

# FUNDAMENTAL DUTIES [Article 51A]

- **Part IV A** containing article 51A was added by the **42nd Constitutional Amendment Act 1976**.
- Originally it contained 10 fundamental duties. The 11th fundamental duty was added by the **86th Constitutional Amendment Act 2002**.
- The concept of fundamental duties was taken from **USSR**
- Duties were added on Recommendation of **Swaran Singh committee**.
- These duties are **non enforceable** but many of these duties are imposed through various legislations

# 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;  
**[Prevention of Insult to National Honours Act, 1971.]**
- (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; **[sec 153B IPC- activities that encourage enmity between groups are prohibited]**
- (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; **[SEC 153A IPC also SEC.295- 298 Offences related to religion and caste punishable]**
- (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; [ EPA ACT, 1986]

- (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
- (k) Who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.

# Fundamental duties case laws

- In the case of *Bijoe Emmanuel vs. State of Kerala* 1987 which is popularly known as the **National Anthem Case**, on refusing to sing the National Anthem in the school, three children of the Jehovah's Witnesses were expelled from the school. There was a circular that was issued by the Director of Instructions, Kerala which made it compulsory for the school students to sing the National Anthem. These three children did not join the singing of the National Anthem but they stood up out of respect. They didn't sing the National Anthem because their religious faith didn't permit it and it was against their religious faith. They were expelled on the ground that they violated their fundamental duties and committed an offence under the **Prevention of Insult to National Honours Act, 1971**. The court reversed this decision of the High Court because they did not commit any offence and also they committed no crime under the Prevention of Insult to National Honours Act, 1971 as though they did not sing the National Anthem but they stood out of respect.

- In **M.C.Mehta (2) vs. Union of India 1998**, the Supreme Court held that it is compulsory for all the educational institute to organize a teaching lesson of at least one hour a week on the protection and improvement of the natural environment and it is the duty of the Central Government under Article 51A (g) to introduce this in all the educational institute. The Central Government should also distribute books free of cost on the same subject in all the institutes and also raise consciousness amongst people towards clean environment. The government should organize ‘keep the city clean’ week at least once in a year.