

REVISITING THE ENFORCEABILITY OF FUNDAMENTAL DUTIES UNDER THE INDIAN CONSTITUTION: A CASE FOR SELECTIVE ENFORCEABILITY

by

Aryan Roy

ABSTRACT

The Indian constitution provides the Fundamental rights to its citizens it also sets the Fundamental Duties as mentioned under part IVA¹ of the constitution of India under Article 51A². The main aim of these duties are to instill feelings of patriotism unity and responsibility amongst the citizens although all these duties remain unenforceable in the court of law. This research paper tries understands the effects of non enforceability on the civil behaviour and how it is affecting the people as a whole. Through the analytical and doctrinal method of research it studies the constitutional interpretations, judicial explanations and the reasoning of the landmark cases and the committee recommendations to assess whether the making the Fundamental Duties legally binding can help the society in enhancing the society by encouraging the feelings of responsibility and awareness. This research paper also takes expert opinions of legal scholars and it refers to articles on Fundamental Duties by DD Basu. This research paper also compares the Fundamental Duties of many countries like China, Russia in which such duties are enforceable in the court of law and some countries take such duties as moral obligations such as Japan and USA. This research papers also advises that India should follow a method of selective enforceability in which only certain part would remain enforceable. This research paper concludes by stating it can be understood total total enforceability may not work as a whole but targeting essential certain parts enforcing it can bride the gap between duties and rights in India. Lastly this research paper also provides with the future scope for research on this topic.

¹ Constitution of India, Part IVA

² Constitution Of India, Art. 51A

INTRODUCTION

A constitution, in its most fundamental jurisprudential character, is the grundnorm of a nation-state — the supreme normative instrument from which all legislative, executive, and judicial authority derives its legal validity and legitimacy. It delineates the constitutional architecture of governance, demarcates the separation of powers among the three organs of the State, and codifies the reciprocal relationship between the citizen and the polity. In a constitutional democracy, the constitution serves not merely as a political charter but as a binding compact between the State and its people, prescribing both the fundamental rights owed to citizens and the correlative duties expected of them in return.

The Constitution of India, solemnly adopted by the Constituent Assembly on 26th November 1949 and brought into force on 26th January 1950, stands as one of the most comprehensive and lengthiest constitutional documents in the world. Declaring India a sovereign, socialist, secular, democratic republic, it enshrines in its Preamble the cardinal constitutional ideals of justice — social, economic and political; liberty of thought, expression, belief, faith and worship; equality of status and of opportunity; and fraternity assuring the dignity of the individual and the unity and integrity of the Nation. In pursuance of these solemn constitutional commitments, Part III of the Constitution (Articles 12 to 35) guarantees to every citizen a comprehensive catalogue of Fundamental Rights, including the right to equality, freedom of speech and expression, protection against arbitrary state action, and the right to constitutional remedies under Article 32 — which Dr. B.R. Ambedkar rightly described as the “heart and soul of the Constitution.”

This constitutional balance between rights and duties has continued to receive judicial affirmation in recent years. Delivering an address on the seventy sixth anniversary of India's independence, the then Chief Justice of India, N.V. Ramana, observed that the Fundamental Duties are not merely pedantic or technical but were incorporated as the key to social transformation, envisaging a citizenry that is aware, alert and capable of making informed decisions.³

However, the constitutional framers, cognizant of the doctrine that rights and duties are correlative and inseparable — a principle firmly embedded in constitutional jurisprudence — recognized that a viable constitutional order cannot be sustained by enforceable rights alone. A polity that confers justiciable entitlements upon its citizens without imposing a concomitant framework of civic obligations creates a

³ 'CJI: Fundamental Duties Not Merely Pedantic or Technical, Key to Social Transformation' (The Statesman, 15 August 2022) <<https://www.thestatesman.com/india/cji-fundamental-duties-not-merely-pedantic-technical-key-social-transformation-1503100520.html>> accessed 9 July 2026.

constitutionally incomplete compact. It was this gap between rights and responsibilities in the constitutional scheme that eventually necessitated a formal codification of citizens' duties.

Pursuant to the recommendations of the Swaran Singh Committee (1976), the Parliament of India enacted the Constitution (Forty-Second Amendment) Act, 1976, which inter alia inserted Part IVA into the Constitution, comprising solely of Article 51A. This provision, for the first time in the constitutional history of India, enumerated a set of Fundamental Duties incumbent upon every citizen of India. The corpus of these duties was subsequently expanded by the Constitution (Eighty-Sixth Amendment) Act, 2002, which added the eleventh duty — the obligation to provide opportunities for education to children between the ages of six and fourteen years — elevating it to the status of a constitutional mandate, read in conjunction with the inserted Article 21A. In their totality, the eleven Fundamental Duties enshrined under Article 51A now constitute what may be termed the “civic conscience” of the Indian Constitution, enjoining citizens to uphold the constitutional order, foster national unity and integrity, preserve the natural environment, and strive for excellence in individual and collective endeavour.

The Fundamental Duties prescribed under Article 51A are as follows:

- To **abide by the Constitution** and respect its ideals and institutions, **the National Flag and the National Anthem**,
- To cherish and follow the **noble ideals that inspired the national struggle** for freedom,
- To uphold and protect the sovereignty, unity, and integrity of India,
- To **defend the country** and render **national service** when called upon to do so,
- To **promote harmony and the spirit of common brotherhood** amongst all the people of India transcending religious, linguistic, and regional or sectional diversities and to **renounce practices derogatory to the dignity of women**,
- To value and preserve the **rich heritage of the country's composite culture**,
- To **protect and improve the natural environment** including forests, lakes, rivers, and wildlife, and to **have compassion for living creatures**,
- To **develop a scientific temper, humanism, and the spirit of inquiry and reform**,
- To **safeguard public property and to abjure violence**,
- 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, and

- To provide opportunities for education to his child or ward **between the age of six and fourteen years (added by the 86th Constitutional Amendment Act of 2002)⁴.**

The Fundamental Duties are not enforceable, unlike the Fundamental Rights that means they cannot be enforced in a court of law.

Notwithstanding their constitutional enshrinement, the Fundamental Duties under Article 51A remain non-justiciable in character. Unlike Fundamental Rights, which are enforceable in a court of law under Articles 32 and 226, no citizen may be subjected to legal sanction or penal liability for non-compliance with these duties. They operate, at present, merely as exhortatory provisions — directory in nature and devoid of any coercive legal force. This jurisprudential lacuna raises a foundational question of constitutional law and policy:

Whether the Fundamental Duties under Article 51A of the Constitution of India ought to remain merely hortatory and non-justiciable, or whether the imperatives of constitutional governance, civic accountability, and the organic unity of rights and duties necessitate their transformation into legally enforceable obligations backed by appropriate statutory and penal mechanisms?

This paper undertakes a systematic doctrinal and analytical examination of this critical constitutional question. It traces the legislative history and intent behind the insertion of Part IVA, surveys the judicial pronouncements of the Supreme Court and High Courts that have invoked Article 51A in the adjudication of constitutional disputes, draws upon comparative constitutional analysis of jurisdictions where analogous civic duties are vested with legal enforceability, and evaluates the normative and practical implications of introducing selective enforceability of Fundamental Duties within the Indian constitutional framework. The paper advances the thesis that while wholesale justiciability of all Fundamental Duties may be constitutionally disproportionate and administratively unworkable, a regime of calibrated and selective enforcement — targeted at those duties whose violation occasions demonstrable harm to the constitutional order, public interest, or national integrity — constitutes both a constitutionally sound and jurisprudentially defensible path toward achieving a more equitable balance between the rights and responsibilities of Indian citizenship.

⁴ Constitution (Eighty-sixth Amendment) Act, 2002.

HISTORICAL BACKGROUND

During the time of the original adoption of the Constitution of India in 1950. The framers primarily focused on the inclusion and the guaranteeing of the **Fundamental Rights** to ensure the principles of liberty, equality, and justice in a newly independent nation recovering from colonial rule and partition-related trauma.

However, over the years, the government and the administration noticed that the citizens were **quick to claim their rights, they were often reluctant to perform their fundamental responsibilities** towards their state. The administration and the government noticed the growing issues over the lack of civic discipline, disrespect for national symbols, increasing environmental degradation, and rising communal tensions. This huge rift of **imbalance between rights and responsibilities** made the constitutional thinkers and lawmakers to reconsider and rethink the need to re-evaluate the formal codification of duties.⁵

The concept of the inclusion of Fundamental Duties acquired serious significance during the 1970s. The political and social atmosphere of the time was slightly turbulent especially during the Emergency period (1975–1977) when civil rights of the people were suspended. In this period of constitutional instability the government under the leadership of Prime Minister Indira Gandhi attempted to add amendments to the Constitution in order to instill a greater sense of national duty and discipline among people.

To research this, the Swaran Singh Committee was established in 1976. This was a 12-member committee with Sardar Swaran Singh as chairman and 11 others. The committee was tasked with examining the Constitution and recommending amendments with the objective of inculcating a stronger sense of civic responsibility among citizens. Amongst its most important recommendations was the inclusion of a list of Indian citizens' Fundamental Duties as quoted from such an article in the constitutions of the USSR's socialist states.

It is worth noting that the Swaran Singh Committee itself had recommended the incorporation of only eight Fundamental Duties, along with a proposal empowering Parliament to prescribe penalties for their violation and to insulate such penal legislation from challenge on the ground of infringement of Fundamental Rights. The government of the day accepted the suggestion to add two further duties, taking the total to ten, but

⁵ Durga Das Basu, *Introduction to the Constitution of India* (26th edn, LexisNexis 2022) 612.

declined to accept the recommendations relating to penal enforcement, choosing instead to retain the duties in a purely exhortatory form.⁶

On the basis of the suggestions given below, the Parliament enacted the 42nd Constitutional Amendment Act, 1976⁷. The amendment included a new part, Part IVA, into the Constitution and introduced Article 51A which initially mentioned 10 Fundamental Duties. The eleventh duty was introduced by way of the 86th Constitutional Amendment of 2002 and it became the duty of the citizen to provide educational facilities to children of the age group 6-14 years.

While Article 51A obligations were not enforceable by law, they were meant to be moral obligations and principles of good citizenship.

RESEARCH QUESTIONS

1. How does the non-enforceability of the the Fundamental Duties impact the civil behaviour of the people and the accountability of the people in India.
2. Can there be a balance between the the Fundamental rights and the Fundamental duties be achieved without it being enforceable or there is a need for a legal backing.
3. What can India learn from other democratic and the non-democratic countries those enforce the civil duties
4. How have the Indian judicial system interpreted and used the Fundamental Duties despite their non-enforceable status.
5. The potential benefits and the challenges that might be faced by people for introducing the legal penal provisions for the violation of the Fundamental Duties

Research Methodology

⁶ 'Swaran Singh Committee, Recommendations, Key Details' (Vajiram & Ravi) <<https://vajiramandravi.com/current-affairs/swaran-singh-committee/>> accessed 9 July 2026.

⁷ Constitution (Forty-second Amendment) Act, 1976.

This research article on “The need for making fundamental duties should be enforceable” employs doctrinal and analytic methods of research to examine and understand the need of enforcing the fundamental duties in the context of the Indian context. Doctrinal method of research is analyzing existing legal principles doctrines, statutes and case laws for understanding a legal issue. This type of promotes using analytical and deductive reasoning for critically analyzing legal works and explaining the legal terms.

This is descriptive and an explanatory type of research that dwells into the legal, social and comparative study of the Fundamental Duties. This research looks forward to examining the constitutional framework of the Fundamental Duties mentioned in part IV of the Constitution of India. It analyzes its historical context and also its evolution into modern society. This research aims to analyze its legal effectiveness through case studies and case analysis.

1. Primary sources : This research used the primary sources of research such as reading and analyzing the part III and part IVA of the Constitution of the India which deals with the Fundamental Rights and the Fundamental Duties respectively.

2. Judicial cases : This research paper refer to important landmark cases of the Supreme Court and the High Court of India advocating for the enforceability of the Fundamental Duties

❖ **Aiims Students Union vs Aiims [(2002) 1 SCC 428]**

❖ **Bijoye emmanual vs state of Kerala [1986]**

❖ **M C Mehta vs Union of India [1991]**

❖ **S N Chouksey vs Union Of India [2003]**

3. Government documents and committee reports : This research paper refers to important government committee report to identify the need and the efficiency of the Fundamental duties in the Indian Context.

❖ **Swaran Singh Committee Report⁸** - this report introduced the Fundamental Duties to the Judiciary

❖ **Justice Verma Committee Report⁹** - this Committee was constituted by the Government of India in 1998 which focused how the Fundamental Duties could be taught in the Schools and the legal framework for their enforcement

Justice Verma Committee Report (1999)

⁸ <https://www.ebc-india.com/lawyer/articles/76v2a4.htm>

⁹ <https://prsindia.org/policy/report-summaries/justice-verma-committee-report-summary>

In its "**Justice J. S. Verma Committee Report (1999)**", the focus of examination was on the effective enforcement of the Fundamental Duties as provided in Article 51A. It found out that some duties were already indirectly enforceable through certain laws like the "**Environment (Protection) Act, 1986**", the "**Prevention of Insults to National Honour Act, 1971**", and the "**Right of Children to Free and Compulsory Education Act, 2009**". Instead of making suggestions for new penalties for the enforceability of all the duties, it emphasized constitutional education and awareness programs. Such suggestions are also in line with the theory that "**selective enforceability**", along with education, is a better strategy than the total enforceability of the duties.

The recommendations of the Justice Verma Committee did not remain confined to policy discourse. Following a letter written by former Chief Justice Ranganath Mishra urging the judiciary to direct the State to educate citizens about their duties, the Supreme Court treated the communication as a writ petition and, in 2003, called upon the Union to take steps towards implementing the Committee's suggestions. The National Commission to Review the Working of the Constitution, in its report submitted in 2002, similarly endorsed the operationalisation of the Verma Committee recommendations.¹⁰

4. Articles and books: This research paper also refers to the scholarly works of many experts such as

❖ "**Fundamental Duties: The Neglected Pillar of the Indian Constitution**" by Durga Das Basu.

5. Comparisons: This paper also looks towards comparing the concept of Fundamental duties with other countries like Germany, China, Russia etc the countries which considers the civil duties enforceable.

Lastly I would like to put emphasis on the point that the why I choose to use the Doctrinal and Analytic methodology of research. The Doctrinal method of research of relies on primary and the secondary sources of information for the research such as statutes, Constitution, Case Laws and Expert Opinions. These sources are therefore a credible source of gathering information for the purpose of research and the understanding the scope Fundamental Duties in today's context. Analytic method of research relies on the analysis of the Constitution and the Statutes for the better understanding of the issue.

¹⁰ 'Justice Verma Committee Report' (GS IAS Polity Notes) <<https://practice.gs-ias.com/polity1234notes/index/part713.htm>> accessed 9 July 2026.

LEGAL ANALYSIS & DISCUSSION

In this part of this research paper it deals with the legal analysis of the part IVA of the Constitution of India. This part was introduced by the 42nd Constitutional Amendment Act 1976. It is contained in Article 51A of the Constitution of India which encapsulates the Fundamental Duties for every citizen.

Article 51A lays down 11 fundamental duties for every citizen to be observed.

1. Respecting the Constitution , the national Flag and the National Anthem.
2. Upholding the principles of freedom and equality.
3. Upholding the concepts of unity, sovereignty, and the integrity of the country.
4. Encouraging the Universal feeling of harmony and the fraternity i.e. Brotherhood.
5. Preserving the rich diversity and the culture of our nation.
6. Trying to protect the Natural Environment of the Country.
7. Safeguarding the public properties.
8. Improving towards excellence
9. Searching for scientific temper and Humanism
10. Providing ample opportunities to the children for their education (added to the Fundamental Duties in the 86th Amendment 2002)

These Fundamental Duties are not enforceable in the courts of the country but these duties are interpreted by our honorable courts and we can understand our duties through these judicial precedents.

As said by many legal scholars that Fundamental Duties may not be enforceable but it sets down the moral and human compass for the individuals

As very rightly stated by Hon'ble Justice J S Verma former Chief Justice Of India

“If Every Indian Discharges His Duties Rights Will Not Be Far To Seek”

We can also understand that Fundamental are not just a set of duties for the citizens it lays down the foundation for the establishment of many statues like..

- The Environment Protection Act 1986¹¹ is linked to Art 51A(g).

¹¹ Environment (Protection) Act, 1986

- The Prevention of Insults to National Honours Act 1971¹² is linked to Art 51A(a).
- The Right to Education Act 2009¹³ is linked to Art 51A(k).

This research paper also explains the problems that people might face if legal penal provisions are enacted for the violations of it.

Introducing legal penalties might help the country in many ways such as encouraging the civic responsibilities, discipline towards ones country and lastly a balance between fundamental rights and duties. However such penalties might also pose challenges towards the nation such as encouraging the duties like having a scientific temper and promoting harmony. It also has risks of misuse by the authorities. It can also lead to increased burden on the judiciary. A balanced approach with selective enforcement towards the important aspects would be a safe and a great way to move forward.¹⁴

The question of statutory enforcement is not merely academic; it remains actively before the Supreme Court. Hearing a public interest litigation seeking a comprehensive law to enforce the Fundamental Duties, the Court observed in 2024 that although the cause espoused was undoubtedly important, it could not direct the legislature to enact such a law, and that citizens themselves had to become conscious of their duties. The Bench also noted that numerous existing statutes, including provisions of the Indian Penal Code addressing communal harmony, already give partial effect to particular duties under Article 51A.¹⁵

Lastly I would like to explain the interpretations of certain Case laws which strengthens our understanding of Fundamental Duties and its applicability in the Indian Context.

CASE LAWS

1. AIIMS Student's Union Vs AIIMS [(2002) 1 SCC 428]¹⁶

According to this case it deals with the reservation for the postgraduate degree that was granted to 33% of the students from AIIMS itself who completed their undergraduate course from AIIMS itself. The Students stated that the it is a violation of Art 14 (Right to Equality). The Hon'ble also stated the Fundamental Duties contained in part IVA of the Constitution of India under Article 51A. The Court stated that the citizens must encourage

¹² Prevention of Insults to National Honours Act, 1971

¹³ Right of Children to Free and Compulsory Education Act, 2009.

¹⁴ Praveen Kumari, Fundamental Duties : The Neglected Pillars of the Constitution of India, Rayat college of Law

¹⁵ LiveLaw, "Can't Direct Enactment Of Law To Enforce Fundamental Duties, Says Supreme Court During PIL Hearing" (LiveLaw) <<https://www.livelaw.in/top-stories/supreme-court-plea-for-enforcement-of-fundamental-duties-court-says-it-cannot-direct-legislature-to-enact-law-269324>> accessed 9 July 2026.

¹⁶ AIIMS Student's Union v AIIMS,(2002) 1 SCC 428

themselves to uphold scientific temper, excellence and public welfare as stated in Art 51A(j) It must be clarified that the Supreme Court did not uphold this reservation: it struck down the 33% institutional quota for AIIMS undergraduates in postgraduate admissions as ultra vires Article 14 of the Constitution, holding that institutional preference of this kind could not be sustained on the principle of institutional continuity.¹⁷ and Art 51A(h)¹⁸.

Commentators have noted that although the reservation itself was invalidated, the Bench drew on Article 51A to guide the equitable moulding of relief, observing that in case of doubt or choice, the aspirations expressed through Article 51A could serve as a guide for shaping judicial remedies. The case is accordingly cited less for validating institutional quotas than for illustrating how Fundamental Duties can inform the exercise of judicial discretion even though they remain non justiciable in themselves.¹⁹

2. Bijoe Emmanuel vs State of Kerala²⁰

This is a landmark stating that three school children belonging from the Jehovah's Witness were kicked out because they refused to sing the National Anthem although they stood peacefully during its recital. The school authorities stated that it consisted a violation of Art 51A(a) which states to respect the national symbol, flag and the anthem.

The Supreme court stated that their expulsion was not as it was violating the Fundamental right of freedom to conscience and religion under Article 25²¹ and the freedom to speech under Article 19(1)(a)²². Thus the Hon'ble Supreme Court ruled that the though the Fundamental Duties cannot be enforced it cannot overrule the Fundamental Rights in any aspect.

3. M C MEHTA VS UNION OF INDIA (1991)²³

In this case of M C Mehta vs Union of India the Supreme court looked into the issue of environment protection and the awareness of this issue amongst the children and the youth. M C Mehta the petition filed a petition

¹⁷ Constitution of India, Article 51A(j)

¹⁸ Constitution of India, Article 51A(h)

¹⁹ 'With Great Freedom, Comes Great Responsibility: Enforceability of Fundamental Duties' (TSCLD, 7 December 2023) <<https://www.tsclld.com/with-great-freedom-comes-great-responsibility-enforceability-of-fundamental-duties>> accessed 9 July 2026.

²⁰ Bijoe Emmanuel v State of Kerala, (1986) 3 SCC 615

²¹ Constitution of India, Article 25

²² Constitution of India, Article 19(1)(a)

²³ M C Mehta v Union of India, (1992) 1 SCC 358

in the supreme court stating that environmental issue should be included in the school level to promote the awareness of this issue.

The court stated and looked into Article 51A(g) of the Constitution of India that deals with the Fundamental right of the person to protect and improve the environment . The court said it would be beneficial if the values of protecting the environment could be added from a young age.

In this landmark the court directed the central and the State governments in the country to make sure that all schools have a compulsory subject of environmental education all over the country.

The directions issued in this case have had a lasting institutional legacy. Acting on the Court's mandate, the NCERT prepared a model syllabus on environmental education for Classes I to XII, which the Supreme Court in 2004 directed every State to adopt, and compliance with this order continues to bind the school education system across the country. The National Education Policy, 2020 has since reinforced this trajectory by embedding environmental awareness and sustainability as cross curricular themes at every stage of school and higher education.²⁴

4. SHYAM NARAYAN CHOUKSEY VS UNION OF INDIA²⁵

In this case of Shyam Narayan Chouksey vs Union of India a public interest litigation was filed by the petitioner regarding the enforcing the respect for the National Anthem in public places, especially in movie halls. The petitioner argued that standing during the national anthem in the cinema halls reflects that the person is adhering to the Fundamental Duties under Article 51A(a).

In 2016 the Supreme Court passed an interim order directing all the Cinema halls all across the country to play the National Anthem as a sign of unity and integrity amongst the people making it mandatory for the people to stand during the Anthem.

In 2018 the Supreme court changed its stance making the playing of the national anthem to the central government keeping in mind it does relate to forced patriotism.

The optional status conferred on the practice in 2018 has not entirely settled public controversy over the issue. Instances have continued to be reported of patrons being confronted, and in some cases detained, for not standing when the anthem is played in cinema halls even though standing is no longer compulsory as a matter

²⁴ Global Environmental Education Partnership, 'Compulsory Environmental Education in India' <<https://thegeep.org/resources/case-studies/compulsory-environmental-education-india>> accessed 9 July 2026.

²⁵ Shyam Narayan Chouksey v Union of India, (2018) 2 SCC 574

of law, illustrating the gap that can persist between a judicially clarified legal position and its perception among the public and law enforcement.²⁶

Comparisons with other countries

Fundamental duties are acknowledged all over the world as the duties are important for the citizens but their constitutional validity and status changes from country to country.

Fundamental duties in India are arranged in Part IVA of the Constitution of India which was added by the 42nd Amendment in 1976. Since these duties in India are not enforceable by any court of law, citizens cannot be punished for not complying with them.

In contrary in countries like Russia and China duties are legally enforceable in the court of law. The Russian constitution states compulsorily to pay taxes and to defend the country in times of crisis. In China the constitution contains the civic duties which are strictly enforceable through the state mechanisms and laws. Japan being a democratic country includes duties like public welfare in its constitution which are moral obligations and not legally binding.

Similarly with United States of America the country emphasizes on civic duties like paying taxes, obeying laws etc but all these are statutory and not constitutional that means all these are legal obligations and not Fundamental Duty.

In India Fundamental Duties occupy a middle ground it is not enforceable by the court of law but are seen as essential for the effective functioning of the country. The courts often use it as a method of interpreting of the legal issues and promote civic responsibility.

It has also been observed that even the existing Indian list of Fundamental Duties is not exhaustive of the civic obligations found in comparable jurisdictions. Duties such as voting in elections and paying taxes, which the Swaran Singh Committee itself had considered including, do not find express mention in Article 51A, a gap that critics argue leaves the constitutional catalogue of duties incomplete when measured against comparable duty clauses elsewhere.²⁷

Future Scope Of Research

²⁶ 'National Anthem and the Shyam Narayan Chouksey Case' (iPleaders, 17 May 2019) <<https://blog.iplayers.in/national-anthem-shyam-narayan-chouksey-case/>> accessed 9 July 2026.

²⁷ 'Which Fundamental Duties are Enforceable by Law?' (EZ Legal) <<https://www.ezylegal.in/blogs/are-fundamental-duties-enforceable-by-law>> accessed 9 July 2026.

This present research paper looks into why the Fundamental Duties needs to be enforceable in Indian context. However in the evolving and the changing complex of this issue opens up various multiple avenues for the research.

Firstly there is ample scope for conducting research to evaluate public awareness and the practice of Fundamental Duties in different regions of the country. This could help the government understand the different problems that are hindering the growth of awareness in the country.

Secondly, there can be a comprehensive study of other countries where the civic Fundamental Duties are enforceable and how that affects the mindset of the people.

Lastly, the effectiveness of selective enforceability in which a certain parts of the Fundamental Duties will only be enforceable and how that will effect the governance of the people as compared to the totally keeping the Fundamental Duties not enforceable.

The continued pendency of litigation on this question before the Supreme Court makes this an especially timely field of inquiry. In September 2024, while hearing a public interest litigation seeking a comprehensive statutory framework for the enforcement of Fundamental Duties, the Court directed the Union to place on record a consolidated list of existing legislation that gives effect to the various clauses of Article 51A, leaving considerable scope for future research into whether such scattered legislative provisions amount to an adequate, if indirect, enforcement mechanism.²⁸

CONCLUSION

Summary of the Findings

1. Fundamental Duties are constitutionally important but not enforceable:

Part IVA of the constitution includes the Fundamental duties under Article 51A which tells about the moral obligations of the citizens. However these duties are not justiciable which means no legal action can be taken against the people who did not comply the fundamental duties.

2. Judiciary believes in the importance of the duties.

²⁸ Supreme Court Observer, 'Enforcement of Fundamental Duties | Day 1: A Comprehensive Law Enforcing Fundamental Duties is the "Need of the Hour," Argue Petitioners' (Supreme Court Observer, 11 September 2024) <<https://www.scobserver.in/reports/enforcement-of-fundamental-duties-day-1-a-comprehensive-law-enforcing-fundamental-duties-is-the-need-of-the-hour-argue-petitioners/>> accessed 9 July 2026.

Although the fundamental duties are not enforceable but the courts have often invoked the concept of the Fundamental Duties in several landmark cases such as AIIMS Student Union and M. C Mehta and C N Chouskey case. For interpreting the laws especially related to education, environment and respect to national symbols.

3. Global comparisons

Countries like Russia and China legally enforce the Fundamental rights along with the penalties for the same in case of violations. Countries like Japan and USA encourage the concept of civic duties through the medium of Education and cultural norms although certain responsibilities remain permanent.

A comparable middle path exists in South Africa, whose constitution acknowledges civic duties correlative to rights but limits their direct enforceability so as to safeguard individual freedoms, illustrating that a hybrid model combining constitutional recognition with calibrated enforcement is neither unprecedented nor incompatible with a rights based constitutional order.²⁹

4. Lack of the fear of avoidance of the Fundamental Duties.

Due to the absence of the legal penalties for the violations of the Fundamental Duties there is a lack of awareness and lack of compliance to the Fundamental Duties.

5. Need for the selective enforceability of the Fundamental Duties

The research states that total enforceability of the Fundamental Duties maybe impractical but the partial enforceability of could strengthen the democratic values of the citizens.

Suggestions & Recommendations

The results of the study reveal that despite the necessity and importance of Fundamental Duties in the Indian constitution system, their effectiveness is quite limited owing to the lack of any enforcement mechanism. Instead of creating legally enforceable duties, a proper balance must be struck to ensure constitutional rights while fostering civic responsibility.

Firstly, it could be suggested to the Government to provide for a ****Select Enforcement Scheme**** through legislative means. Those duties which directly influence people's well-being (for example, environmental

²⁹ 'Fundamental Duties Enforceable by Law' (Lawbhoomi) <<https://lawbhoomi.com/fundamental-duties-enforceable-by-law/>> accessed 9 July 2026.

protection, preservation of public property, respect towards national symbols, and providing education to kids) could be regulated by some legislative means with reasonable civil or administrative sanctions. However, subjective duties like cultivation of scientific attitude or endeavoring to excel must stay merely moral duties.

Secondly, constitutional awareness should be encouraged in educational institutions. Schools, colleges and universities must have practical lessons devoted to Fundamental Duties, values of the constitution, and civic responsibility.

Thirdly, campaigns for raising public awareness through the media channels of TV, Internet and community outreach programs need to be organized to make citizens realize the significance of Article 51A. In this way, it can bring awareness among the people about their responsibilities to the society and nation.

Furthermore, the government can set up a National Commission on Constitutional Duties that will monitor the awareness campaigns, provide recommendations for changes in policies and regularly assess the progress made by various civic responsibility programs in the country. This commission could also make recommendations to governments regarding new issues that require legislation.

This suggestion finds an echo in the prayers made before the Supreme Court itself, where petitioners seeking enforcement of Fundamental Duties have specifically asked for an independent High Powered Committee, headed by a retired Chief Justice or Judge, to review the entire legal framework relating to Part IVA and to recommend measures for its effective implementation. The convergence between such petitions and academic proposals of this kind suggests a broader institutional consensus on the need for a dedicated body to oversee civic duty enforcement in India.³⁰

Finally, all future laws relating to Fundamental Duties must ensure proper measures against misuse of the law. Judicial review, clear statutory provisions and protection of the Fundamental Rights must always be kept in mind. It is not a matter of punishing the citizens but of educating them through a proper balance between education, awareness and some legal obligations.

³⁰ 'Plea To Enforce Fundamental Duties: Centre Seeks Two More Months Time To File Response In Supreme Court' (LiveLaw, 14 July 2022) <<https://www.livelaw.in/top-stories/supreme-court-plea-fundamental-duties-enforcement-203800>> accessed 9 July 2026.