

Legal status of fundamental duties

Fundamental duties were specifically included in the Constitution of India through the 42nd Constitutional Amendment Act of 1976. However, although the fundamental duties are not specifically enshrined in the original constitution, if the preamble to the Constitution of India is analyzed properly, it will be seen that the duties of citizens are mentioned there. According to the analysis of the proposal, the responsibility of maintaining the sovereignty, unity, solidarity and brotherhood of India rests with the citizens. However, since Fundamental Duties have been included in Part IV (IV-A) of the Constitution after Directive Principles of Public Administration, many have questioned the legal status of Fundamental Duties. However, although there is a question about the legal status of fundamental duties, the Supreme Court of the country has repeatedly replaced the constitutional status of fundamental duties in various judgments.

Legal status of fundamental duties (Legal status of Fundamental Duties) It is necessary to raise the context of some cases given by the Supreme Court regarding the status of fundamental duties. In various judgments delivered by the Supreme Court, the Supreme Court has made clear statements regarding the legal status of fundamental duties. For example:

(1) Chandra Bhavan Boarding v. State of Mysore case (1969) Before fundamental duties were included in the Constitution, the Supreme Court in Chandra Bhavan Boarding v. State of Mysore case in 1969 said, "It is wrong to think that the Constitution only confers rights and not duties. Under Chapter III

As the rights granted are fundamental, so the directives of state administration in the fourth chapter are equally important in the question of the administration of the country. There is no conflict between Chapters III and IV. They complement and help each other. Chapter IV provisions impose several duties on citizens. There is arguably some flexibility in this regard, as the extent to which prescriptive policies are implemented will place the onus on citizens to comply."

(2) AIIMS Student Union vs. AIIMS Case (2001) In AIIMS Student Union v. AIIMS case, the Supreme Court held that it is difficult for the Court to give as

clear a direction in the discharge of fundamental duties as it is possible to protect fundamental rights. But Article 51(a) of Chapter IV of the Constitution should not be forgotten. Here the word 'fundamental' is used; As is the case in Chapter III, where the framers of the Constitution used the word 'fundamental' before the word right. Every citizen should believe in principles of science and humanity. It is the responsibility of every citizen to strive for excellence at the individual and collective level to continuously take the country to new heights. A state is a collection of citizens. Thus, although Article 51(a) does not specifically specify fundamental rights, the collective nature of the duties of every citizen is a reflection of the duties of the State as a whole.

(3) Government of India v. Naveen Jindal case (2004) Supreme Court in Government of India v. Naveen Jindal case said that “a person performs his duty due to the influence of his social and environmental circumstances or the influence of his successors, or out of fear of punishment under law. It is necessary to enact appropriate laws to compel citizens to do their duty. In that case, if the provisions of law are not present or insufficient, the gap must be removed. If the citizen ignores the legal resources and is unwilling to perform his duties, then initiatives should be taken for proper enforcement of the law. But in this case, it would be more useful to highlight the context of social responsibility and the ideals of the person to be followed, besides the mere application of the law.”

(4) Government of India v. George Philip case (2006) In the case of Government of India v. George Philip, the Supreme Court has expressed the view on fundamental duty that the Court should not declare a contrary decision without accepting the role of contrary to the objectives and principles underlying Chapter IV of the Constitution.

(5) Ashok Kumar Tagore v. Union of India case (2008) Justice J. in Ashok Kumar Tagore v. Union of India case. Bhandari commented that Article 51-A of the Constitution does not clearly impose any fundamental duty on the State. But nevertheless his point is that the state is a combination of all citizens. Therefore, the duty of every citizen of India is the collective duty of the state.

Verma Committee Observations (Verma Committee Observations) In 1999 Justice J.S. A committee was formed under the leadership of Verma. This Committee identifies a number of laws that are helpful in implementing the Fundamental Duties. These laws are:

(1) The Representation of the People Act, 1951: According to this Act the membership of any Member of Parliament or any member of the State Legislature involved in corrupt activities shall be cancelled. Corrupt activities in this case are seeking votes on the basis of religious appeals, creating conflict between different communities on the basis of caste, religion, caste, language etc.

(2) The Protection of Civil Rights Act, 1955: This Act provides punishment for crimes related to caste and religion. (3) The Unlawful Activities (Prevention) Act, 1967: The Act declares communal organizations as unlawful organizations.

(4) The Prevention of Insults to National Honor Act, 1971 (The Prevention of Insults to National Honor Act, 1971): This Act provides for the prevention of insults to the Constitution, National Flag and National Anthem of India.

The Wildlife (Protection) Act, 1972: This Act prohibits trade in rare and endangered species.

(6) The Forest (Conservation) Act, 1980: The Forest (Conservation) Act, 1980: This Act prohibits indiscriminate destruction of forest land and conversion of forest land to other activities.

Use is prohibited. (7) Hatred between different communities based on caste, religion, language etc

■ Measures are taken under the Criminal Code under Section 253-A of the Indian Penal Code to stop the conduct. (8) Any express opinion against national unity is punishable under Section 253-B of the Indian Penal Code Considered as an offense punishable under Sec.

Report of the National Commission to Review the Working of the Constitution on Fundamental Duties

National Commission to Review the Working of the Constitution (NCRWC) was formed for the study of the working of the Constitution. The NDA government constituted the National Commission to Review the Working of the Constitution on 22 February 2000. The Commission submitted its report on March 31, 2002. The following are the statements made in the report given by the Commission about the Fundamental Duties:

(1) To consider ways of popularizing and enforcing fundamental duties

And steps will be taken by the Central and State Governments to sensitize the people in this regard;

(2) the right to religious freedom and other freedoms must be protected - and the rights of minorities and fellow citizens must be respected;

(3) The overall process of education should be reformed and education should be freed from government and political control. Because education empowers citizens to fulfill their basic duties; (4) Voting in elections, actively participating in democratic governance and taxes

Duty to pay should be included in Section 51-A.