importance of the National Flag and the National Anthem. Detailed accounts are also there in the curricula on the national struggle for freedom which ought to inculcate the patriotic fervour in the young minds so that they can always share the readiness to help and protect the sovereignty, unity and integrity of India. Perhaps no other concept has received as much attention in the curricula as the environmental concerns. Considering all these, one still finds that the products of the educational system do not adequately reflect the values sought to be acquired through curricular learnings. One can obviously draw a conclusion that perhaps the method and approach used in transmitting such ideas to young learners need more serious effort. A reference to a BBC-Produced programme called 'Land of the Tiger' is worth noting.

It is unfortunate that our educational system is largely involved in preparing the younger generation for developing their cognitive domain based on preponderance of public examinations, and unhealthy environment of competitiveness, at the cost of developing the more important affective domain. This is perhaps the reason that in spite of the students being exposed through curriculum to their duties, their manifested behavior may not necessarily exhibit the expected adherence and this is emerging as a social reality. The Committee, therefore, feels that there may be a need for fundamental change and transformation in the direction and approach to 22 curricular transaction for achieving the desired results. Obviously the need is also to ensure in some manner practical and appropriate inputs in improving the quality of teachers and teaching. The commitment and concern on the part of the teachers can be the only bases for anything worthwhile happening in the educational system.

It must also be remembered that education is a sub-system of the total social system and it is in this context that the recommendations stated in this chapter should be viewed. Of course, a long term strategy for developing a value-based society can come only through the instrumentality of right education and training.

It would however, be necessary to create public awareness of the need to appreciate and internalize the concept and practice of Fundamental Duties with particular emphasis on the necessity of creating harmonious society with a scientific outlook, free from tensions and turmoils. Respect for discharging Fundamental Duties must enable in the citizens the understanding, tolerance and respect for differences and diversities. Of course, the discourse on Fundamental Duties cannot be divorced from Fundamental Rights or else we do disservice to both.

-

Optimizing Benefits from Existing Schemes / Programmes

Towards optimizing benefits from the existing schemes/programmes on national integration and communal harmony, culture and values, and environment, the Committee recommends the following:

Need to further activate and monitor the work of the institutions and NGOs who are sanctioned these schemes by the concerned ministries of Home, Human Resource Development and Environment and Forests.

While approving the financial assistance to the NGOs, the focus of their programmes must deal with aspects of national integration and communal harmony, culture and values, and environment which are in tune with the spirit of clauses (e), (f) and (g) of article 51A. Definitive evaluation of the work done under the existing schemes/programmes would be desirable, and the concerned Ministries/Agencies should take stock of the impact generated. If any mid-course corrections are called for, they should be incorporated forthwith.

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Protection and Improvement of Environment

Towards protection and improvement of environment, the Committee recommends the following:

The Directorate of Trust emphasizes that there is no ownership in natural resources and that every generation should make a judicious use of them, as trustee for the future generations. Coordination between all the law enforcement agencies is essential to achieve the desired results. The constitution of India lays emphasis on this aspect by enacting article 48A as a Directive Principle of State Policy and article 51A (g) as a Fundamental Duty of every citizen.

To enforce strict compliance of the various legal provisions in this regard as available in the directions of the Supreme Court of India on article 51A. if the existing legislations are inadequate to enforce the needed discipline, such a legislative vacuum must be filled suitably to ensure enforceability.

(d) Reorienting Approaches to School Curriculum

Any exercise in curricular analysis alone is bound to offer only fragmented view of educational processes in Fundamental Duties. The entire range of issues related to affective inputs that ensure appreciation, respect, value, etc. emerge out of instructional processes and schooling as a holistic experience. For this angle, it is necessary to review education in Fundamental Duties from the point of view of pedagogical and androgogical processes.

Towards reorienting approaches to school curriculum, the Committee recommends the following:

There is a need for a fundamental transformation in the direction and approach to curricula for teaching Fundamental Duties in school and teacher education institutions. Citizenship values should be understood by all concerned as a combination of rights and duties. Appropriate steps in this regard need to be initiated through the educational process to achieve the desired results in the long run.

Preamble to the Constitution of India and the 10 clauses of article 51A of the Constitution on Fundamental Duties, to be printed in all school textbooks, supplementary materials and general publications brought out by the NCERT and the School Textbook Bureaus in the States/Union Territory Administrations. There is a pedagogical significance of this approach. Increasing understanding of androgogy alongside pedagogy reveals that knowledge of goals itself is a tool of learning. Hence when students understand their obligations, they are likely to learn their own way of fulfilling the obligations.

Presentation of the values inherent in each clause of article 51A through anecdotal talks at morning assemblies in schools.

Seminars, debates, competitions on different aspects related to Fundamental Duties to be made regular feature of the co-curricular activities of schools.

In designing a programme of education on Fundamental Duties, there has to be a conscious effort to develop an instructional design that fits into a multi-channel learning environment.

It is important to recognize that we are living in the multichannel learning environment where learning accrues from a large number of sources like home, school, community, print media, electronic mass media, knowledge networks, internet, etc. Given the ever spreading tentacles of multichannel learning environment and increasing globalization of mass media, the issue of education in Fundamental Duties, particularly as a school-dependent education, needs due consideration.

The points of view mentioned under Major issues in the Critique on School Curriculum are very relevant for reviewing of existing curricula and planning for newer strategies of teaching of Fundamental Duties. These

suggestions should be referred to the NCERT and the SCERTs and the State Textbook Bureaus for taking them into account while a curricular renewal exercise is undertaken by them. The basic question is whether Fundamental Duties as such need to be highlighted as an independent curricular area or its natural integration should be planned in various areas of curriculum as exercises in value orientation. The net goals of both the approaches are the same but the nature of emphasis certainly becomes different. The flexibility to experiment with either approach can be left to curriculum developers.

Fundamental Duties across various primary and secondary classes should be provided in a spreadsheet which can be used to plan curricular coverage by mapping topics and themes from various subjects related to the clauses pertaining to Fundamental Duties. The curricular reorganization, particularly in formulating textbooks, should be done on the basis of such a spreadsheet. It may not demand a serious change in the curricular content but may require alternative treatment relating the content to the relevant Fundamental Duties. Linked to this is the shift of focus from merely teaching the content of the Constitution to the process of education necessary to internalize the values inherent in it. Curricular treatment of Fundamental Duties not only needs to cut across different subjects but should also increase in depth as one moves from one level of education to another.

(e) Elimination of Gender Bias

In order to ensure dignity of women, gender biases and sex-stereotyping must be eliminated from all school and colleges textbooks and this should be given as a mandate to all curriculum development agencies, both at national and state levels.

(f) Reorienting Teacher Education Programmes

It is not enough that the teachers are made aware of Fundamental Duties; it will also require educating them in communicating Fundamental Duties to the students and impressing on them the need to abide by the dictums of the same. For a serious business of education in Fundamental Duties at the school level, teachers of all subjects at all levels have to be oriented and trained. Accordingly, the curricular coverage to Fundamental Duties have to be deliberate and pre-designed. It will be necessary to develop a blueprint indicating reflection of various clauses in various units and topics of various papers in teacher education curricula. Preparation of teachers through well designed teacher education programmes, would actually play a very significant role in ensuring understanding and internalizing of Fundamental Duties in our schools and communities.

Towards reorienting teacher education which is the most crucial input in operationalizing Fundamental Duties, the Committee recommends the following:

A sensitization module based on Fundamental Duties to be made an integral part of all teacher education programmes, organised by National, State and District level institutions. Large scale teacher orientation programmes should be planned on this theme.

The NCERT, the NCTE, the NIEPA and other institutions around the country should organize seminars in 25 various parts of the country to familiarize the teachers with the strategies for operationalizing the teaching of Fundamental Duties.

An effective way to institutionalize the concept of Fundamental Duties in the teacher education is to incorporate it in the elementary and secondary pre-service teacher education curriculum. This should be supplemented by a suitable co-curricular programme, which should aim at offsetting some of the shortcomings in the curricular approach especially in terms of attitude and value development.

In view of very little content on Fundamental Duties in the elementary and secondary teacher education curricula, as revealed by the Critique, what is needed is a vigorous advocacy with state educational agencies, teacher education institutions and university departments of education for conscious inclusion of this component in the curricula.

It should be possible for the NCTE with its status of a statutory body to influence teacher education curricula in different universities in a more substantial way, with reference to teaching of Fundamental Duties.

In order to overcome the disadvantage of fragmented treatment and discussion on Fundamental Duties, it is suggested that an independent comprehensive unit encompassing familiarization with the Constitution of India and Fundamental Duties of citizens thereunder should be incorporated in the elementary and secondary teacher education courses. In India, evaluation system influences the educational process specially the quality of classroom teaching significantly, and as such a separate unit on Fundamental Duties ensures due importance and weightage to the concept, in the classroom teaching.

Considering the importance of upholding and protecting sovereignty, unity and integrity of India, it is felt that NCC should be made compulsory in all the pre-service teacher education institution, both elementary and secondary.

Fundamental Duties Week may be observed in all teacher education institutions every year. The objective of this Week may be to create essential awareness and positive environment for the inculcation of attitudes and values as reflected in article 51A of the Constitution of India.

A great deal depends on the ingenuity and dedication of teachers. A nationwide movement to train and honour primary school teachers as builders of citizens, if launched with sincerity and purpose, could bring about impressive transformation in the educational system.

Incorporating Fundamental Duties in Higher and Professional Education

Towards incorporating Fundamental Duties in the courses and programmes of higher and professional education, the committee recommends the following:

The current Human Rights Education Initiative of the UGC should be referred to as 'Human Rights and Fundamental Duties Education Initiative'.

The UGC while considering giving grant and support to proposals received from universities and colleges under its 'Human Rights Education initiative' for introducing Degree/Diploma/ Certificate Courses and other programmes in Human Rights, may advise on incorporating Fundamental Duties as an essential component of their respective proposals.

Workshop on devising curriculum, evolving teaching methodologies and orienting faculty to make Fundamental Duties consciousness as the central focus of educational experience should be seriously considered by the University system. The UGC could consider issuing necessary instructions in this regard to the institutions under its control.

(h) People's Representatives from Panchayats to Parliament

Towards the responsibilities of people's representative, the Committee recommends the following:

Special efforts should be made to ensure that our legislators are aware of the Fundamental Duties as the same are also their duties as citizens. This would mean that special programmes may be organized at the parliamentary and state assembly levels. The Corporation, Town Area Committees and the Panchayati Raj institutions should also be involved in this effort as they alone can take the appropriate messages down to the grassroots.

Candidates seeking the mandate of the people must eschew arousing sectarian passions and take all practical steps to promote national unity and integrity.

Elected Representatives should refrain from interfering in the functioning of governmental and non-governmental institutions. They should observe the laws themselves and help law enforcing agencies in dealing with lawbreakers.

It should be the endeavour of the Elected Representatives to organize/strengthen a network of activities to gather support for small family norm, to protect and improve natural environment, to safeguard public property and to abjure violence.

Orientation programmes for new Members of Parliament and State Legislatures need to be strengthened to provide an adequate measure of understanding of Fundamental Duties and their application to the work of the Elected Representatives.

(i) Public Administration and Civil Servants

It is the duty of every citizen to obey the constitutional mandate. Every holder of a public office has superadded to his duties as a citizen, the additional duties imposed by virtue of the office she/he holds. Sensitivity of all enforcement agencies is essential for realizing the promise held out in the Constitution. Strict observance of codes of professional ethics by professional bodies has to become important in this regard, and such bodies must design their own programmes, which help operationalization of Fundamental Duties.

Towards the obligation of public administration and civil servants, the Committee recommends the following:

Module on Fundamental Duties should be adopted for inclusion in the Courses of different Training Institutions connected with the training of civil servants.

It should be the responsibility of the senior public servants to project the image of administration as people-friendly and responsive to the problems and sufferings of the citizens.

The Government should move towards giving greater access to information. Transparency and free supply of information will reduce corruption and ensure accountability.

Secretaries to Government, Managing Directors in the Public Sector, Heads of Departments, Heads of Offices/Field Units should be made squarely and personally responsible for taking detailed measures for rooting out corruption in their assigned areas of responsibility. A set of guidelines could be supplied to them for strict compliance.

There should be an in-built mechanism for handling cases of dereliction of duty by public servants where a public grievance has not been redressed within a stipulated time.

(j) Administration of Justice

Towards the administration of justice, the Committee recommends the following:

A Judicial Academy should be set up to provide facilities for continuing education of Judges, to focus their attention on Constitutional Values and Fundamental Duties, to foster constructive interaction between the Bar and the Bench and to facilitate application of modern techniques of management to the transaction of judicial business in the Court.

Bar Councils and their affiliated Bar Associations must share the responsibility for ensuring that their members not only appreciate the value of complying with Fundamental Duties but also strive to implement them while pursuing their professional work.

(k) Business and Industry

Towards the role of business and industry, the Committee recommends the following:

Business Leaders, Business Organizations and Management Schools have vital roles to play in internalizing basic values, in widening financial and technical support for community development programmes, and in ensuring that ethical codes become indispensable ingredients of business ethos.

Business and Industry have obligation to perform the duties, both implicit and explicit, enjoined by the Constitution. However, in discharging social responsibilities, only a small percentage of the Business Community has undertaken social welfare and development programmes. Important Chambers of Commerce and Industry Associations have taken initiative for formulating norms of ethical conduct for business dealings. But the action taken to secure compliance with the codes leaves much to be desired. This should be pursued more vigorously.

(l) Media

Media of any society are among the most important institutions. Democracy without free media is a contradiction in terms. Mass media should be the watchdog of democracy, and not the poodle of the establishment. Media have a greater responsibility today than they ever had to guide the nation and make every citizen conscious of his/her Fundamental Duties enshrined in the Constitution.

The powerful impact of media including electronic and print media has to be fully exploited to transmit messages on Fundamental Duties to all levels of citizenry.

The fundamental development problems facing the country are: achieving a high rate for economic growth, establishing a sense of legitimacy towards constitutional values and public institutions and creation of a sense of nationality among the diverse segments and layers of the society. It is true that these developmental problems cannot be solved by the mass media. But it is also true that these cannot be solved without the help of mass media. Solution of these problems would depend upon social mobilization. The media has to create awareness in this regard.

There is need for the media to make conscious effort to promote an awareness of the constitutional obligations among the citizens. Media has also to act as a watchdog to see that those who man the Legislature, the Executive and the Judiciary and various other public institutions and instrumentalities of the State do not misuse the same. Convenience or expediency is not a measure of constitutionality. Constitution would live as long as constitutional structure vested in various organs is protected and preserved. There can be no doubt that virtue is the bedrock of constitutional democracy.

Media should constantly educate people that Constitution and the symbols of sovereignty could only be preserved by the public spirit and vigilance of its citizens and these could also be destroyed by its citizens.

The potential of the media has to be harnessed for issues such as rural development, empowerment of women, distance education, environmental protection, civic consciousness and human rights awareness. Media must be used as an important policy instrument in the social, educational and development planning and in fulfillment of constitutional goals of building a welfare society based on rule of law.

As media is both Government controlled and in Private Sector, there is all the more need to not only formulate a comprehensive media policy but also create vital communication link within the government and between the government and the people in the nation building activities.

Once market economy, divorced from social good becomes the dominant factor of media business, there is every chance of manipulation of mass response and mass culture to the detriment of public interest. Our values are apt to suffer eclipse if foreign domination of media committed to alien ethos, acculturation and political proselytization, culminating in contempt for Indian heritage and constitutional basis romps in and once in, cannot be reined in. There

will be subversion of our founding faith implicit in our Sovereign Socialist Secular Democratic Polity. It is, therefore, media's bounden duty to be on the guard and resist sub-version for its very survival and the country's sovereignty.

Media should make special effort to highlight programmes which support and promote activities related to national integration, culture and values, and environment.

* Rabindra Nath Tagore

Justice Verma Committee Report.