



**DUTIES AS FOUNDATION OF
EGALITARIAN SOCIETY IN INDIA: AN
OVERVIEW**

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ABSTRACT :

Human is born free and want to enjoy this freedom to the maximum extent. However, with the changes in living of human being from wandering animal to a societal creature, the conflict of interest has been a natural phenomenon among individuals. To regulate the human desire to act freely and the convenience of other individuals, machinery naming State came into existence in order to recognise the individuality of individual. In circumstances of conflict between individuals, it was inevitable for the State to recognise the basic rights of every human and also at the same time not allowing interference in the freedom of others. The freedom of other altogether is a right. Therefore, how to ensure the right of every one has been the cardinal difficulty of all the States. And for that what should be the point of consideration, has been the issue of focus. Thus different ideas have come in to deal this situation.

In some ideas rights have been stressed upon whereas in some have emphasised on the duties. This article is an attempt to see from the point of view of duties.

Key Words: Duties, Rights, Law, Justice, society.

INRODUCTION

The word *duty* is derived from the word “due”. It means something which is owed. So, Duty can be understood as an obligation to perform an act or a task. This act or task can be ethical, moral, cultural etc. or otherwise. To understand the concept of duty better, one age old story can safely be narrated. In the story there were two groups of people. Once there was a dispute regarding superiority between them. The criterion was fixed as better performance of the group.

Both the groups were given task to eat food with tide arms with a stick in such a way that no member of the group can't fold his elbow in order to eat. Both the groups were called upon to perform. Members of first group tried to eat themselves, however since the elbow could not be folded, none of the group member could eat and entire food went waste. When the other group was given chance to perform, each member of the group fed the other member of the group and in this process, all were fed properly with entire satisfaction. There was no waste of food also. This story present better cooperation and harmony with maximum utilisation of resources while maintaining decorum and respect of each member of the group. This analogy can be also extended to the rights and duties as well wherein obtaining the food is a right and get fed is a duty. When focus was for the rights, none could get it whereas when the stress was shifted to, all obtained their rights consequently with complete satisfaction.

CONCEPT OF DUTIES IN ANCIENT PERIOD

The concept of duty has been recognized since time immemorial and can be traced in Indian scriptures as well. Ramayana says: "As Birds are made to Fly and Rivers to Run, So the Soul to Follow Duty."

¹ धर्माविरुद्धो भूतेषु कामोऽस्मि भरतर्षभ । (BG 07.11) I am desire, which is not in conflict with Dharma.

Broadly, actions of human have been classified into four parts in scriptures namely: *Dharma* (Righteousness), *Artha* (Material comfort), *Kama* (pleasure) & *Moksha* (Liberation). First three belong to dealing with the worldly affairs, in which *Artha* and *Kama* should be in consonance with of *Dharma*¹. The word Dharma has been used as synonymous of duty and is made from the root 'Dhri' (Dhārane) which means to bare or handle or carry. And dharma is said as 'Dhriyate iti Dharmah' i.e. the one which is bared or carried is Dharma. Through *Dharm Shastra* different duties has been imposed upon different people based upon their peculiarities. *Dharma* has further been divided into two sub-groups: *Samanya Dharma*² (Actions to be performed generally) and *Vishisht Dharma* (Actions to be performed in peculiarities of situations). Therefore the suitable freedom has been granted to the individual to perform action as per the generality or peculiarity of the situation. Like *Prince Ram* went for exile when there preparation of his enthroning were going on the other hand Mahatma *Bhishma* bind by his own oath didn't leave side of *Duryodhana* and his duty as chief commander of the army despite he had love and affection for *Pandavas*. On the other hand *Karna*, who was real brother of *Pandavas* fought against them.

² धृतिः क्षमा दमोऽस्तेयं शौचमिन्द्रियनिग्रहः ।धीर्विद्या सत्यमक्रोधो दशकं धर्मलक्षणम् । - मनु स्मृति

Even the mighty *Arjuna* who was under sorrow was taught by Lord Krishna to stand up and fight³. There are innumerable instances which can be quoted wherein people went for their duties over their emotional bonding to uphold the rule of Law. Even Lord Krishna in battlefield of *Kurukshetra* asked *Arjun* that:

तस्माच्छास्त्रं प्रमाणं ते कार्याकार्यव्यवस्थितौ |
ज्ञात्वा शास्त्रविधानोक्तं कर्म कर्तुमिहार्हसि ॥⁴

Such an idea of duties/dharma continued even during the period of *Kautilya*, popularly known as '*Chanakya*', who talks about the duties of public servants in his book *Arthshastra* as '*The Duties of Government Superintendents*'⁵. He also discussed in detail the duties of the King. In the line of *dharma*, duties of king were divided into daily duties and specific duties. In daily duties, the day of the king was divided into 8 parts. In the first part of the day king has to appoint spies, attend to the accounts of receipts, going at the audience hall, receiving the reports of military etc. In the second of the day, king has to look into the affairs of citizens and country, inspecting roads and municipal works. The Third part of the day was allocated to personal matters like bath and meals etc.

The fourth part of the day was for looking after the finance and selection of officers. The fifth part of the day was allotted to consultations with ministers, correspondence, secret matters, to receive secret information from spies etc. The sixth part of day was for self-deliberations. The seventh part was for supervision of army in person and eighth part of the day was for considering various plans of military operations with his army chief. *Kautilya* even didn't spare the night of the king from duties as well. He further divided night into eight parts. The first part of the night was for receiving secret emissaries and the high officials or important persons. The second part of the night was for bath and meal followed by religious meditations by the king. The third, fourth and fifth portions reserved for sleep. The king was having duty of early rising. In the sixth part of the night awakened king was to recall the injunctions of science as well as his daily duties. In the seventh part of night king had to deal with the spies and secret agents. In the eighth part of night he had to receive benedictions from priests, teachers and high priest and to have interaction with his physician, chief cook, astrologer and financial advisers.

³ स्वधर्ममपि चावेक्ष्य न विकम्पितुमर्हसि | धर्म्याद्धि युद्धाच्छ्रेयोऽन्यत्क्षत्रियस्य न विद्यते ॥ BG 2.31 - Besides, considering your duty as a warrior, you should not waver. Indeed, for a warrior, there is no better engagement than fighting for upholding of righteousness.

⁴ BG 16.24: Therefore, let the scriptures be your authority in determining what should be done and

what should not be done. Understand the scriptural injunctions and teachings, and then perform your actions in this world accordingly.

⁵ Available on :

<http://www.columbia.edu/itc/mealac/pritchett/00litltnks/kautilya/book02.htm> Last visited on :

25.12.2021

Thus Kautilya *fixed* a very tight schedule for the king to perform his duties. He further divided king's duties into executive, legislative, judicial, financial, military, promotion of trade and commerce, promotion of arts and education etc⁶.

The western jurists also thought in the same line as that of the concept of duties in scriptures. **Salmond, a prominent jurist** said "A duty is an obligatory act, it is an opposite of which would be wrong. Duties and wrongs are correlatives." Supporting this, Fitzgerald has said, "the commission of wrong is breach of duty and performance of duty is avoidance of wrong."⁷ Whereas **Keeton** sees "duty as an act of forbearance which is enforced by the state in respect of a right vested in another and breach of which is a wrong act."⁸ **Prof. Dicey** says "a duty is a species of obligation. People obey it due to indolence, deference, sympathy, fear and reason. Due to psychological, social and moral pressures, most of the duties are supported by State and the breach of the duty is imprisonment or fine."⁹

DUTIES IN MODERN ERA

Rights and duties are correlated to each others. If State instrumentalities and individuals are aware and sensible about their duties, there will be no violation of fundamental rights. When the Constitution was drafted, the fundamental rights were incorporated in the Constitution, however fundamental duties were not. In the course of discussion in Constituent Assembly, one member of Assembly namely Professor K.P. Shah raised a question for introducing and incorporating the fundamental duties in the Constitution. He argued that fundamental duties should be given importance of enforceability as the fundamental rights of the citizens but unfortunately this suggestion was not accepted by the Assembly at that time.

⁶ What were the most important duties of the King according to Arthashastra? Available on : <https://www.quora.com/What-were-the-most-important-duties-of-the-King-according-to-Arthashastra> : Last Visited on 28.12.2021

⁷ Fitzgerald P.J. : Salmond on Jurisprudence (12th ed.) P.217

⁸ Juridical Concepts And Jural Analysis Legal Rights And Duties available at https://shodhganga.inflibnet.ac.in/bitstream/10603/71969/3/03_chapter%201.pdf pg. 623.

⁹ INTRODUCTION act; (3) Powers to alter existing legal situations, Nano Andes Examples of Research Proposals, February 11 , 2019, available at <https://nanoandes.org/introduction-act-3-powers-to-alter-existing-legal-situations/>.

However, there are reasons that why the authors of the Constitution did not feel the need of incorporating the Fundamental Duties separately in the Constitution¹⁰. Later on, during the Prime Ministership of Indira Gandhi, by the Forty Second Amendment of the Constitution an Article 51 A as Part IVA in the Constitution was added. Subsequently through 86th Amendment Act Article 51A (k) has been inserted to the Constitution.

At the outset, rights of citizens are over emphasised against the duties, in the Constitution of India despite the fact that the Indian traditions and philosophy lay more stress upon duties since ages. The truth is that both rights and duties are complementary to each other. Every right has a corresponding duty. Duties are inevitably inalienable part of the right.

¹⁰ National Commission to Review the Working of the Constitution: A Consultation Paper on Effectuation of Fundamental Duties of Citizen, July 06, 2001. **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. **Secondly**, the duties were spelt out by the Preamble to the Constitution which contains

What is a duty of one is the right of another. If all performs their duties, the rights of others are protected automatically. Gandhiji while emphasizing the economic and social responsibilities of all citizens said¹¹:

“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

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. **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 there from.

Available on: [https://legalaffairs.gov.in/sites/default/files/\(V\)Effectuation%20of%20Fundamental%20Duties%20of%20Citizens.pdf](https://legalaffairs.gov.in/sites/default/files/(V)Effectuation%20of%20Fundamental%20Duties%20of%20Citizens.pdf) . Last visited on: 30.12.2021.

¹¹ National Commission to Review the Working of the Constitution: A Consultation Paper on Effectuation of Fundamental Duties of Citizen, July 06, 2001. Available on:

[https://legalaffairs.gov.in/sites/default/files/\(V\)Effectuation%20of%20Fundamental%20Duties%20of%20Citizens.pdf](https://legalaffairs.gov.in/sites/default/files/(V)Effectuation%20of%20Fundamental%20Duties%20of%20Citizens.pdf) . Last visited on: 30.12.2021.

man and women and correlate every right to some corresponding duty to be first performed. Every other right can be shown to be usurpation hardly worth fighting for”.

Harold Laski also said that the 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 good¹².

As per the Universal Declaration of Human Rights:

“Everyone has duties to the community in which alone the free and full development of the personality is possible”¹³.

Indian Constitution talks about fundamental rights as justifiable. These rights are protected under part III of the Constitution of India. Article 12 to 35 is related to rights which are protected by Constitution. On violation of these rights one may approach Constitutional Court for the remedy. With the time, the constitutional jurisprudence underwent various developments.

¹² Id.

¹³ Id.

¹⁴Article 32 (1) & (2), the Constitution of India, 1950 reads as under:

Remedies for enforcement of rights conferred by this Part:

1. The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.
- 2.The Supreme Court shall have power to issue directions or orders or writs, including writs in the

Now even a stranger who really is not aggrieved but having sufficient cause or interest against public injury and acting in a bona fide manner may also move to the Constitution Court for the violation of fundamental rights of others by way of Public Interest Litigation and seek the appropriate remedy¹⁴. Remedies under Article 32 of the Constitution are available against the State as well as the individuals¹⁵. The Supreme Court of India has given a very progressive interpretation to the principle of Locus Standi in various cases¹⁶.

DUTIES AND JUDICIAL PRONOUNCEMENTS

In *All India S.C. S.T. OBC Classes Employees Co-ordination Council & Others v. Union of India*¹⁷, the Steering Committee, WCL (Western Coalfields Limited) took a decision that one day salary of all employees will be deducted for contribution in PMNRF which is expected to be used by the Central Government for cyclone affected people in Andhra Pradesh. This decision of the Steering Committee was challenged by the employees union in Supreme Court. On behalf of the WC

nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.

¹⁵ Shri Bodhisattwa Gautam V. Miss Subhra Chakraborty, 1996 SCC (1) 490.

¹⁶ S.P. Gupta V. Union of India AIR, 1982 S.C.

¹⁷ Available on:

<https://indiankanoon.org/doc/44178957/> . Last visited on: 02.01.2022.

it was argued that employer was justified for asking the contribution from employee because it was to be used to help the affected citizens of our country. If we make a constructive analysis of the fundamental duties, it is clear that more emphasis has been given on human values. The worlds cherish all spheres of individual as well as collective activities to provide the opportunity of very broad perspective of human values under the fundamental duties of the citizens. In the light of the Constitutional provisions of the Article 51-A of the Constitution and the explanation given by Dr. B.R. Ambedkar for the word of fraternity means a sense of common brotherhood among all the Indians, the Supreme Court observed that we are of the firm opinion that petitioners are bound with the above constitutional obligations. Being citizen of India, it is the fundamental duty of every employee of the WCL and Trade Unions to obey the constitutional obligation and mandate of brotherhood. Trade Unions are not to the above of law and constitution of the country. Trade Unions as well as employees of the WCL must accept the responsibility of the brothers and sisters of our country affected by the floods, cyclone, tsunami and other natural adversities. Specifically, when the fund to protect the affected persons is safely managed by the Prime Minister of India.

¹⁸All India S.C. S.T. OBC Classes Employees Co-ordination Council & Others v. Union of India para 14. Available on: <https://indiankanoon.org/doc/44178957/> Last visited on 28.12.2021.

Further, the Court said that the position of Trade Unions and employees of the WCL is not constructive and their mind-set is against the very idea of brotherhood, fraternity as well as integrity and unity of the nation. It is expected from all the citizens of India that they not only preach but also follow and adopt in practice the constitutional obligation of fundamental duties¹⁸.

Directive Principle of State Policy which is mentioned under the Part IV of the Constitution of India are said to be fundamental in the governance of the country. It is the constitutional duty of the State to apply these principles in the making of the law for the governance of the country. In *Keshavanand Bharati v. State of Kerala*¹⁹ the Supreme Court has taken the view that the Courts in our country are the part of State under Article 12 read with the Article 36 of the Constitution. The Constitutional Courts of a democratic and welfare State are duty bound to interpret the Directive Principles and Fundamental Rights in such a manner that the objective of Part IV and Part III may be flourished together. In *Chandra Bhavan Boarding and Anr v. the State of Mysore and Anr*²⁰ a notification dated first June, 1967 was issued by the Government of Mysore. The minimum wages of the different categories of employees of Hotels and Eating Houses of State of Mysore were fixed by this notification.

¹⁹ AIR 1973 SC 1461. Available on: <https://indiankanoon.org/doc/257876/> . Last visited on: 28.12.2021.

²⁰ 1970 AIR 2042, 1970 SCR (2) 600. Available on: <https://indiankanoon.org/doc/1801637/> . Last visited on: 28.12.2021.

The constitutional validity of the notification was challenged by the Hotel owners in High Court of Mysore. The All Mysore Hotels Association, Bangalore and Madras Woodlands Hotel filed writ petition and challenged the constitutionality of notification on various grounds. It was argued that Section 5 (1) of the Minimum Wages Act, 1948 is violative of Article 14 of the Constitution because it confers unguided and uncontrolled discretion to the Government. Section 5 (1) prescribes two alternative procedures to be followed by the government. The Supreme Court held that there is nothing wrong in fixing minimum wages for employees. Nothing has been shown on record that minimum wages fixed by the State are unreasonable, arbitrary and wrong. The Court observed that it is not a correct approach or thinking that under our Constitution there are only rights and no duties. The Court was not convinced that fixed minimum wages will adversely affect the industry and industrial growth. Despite this, if the industries are not willing to pay minimum wages, then they have no right to exist. Freedom of trade never meant to freedom of exploit. The Constitutional provisions cannot be construed and applied as any barrier of the growth and advancement. The Constitutional provisions are not intended to allow and perpetuate any kind of social, economic or political slavery

²¹AIR 1992, 1991 SCR Supl (1) 46. Available on: <https://indiankanoon.org/doc/734531/> Last visited on 04.01.2022.

²² Rule 17 of the Civil Services Examination Rules provide that if a candidate has been approved for appointment to IPS and expresses his intention to appear in the CSE (Main) for higher civil service, the services for which he is eligible to compete are IAS, IFS and Central Services Group 'A'. The Second proviso to Rule 17 provides that a candidate who is

in India. The constitutional mandate to establish a democratic and welfare State can only be achieved, if we are able to provide the social, economic and political justice to all of its citizens. If the minimum needs of the weaker section are not met then our expectations of a welfare State will not fulfill.

In *Mohan Kumar Singhania and Ors v. Union of India and Ors*²¹ the constitutional validity of proviso (ii), Rule 4 and Rule 17 of Civil Service Examination was challenged²² before the Central Administrative Tribunal. The Central Administrative Tribunal held that both the proviso of Rule 4 & Rule 17 are constitutionally valid and not violative to Article 14 & 16 of the Constitution. Appeal was filed before Supreme Court against the judgment and order of the Central Administrative Tribunal. It was contended that the second proviso of the Rule 4 and Rule 17 of Civil Service Examination Rules is invalid because it makes unreasonable restriction upon the candidate who is interested to improve their position or career in government services. There is no doubt that the civil services are the top most services of the country. The civil servants recruited through civil service examination have to govern the various departments of the governments.

appointed to a Central Services Group 'B' on the result of an earlier examination will be considered for appointment to IAS, IFS, IPS and Central Services Group 'A'. The eligibility of a candidate to appear in the Civil Services Examination with regard to nationality, age and qualifications is given under Regulation 4 of the IAS (Appointment by Competitive Examination) Regulations, 1955.

The aspirants who are going to join this premier service of the country have to interest and ability to acquire new knowledge and skill of various fields. In order to achieve this objective the selectees have to go through very carefully to an intensive training programme in National Academy Institute as probationer. Various programs and schemes are prepared by the experienced officers. The selected candidates are trained in various kind of work which is expected from them to be done during their service. It is also expected that selectees must acquire the understanding of the constitutional, social, economic and administrative framework of the country. The main objective of the training is to provide an opportunity to the selectees/ probationers to eliminate and counter their weakness and develop their social, moral and administrative ability. Therefore the training programme is most important for all. It was noticed that the probationers who have been selected for IPS and group 'B' services were neglecting and unwilling to their training programme. Mostly, they were interested to take long leave for preparing next civil services examination for getting better position like IAS & IFS etc. It was realized that government were facing a problem of indiscipline and inattentiveness among the probationers and training programmes were not being taken seriously by them.

²³ AIR 1985 AP 136.

²⁴ A. Dabholkar & V. Kamble: Fundamental Duties as Mean to Achieve Responsible Citizenry:

Available on: <https://www.sconline.com/blog/post/2020/07/01/fundamental-duties-as-a-mean-to-achieve-responsible-citizenry/> .

Therefore the standard of the officers were declining to considerable extent. In order to suppress this problem it was suggested that selected candidate and sent for training should be barred from appearing in next Civil Service Examination so that they can take their training programme seriously. The matter was accepted by the government and rules were amended to prevent the probationers from joining training at the academy in case they intend to take another CSE. The object of this was to make training programme more effective and meaningful. It was opined by the court that efforts taken by the government to give utmost importance to the training programme was in consonance with the Article 51 A (j) of the Constitution. In *Dr. Dasarathi v. State of Andhra Pradesh*²³, the Court held that it is the duty of every citizen to constantly strive towards excellence in the various spheres of life and continuously make relentless efforts to achieve honor and that is how the nation as a collective body of its citizens will constantly move towards new levels of excellence²⁴.

In *A.I.I.M.S. Students Union v. A.I.I.M.S. & Ors*²⁵ the reservation policy adopted by the All India Institute of Medical Services (A.I.I.M.S.) was challenged by the petitioners before the High Court.

²⁵ Available on: <https://indiankanoon.org/doc/1496684/> Last visited on 30.12.2021.

The writ petitioners had applied for admission in postgraduate courses. In the prospectus, it was declared that the selection of the students for admission shall be made on the basis of merits. As per the reservation policy, one-third seats were reserved for institutional or in-house candidates of AIIMS. Two separate merit lists were prepared for two separate categories. There was another level of reservation for the in-house candidates of AIIMS and discipline-wise fifty percent seats were reserved for in-house-candidates of AIIMS. It was brought to the notice of the court that in the year of 1958, the intake of the students in the AIIMS was 40 seats for UG Courses and 120 seats for PG Courses. It was told to the court that the number of seats for UG Courses was not increased but the number of seats for PG Courses of different disciplines has been increased to 132 by the year of 1975. The Supreme Court held that 33% reservation in PG Courses for in-house candidates is not justified on the basis of institutional preference or regional requirement. The students falling to this category do not belong to any particular region. They are also not going to settle down in Delhi. The Court rejected the principle of institutional continuity as reasonable ground for reservation. Rather, it is counter-productive to the laudable object of achieving excellence in the field of medical sciences and health services of the country.

The Supreme Court observed that the preamble of our Constitution talks about balance between the promotion of dignity & fraternity of the individuals and the unity & integrity of the country.

Reservation policy which has no constitutional basis or justification will necessarily work against the idea of fraternity, dignity of individuals, unity and integrity of nation. The Constitution of India was adopted by the people of India in 1950. In 1976, after 25 years, Article 51 A, Part IV as Fundamental Duties was added in the Constitution. These Fundamental duties which are mentioned in the Article 51A are not made enforceable by the writ of Court. The fundamental rights mentioned in Part III of the Constitution has been made enforceable but it is worth to notice that Part IV A of the Constitution is prefixed in same manner with the word “Fundamental” as Part III of the Constitution. Each and every person of our country is duty bound to develop the scientific temper and humanism. We all as citizen of India are also under fundamental duty bound to make constant effort for the excellence in all the spheres of life so that the nation progress constantly to the next levels. In the era of globalization and competitiveness, for surviving as a nation in the world, there can be no unreasonable compromise with the excellence.

Fundamental duties are not enforceable therefore cannot be enforced by way of writs, however they have significance in the interpretation of the constitutional and other legal matters. In case of doubt, the values and principles mentioned as fundamental duties can be taken into consideration by Court for resolving the constitutional and legal issues. Fundamental duties must be used by the courts against the State actions deviating from Constitutional values, philosophy and morality.

In *Hon'ble Shri Ranganath Mishra v. Union of India and Ors*²⁶ a letter was written by the petitioner to Chief Justice of India. It was requested by the petitioner to issue necessary directions to the State to educate and to make aware to the citizen of India about their fundamental duties and obligations given in the Constitution. It is necessary for making a right balance between rights and duties of citizens because both are interdependent to each other. The letter was treated as a writ petition by the Supreme Court of India. Sr. Advocate Shri K. Parasaran was appointed by the Supreme Court as Amicus Curiae in the case. At the time of hearing the case, Report of the National Commission to Review the Working of the Constitution was brought to the notice of the Court.

The report prepared by the Committee popularly known as Justice Verma Committee on “Operationalization of Fundamental Duties of Citizen” has clearly suggested the immediate proper implementation of fundamental duties. The Committee has observed that the education is not confined only to the schools and colleges. A person who says that there is nothing to learn from is already brain dead. We should know that education begins from the home. In a democratic State the highest office is the office of citizens and it must be reflected in reality. In our country, we all have a selfish attitude and every time does a question that what is there in it for me? There is need to inculcate, encourage and introduce the process of unselfishness to which we can make possible only through education. A sense of obligation may inspire to others to change the selfish attitude and to do the question to one that where his duty does lies. This type of transformation has much potential to make our nation strong as well as command the respect from whole the world. The Commission has made the following recommendations:

1. The Union and State Government should generate awareness among the people about the fundamental duties enshrined in the constitution.

²⁶ (2003) SCC

2. The Union and State government should give proper consideration upon the manners, ways and means through which the fundamental duties could be popular and effective in public as well as individual life.

3. The education is one of the most powerful tools to infuse the sense of fundamental duties among citizens.

4. Duty to vote in elections, duty to actively participate in the democratic process, duty to pay taxes should be included under Article 51 A of the Constitution.

Further it was observed by the Committee²⁷ that duties are the part of our social system and we live either in the environment of role models or in the environment of punitive laws. If the citizenry obligations and required disciplines are not fulfilled voluntarily on the part of citizenry, the punitive measures must be adopted through legislative action. When legislative measures and judicial mandates are sufficient and still there is huge non-compliance of fundamental duties, then punitive measures must be made operational and applicable. Further, the desired enforceability of the fundamental duties can be achieved in a better manner through a combination of social, legislative and

punitive measures. Keeping in mind the various recommendations and suggestions made by Justice J.S. Verma Committee, the Court has also directed through various judgements to the Government of India to take appropriate measures for generating awareness and consciousness about the fundamental duties and implementation thereof.

In *M.C. Mehta v. Union of India and Ors*²⁸ a writ-petition as Public Interest Litigation was filed before Supreme Court by a practicing advocate. The petitioner is an advocate who was continuously fighting in court for the matters related to environment and pollution. It was requested from the court to issue directions under Article 32 of the Constitution to Cinema Hall owners to show at least one slide during each show having information and messages related to the protection of environment. It was also requested to issue directions to spread and broadcast the information related to protection of environment on All India Radio and television during broadcasting of regular and short term programmes in national and regional languages.

²⁷FUNDAMENTAL DUTIES OF CITIZENS: Report of the Committee set up by the Government of India to Operationalize the Suggestions to Teach Fundamental Duties to the Citizens of the Country, Volume 1 & 2, Government of India Ministry of Human Resource Development Department of Education 31 October 1999. Popularly known as

Justice Verma Committee in Chapter 10 entitled "Salient Recommendations" under the heading "Operationalization Overview".

²⁸1992 AIR 382, 1991 SCR Supl. (2) 378. Available on: <https://indiankanoon.org/doc/1918380/>. Last visited on 30.12.2021.

It will help to educate the people of India about their social and environmental obligations. Further, it was prayed that that environment should be taught as a compulsory subject in schools and colleges of the country. It also will help in creating the general awareness for protection of environment among the people of India. The Court issued the directions to all the State Governments and Union Territories, that they must ensure the exhibition in each show at least two slides or messages free of cost for the protection of environment in all cinema Halls in their respective regions. Ministry of Information and Broadcasting, Government of India must start to produce the films of short duration having information about the need to protect the environment and danger involved from the polluted environment. Further, the Court directed to the Attorney General of India to start a dialogue and discussion with the Ministry of Information and Broadcasting for spreading the awareness among public through for the protection of environment All India Radio and Doordarshan. It was also directed by the Court that the environment and the problems related to the pollution of environment must be taught as a compulsory subject in schools and colleges.

CONCLUSION

In modern world, for instance in the Constitution of India, there has been a stress on rights and that are enforceable. Whereas, duties although has been inserted by way of amendment, are not enforceable. In the world of democracy rights have sound basis of suppression by feudal of the public at large in medieval period yet duties have their own role to play for the proper functioning of the society. In modern world when there is high awareness of rights and public movement run for that, a very few know about their duties, what to talk about their performance. It creates a society which only demands and do not believe in giving. It is abnormality. To cure that, individual should be made vigilant for their duties too not only of rights. Every right after all is a duty of other and also correspond it. Therefore for a balanced approach and mature society, both should be given equal weight like; *ardhanArIshvara*.