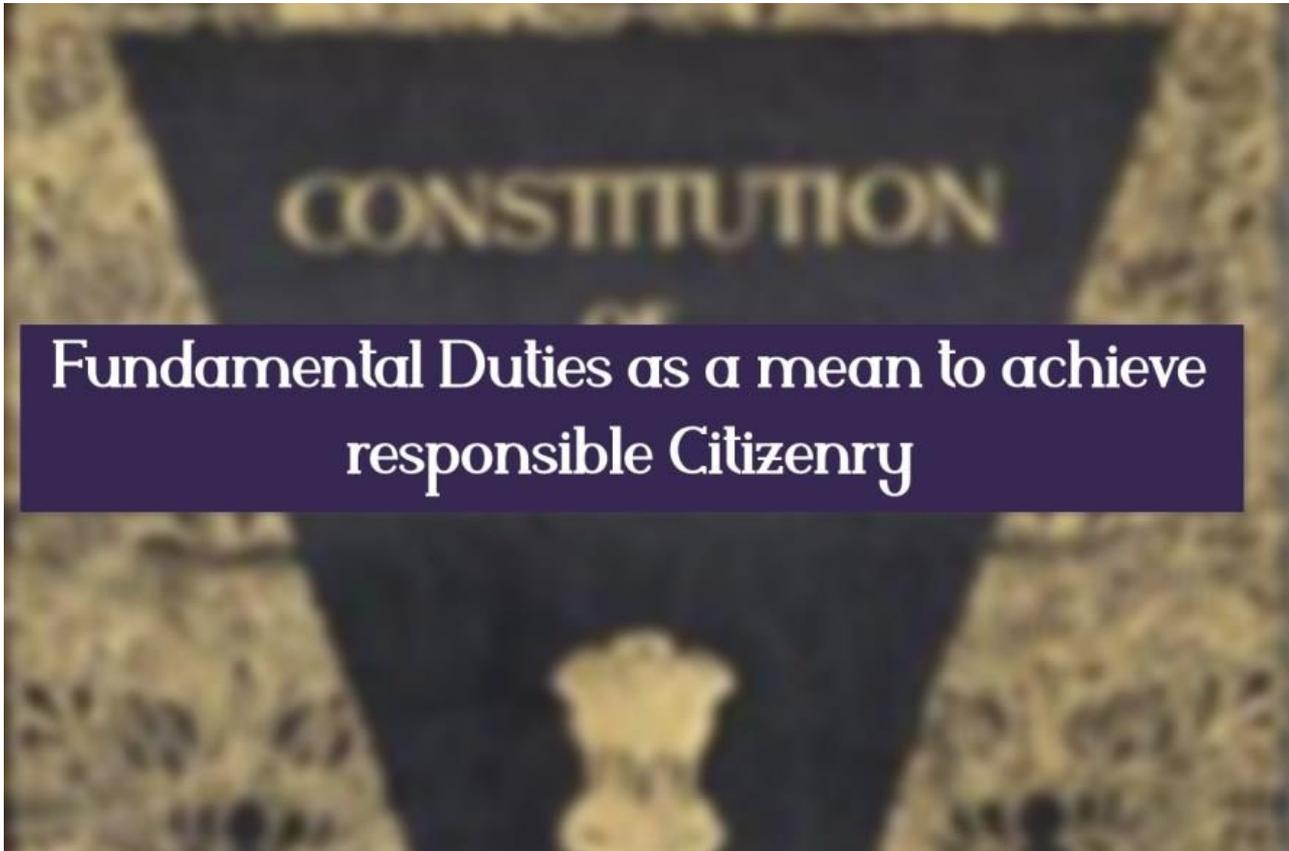


FUNDAMENTAL DUTIES IN INDIA - ARTICLE 51A SUPREME COURT JUDGEMENTS-CURRENT AFFAIRS.



1. Fundamental duties were incorporated in Part IV-A of the Indian Constitution by the 42nd Amendment[1] on the recommendations of **Swaran Singh Committee** and the **eleventh duty was added** to the ten fundamental duties by the **86th Amendment,2002**.
2. The practice via which an individual has become a part of an institution like the State and the collective duty of the State towards a citizen, strengthens the notion of a responsible citizenry, ultimately to achieve progress and development of the society.
3. The rule of jurisprudence is that every right has a corresponding duty.

Gandhi, while commenting on the performance of duties had once said that:

“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-wisp, the more we pursue them, the farther they fly.”

The historical background of the evolution of rights and duties, an analysis of eastern jurisprudence and inefficacious implementation of fundamental duties advances the importance of fundamental duties. Though non-justiciable, they are rules of law.

The Supreme Court in **Minerva Mills Ltd.v. Union of India[2]** recognised the proposition that although they are non-justiciable, they do hold significance –

1. “There may be a rule which imposes an obligation on an individual or authority and yet it may not be enforceable in a court of law and therefore not give rise to a corresponding right in another person.

2. But it would still be a legal rule because it prescribes a norm of conduct to be followed by such individual or authority.
3. The law may provide a mechanism of enforcement.
4. A rule imposing an obligation or duty would not therefore cease to be a rule of law because there is no regular judicial or quasi-judicial machinery to enforce its command.
5. Such a rule would exist despite of any problem relating to its enforcement.
6. Otherwise the conventions of the Constitution and even rules of International law would no longer be liable to be regarded as rules of law.”[3]

INTRODUCTION

- An individual is the fundamental organ of a State and each organ is required to work unitedly to achieve the means of welfare State.
- An Individual plays a vital role in a State and its welfare and is entitled to exercise rights.
- India, the largest democracy in the world, whose Bible is the ‘Constitution’ enshrines in its Preamble for the “People of India”, the principles of Justice, Liberty, Equality and Fraternity[4].
- Fundamental rights are guaranteed by the Constitution under Part III and have originated from a collective sourcing of other countries’ like USA, Britain, Australia and Canada.
- Pertinently, it is evident from the Preamble of the Constitution that it primarily focuses on rights in all spheres of life to shelter, protect and secure its citizens.
- Duties are counterparts of rights.
- Fundamental duties find their way into the Indian Constitution through the controversial 42nd Amendment, 1976.
- In the present scenario, it is to be ascertained whether fundamental duties, although non-justiciable, can be means of achieving a responsible citizenry? Furthermore, assuming fundamental duties become justiciable, would they be the only touchstone of determining responsible citizenry?

BACKGROUND

JURISPRUDENTIAL AND MYTHOLOGICAL ASPECT OF DUTIES

- Duties are an ancient concept encompassed in the eastern jurisprudence as an aspect of human behavior known as “Dharma”[5], staunch admirers, of which were luminaries like Lokmanya Tilak[6] and Mohandas Gandhi.
- The concept of duties has its origin in the Vedas and they are in the form of religious commands.
- Epics like Bhagavad Geeta, Ramayana and Mahabharat, also enshrine duty as part of one’s Dharma. Thus, the eastern jurisprudence is duty oriented and right is considered as ancillary to duty or consequence of performing duty.
- It is indisputable, that the framers of the Constitution did not deem it appropriate to incorporate duties in the text of the Constitution, when it was originally promulgated as there would have been several reasons for such omission in light of sufferance.

INCORPORATION OF ARTICLE 51-A IN CONSTITUTION

- These fundamental duties were introduced in Part IV-A by 42nd Amendment and after receiving recommendations from the Swaran Singh Committee.

- Some of the recommendations made by the Swaran Singh Committee Report [7] were rejected by the then Government like the non-compliance of the fundamental duties would be met with imposition of penalty or punishment on citizens and such punishment or law won't be questioned in a court of law and duty to pay taxes to be included in Article 51-A.

AFTERMATH OF 42ND AMENDMENT

Whilst considering, the nature in which the fundamental duties were incorporated in the Indian Constitution during the period of Emergency with the 42nd Amendment [8] coming into force and the majority of which was struck down by 44th Amendment [9] leaving fundamental duties untouched, thereby, indicating even then how essential fundamental duties were.

The 42nd Amendment was a controversial amendment which tried to circumvent and supersede the landmark judgment of **Kesavananda Bharati** [10], and reaffirmed by **Supreme Court in Minerva Mills Ltd. v. Union of India.** [11]

ARTICLE 51-A IN ACCORD WITH OTHER COUNTRIES AND LAWS

The inclusion of fundamental duties has brought our Constitution in line with Article 29(1) of the Universal Declaration of Human Rights [12] and the same is also inspired by Article 59 of the 1977 Soviet Constitution [13] and other Constitutions, Declarations and concepts. Thus, Article 51-A is in accord with the other countries and laws.

FURTHER DEVELOPMENTS

JUSTICE VERMA COMMITTEE REPORT OF 1999

The 'Committee to Operationalise Suggestions to Teach Fundamental Duties to the Citizens of India' under the Chairmanship of Justice J.S.Verma recommended that "duty to vote at elections, actively participate in the democratic governance and to pay taxes should be included in Article 51-A." [14]

This Report was directed towards the far-fetched goal of achieving responsible citizenry by emphasising on awareness regarding the provisions of fundamental duties and imparting the same through medium of education.

NATIONAL COMMISSION TO REVIEW THE WORKING OF CONSTITUTION

The National Commission to Review the Working of Constitution [15] was an advisory panel set up to pass its expert comments and suggestions on effectualisation of fundamental duties of citizens determining the crucial question of whether Article 51-A served its purpose, and if not, where have people precisely failed in implementing Article 51-A?

The Commission reiterated that *"the first and foremost step required by the Union and State Governments is to sensitise the people and create a general awareness of the provisions of fundamental duties amongst the citizens on the lines recommended by Justice Verma Committee."*

86TH AMENDMENT, 2002.

The duty which was added to the Constitution after 1976, was incorporated vide 86th Amendment Act [16] is contained in Article 51-A(k) – the duty of every parent or guardian to provide opportunities for education to his child between the age of 6 and 14 years which corresponds to right to free and compulsory education in Article 21-A of the Constitution.

IMPORTANCE OF FUNDAMENTAL DUTIES

Fundamental duties play an important role in India, seek to achieve set parameters of progress which cannot be achieved without citizens performing their duties.

Expansion of fundamental rights by judicial pronouncements has led to citizens only seeking enforcement of their rights without performing their duties.

“Every right has a corresponding duty” is imbibed in the very genesis of western jurisprudence in contrast with the ideology of eastern jurisprudence which can be inferred from the views of Mahatma Gandhi and Lokmanya Tilak.

In today’s world, it is particularly important that duties are practiced as a mode of civilisation and disciplined society. In line therewith, the authors now elaborate on:

How Fundamental Duties are a means of achieving responsible Citizenry?

Before answering this question, it is important to know, who is a responsible citizen? A responsible citizen is the one who performs his social, moral, ethical obligations and his duty towards state and fellow citizens. Fundamental duties are the guiding principles for citizens to perform their duties and be responsible towards the State.

Though these duties are not themselves enforceable in courts nor their violation, as such, punishable, nevertheless, if a court, before which a fundamental right is sought to be enforced, has to read all parts of the Constitution, it may refuse to enforce a fundamental right at the instance of an individual who has patently violated any of the duties specified in Article 51-A[17]. In *Javed v. State of Haryana* [18], the Supreme Court held that fundamental rights have to be read with fundamental duties and the Directive Principles of State Policy and they cannot be read in isolation.

It is pertinent to note that, merely because a rule is not backed by sanctions for disobedience, does not mean it has no importance. It is still regarded a rule of law that is expected to be followed [19]. This proposition was recognised in *Minerva Mills Ltd. v. Union of India* [20] –

“There may be rule which imposes obligation on an individual or authority and yet it may not be enforceable in a court of law and therefore not give rise to a corresponding right in another person.

But it would still be a legal rule because it prescribes a norm of conduct to be followed by such individual or authority.

- **The law may provide a mechanism for enforcement of this obligation, but the existence of the obligation does not depend upon the creation of such mechanism.**
- **The obligation exists prior to and independent of the mechanism of enforcement.**
- **A rule imposing an obligation or duty would not therefore cease to be a rule of law because there is no regular judicial or quasi-judicial machinery to enforce its command.**
- **Such a rule would exist despite of any problem relating to its enforcement.**
- **Otherwise the conventions of Constitution and even rules of international law would no longer be liable to be regarded as rules of law.”**

There are various legislations which give teeth to fundamental duties like

1. the Prevention of Insults to National Honour Act, 1971
2. the Protection of Civil Rights Act, 1955
3. the Unlawful Activities (Prevention) Act, 1967

4. the Representation of the People Act, 1951
5. the Environment (Protection) Act, 1986 and
6. the Forest (Conservation) Act, 1980

And indirectly impose obligations, provide for specifications, penalties and punishments and act as stringent regulations.

Thus, fundamental duties, though, non-justiciable, are in some or the other manner striving to achieve responsible citizenry and norms of a civic society.

The authors now elaborate on the aspects of enforceability of fundamental duties:

- 1.** An important aspect other than enforceability is effectuation and implementation of Fundamental Duties, the effectuation is the ladder accompanied by elucidation and elaboration, awareness, inculcation, aspiration and implementation besides enforcement.
- 2.** All these aspects are taken into consideration for fundamental duties to substantially help citizens to be responsible.
- 3.** Elucidation and elaboration of fundamental duties will cover up for ambiguity in their description.
- 4.** Awareness is an aspect which requires much more attention in a country whose illiteracy rate is substantial;
- 5.** Inculcation can be taken care of by imparting education, organizing conferences and advocacy of these programmes via media. The fourth aspect that is aspiration, Inculcation precedes, and implementation follows aspiration, therefore, for the success of aspiration, Inculcation and Implementation are to be carried out with due diligence. Thereafter, implementation will be an easy task to follow. [21]
- 6.** In *Mohan Kumar Sighnania v. Union of India* [22], in order to uphold the constitutionality of amendment to the Services Rules of All India Services, the Supreme Court had a recourse to Article 51-A(j).
- 7.** Further, In *Vellore Citizens' Welfare Forum v. Union of India*[23] & *Bandkhal and Surajkund Lakes matter*[24], the Supreme Court recognised 'the Precautionary Principle', 'the Polluter Pays' principle as essential features of 'sustainable development' and part of environment law of the country in view of Articles 21 and 51-A(g).
- 8.** There are several cases, in which Supreme Court has considered the importance of fundamental duties as a rule of law.
- 9.** Now, that we have elaborated upon the need to constructively inculcate and effectuate the realisation of the significance and implementation of the fundamental duties, the authors now wish to throw light upon the constitutional and precedential significance of the fundamental duties.
- 10.** They have created their own unique zone/position by finding a predominant spot in plethora of case laws and have established that fundamental duties, though non-justiciable are as paramount and as relevant as the fundamental rights are under the Indian Constitution.
- 11.** It is pertinent to note that, there is absolutely not even the slightest spur of a doubt that insertion of Article 51-A was much needed and that the then ruling government formed by the Congress Party headed by Mrs Indira Gandhi took a positive step towards the overall development and progress of the nation by taking the initiative to introduce in the Constitution, ten fundamental duties by virtue of the 42nd Amendment Act, 1976 (the eleventh duty was added later by effect of the 86th Amendment Act, 2002).

The fact that the initiative pointed towards a positive direction was further strengthened by many indications which are discussed by the authors as below:

- The Constitution provides for both rights and duties.
- The critics who say that the Constitution contains only rights and no duties have not had a close and careful look at the Constitution which also gives sanction to traditional duties;
- The introduction of Article 51-A created a strong base for a concrete national character and strong harmony among all the citizens.
- The enforcement of fundamental rights is, in a way, dependent on the extent or degree of care taken to follow fundamental duties.
- Because, if an individual has approached a court of law to seek enforcement of his fundamental right(s) then the court may reject to do so if it finds out that the individual has patently violated his fundamental duty.
- The case would then not lean in his favour in such a situation.
- Fundamental duties, which are obligatory in nature inculcate and instil a sense of obligation and discipline amongst the citizens towards their duties.
- They serve as a constant reminder to the citizens that there exists a balance between rights and duties and merely assertion of rights is incorrect without being responsible for abiding by one's duties especially when the supreme law of the nation has prescribed those duties.
- They also act like a warning signal to potential criminals for preventing them from carrying out anti-national and anti-secular activities thereby simultaneously providing a platform to citizens for active participation in the society and playing a constructive role in its development.
- The Court by considering fundamental duties can also save a law from being declared as unconstitutional and declare it as reasonable if the law incorporates any of the eleven duties. This is how it can be used to determine the constitutionality of a law.
- The Supreme Court in *AIIMS Students' Union v. AIIMS* [25] has held that fundamental rights and fundamental duties should be given equal importance.
- Furthermore, The Supreme Court in quite a few cases has been seen protecting the fundamental duties which only goes to show that the fundamental duties have an important status in our society and that the judicial reforms and introduction of Article 51-A via the 42nd Amendment Act and 86th Amendment Act were not bad in law or unnecessary. On the other hand, they have done something positive for the country if at all they have done something.
- In *M.C. Mehta v. Union of India* [26], the Supreme Court made it compulsory for all educational institutes to organise a one-hour lecture on protecting and preserving the natural environment and made the Central Government duty-bound to make this a rule in all such institutes and make it a part of their curriculum and issued certain directions in general to the Central Government and citizens on maintaining a healthy ecology and preserving the natural environment;
- With a view to strike a balance between fundamental rights and fundamental duties, the petitioner in *Regnant Mishra v. Union of India* [27] addressed a letter to the President of India to pass directions to the State Government to raise awareness by educating citizens on fundamental duties.

- This was taken up by the Supreme Court as a writ petition when at the same time the National Commission after reviewing the Constitution submitted its report to the Government which recommended the Government to create awareness among citizens and follow the procedure as laid down in the Justice Verma Committee Report for implementing the fundamental duties;
- In *Dr. Dasarathi v. State of Andhra Pradesh* [28], 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 accolades and that is how the nation as a collective body of its citizens will constantly move towards new levels of excellence.

The above examples only go to show that the insertion of Article 51-A was in a way necessary and a need of the hour as it is a means to hit a balance between civic rights, liberties and freedoms and civic obligations.

The said article has gained and retained the confidence of all political parties and has remained on the statute book for more than 35 years.

Moreover, the addition of Article 51-A brings our Constitution in line with Article 29(1) of the Universal Declaration of Human Rights, 1948 which provides that: “*Everyone has duties to the community in which alone the free and full development of the personality is possible.*” [29] and Constitutions of other major countries.

The criticism and fall back on fundamental duties as sufficient means of achieving responsible citizenry has been addressed hereunder:

INADEQUACY

Just as there are two sides to a coin, there are two aspects to the sufficiency of fundamental duties. Introduction of the 11 fundamental duties are no doubt a positive and substantial step towards developing and sustaining a responsible citizenry, but does that mean that our society, whose socio-economic fabric is changing almost on a regular basis, does not need or has no space for more fundamental duties?

The answer is not entirely. *Assuming fundamental duties become enforceable, yet there are many other duties which links with the concepts of duties and responsible citizenry. Even today, it is felt by a section of people that since fundamental duties are non-justiciable or unenforceable, they are as good as a dead letter or a mere paper-book that does not have a sufficient enforcement mechanism to support its implementation.*

While this might ring a partly true side to the ear, it would also not entirely be incorrect to question the duties that the State owes to its citizens. *Is the State providing for implementation facilities and creating an inductive environment by acting on suitable means and methods?* The authors elaborate on the same herein below:

ADDITIONAL DUTIES

- **Duty to vote:** It is our fundamental right to vote. One of the principal recommendations of the J.S. Verma Committee was the “*duty to vote at elections, actively participate in the democratic process of governance and to pay taxes should be included in Article 51-A of the Constitution*”.
- **Duty to pay taxes:** Jackson and Reed, JJ. in *Miller Bros. v. State of Maryland* [30] have taken note of the duty of a citizen to pay taxes in the following words – “*The fact of residence creates universally reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter obviously involves a duty to pay taxes,*

and their nature and measure is largely a political matter.” The main problems faced by the Indian Government as far as tax matters are concerned are the tax gap, problems related to tax planning, tax avoidance and tax evasion like in cases like *McDowell* [31], *Azadi Bachao* [32] and *Vodafone case* [33].

- **Duty to help accident victims:** Under the law of Torts, it is a tort to not help the accident victim in case of an accident. The Karnataka Government has also decided to pass a law protecting people who have helped victims from civil and criminal liability thereby encouraging them to provide the assistance to the State. With no legislation related to this subject, the Supreme Court, in 2014 urged the Union Government to frame guidelines for protection of ‘Good Samaritans’, or helpful bystanders, and a Standard Operating Procedure for their implementation [34].
- **Duty to keep premises clean:** Article 21 has been interpreted by the Supreme Court to include the right to a clean environment [35]. To tackle this issue, Prime Minister Narendra Modi introduced the ‘Swachh Bharat Mission’ on 2nd October, 2014 which focuses on building toilets and solid waste management plants.
- **Duty to raise voice against injustice:** The victim can report the crime and aid the society and bring the offender to book. The Protection of Children from Sexual Offences Act, 2013, imposes a duty to report a sexual offence on specified classes of people [36].
- **Duty to support bona fide civil society movements:** The concept of ‘civil society’ can be traced back to the pre-modern times. And in modern times, the role of civil societies can be traced to the principles of Gandhism of ‘volunteerism’. Also, the Bhoodan Movement and JP movement were based on disappointment of the ordinary citizens with institutions of governance. Thus, it is evident that the duty to support civil societies has existed in the Indian contextual societal framework since old ages and thus there flows an obligation on the citizens to support these movements and tackle issues like human right violations, corruption and indifference on the side of elected governments to remedy the situation. When the underprivileged are too in-equipped to stand up and fight for their rights, it becomes the moral obligations of us citizens to support genuine civil society movements and fill in the gap left by the executive in implementation of the government policies.

Thus, the authors strongly propose that there ought to be an addition to Part IV-A of the Constitution and every citizen should sense his obligation to support the endeavours of society and ultimately satisfy their quest for change. Authors would also like to clarify that these are only some of the duties which form a drop in the ocean of other duties that can be incorporated under Part IV-A to achieve a responsible citizenry.

DUTIES OF THE STATE

While in the aforementioned paragraphs, we have discussed about the duties the citizens owe to fellow citizens and the State, it would not entirely be incorrect to question the State about its duties.

Some of the natural questions would be the accountability and responsibility of the State towards its citizens.

Is the State truly eradicating poverty as, according to a recent survey more than 60 per cent of India’s population is still fighting poverty and unemployment, and helping roadside orphans who have no shelter over their heads?

Is it actually making relentless efforts to impart free and compulsory education as Article 21-A guarantees?

Is it by all means and resources fighting corruption?

Is it organising nationwide campaigns to reduce religious intolerance by spreading the message of secularism?

Is it doing substantial work in the areas of gender equality at every stage when it is so necessary for women to be uplifted and given equal status and opportunity owing to the very patriarchal attitude of majority of men in the country?

Is it implementing all laws made by the Constituent Assembly?

The authors now propose to highlight some important aspects of implementing fundamental duties and the difficulties and/or hindrances which will possibly be faced by the State whilst implementing fundamental duties:

HINDRANCES

IMPERFECT OBLIGATION

Imperfect obligations are rights without corresponding duties and duties without corresponding rights. In *Minerva Mills Ltd.v. Union of India* [37], it was observed:

“It is the function of the Judges, nay their duty, to pronounce upon the validity of laws. If courts are totally deprived of that power, the fundamental rights conferred upon the people will become a mere adornment because *rights without remedies* are as a writ in water. A controlled Constitution will then become uncontrolled.”

However, there are some jurists who say that there can be duties without corresponding rights which are called as ‘absolute duties’ whereas duties having corresponding rights are known as ‘relative duties’. On the other hand, duties can be classified into positive and negative duties, besides, primary and secondary duties. Thence, imperfect obligations serve as a hindrance to achieve a responsible citizenry.

SOCIO-ECONOMIC CHALLENGES

Visualise this example of a pitiable pauper who earns just Rs. 50 a day and can barely afford his daily meal. How will he gather the resources to “strive towards excellence” [38]?

This is not merely one individual.

According to a recent survey regarding poverty and illiteracy, 60% of India’s population is fighting poverty and unemployment.

The legislature cannot insensitively draft policies and impose duties upon citizens when half the population is facing hugely degrading problems like poverty, lack of means to support family, lack of education, over-population due to lack of literacy and sub-issues arising from these main ones, corruption, etc.

Authors intend to convey that assuming the fundamental duties become enforceable, they are not the only means of achieving a responsible citizenry because, there are an umpteen number of issues and road-blocks bothering individuals concerned and coming in the way of the country’s progress.

AT ONE’S OWN WILL

Where an individual, who is a fundamental unit of the society is himself driven and motivated to truly contribute and be a part of making a difference to the society, there remains no grave necessity of fundamental duties being made enforceable.

AMBIGUITY

Some of the critics to the fundamental duties feel that the duties, on the ground that the language used in the Constitution under Article 51-A is vague, common and ambiguous are very unclear and equivocal in terms of its meaning and depth. Going by the criticism, words like ‘ideals’, ‘institutions’, ‘brotherhood’, ‘humanism’, ‘scientific temper’ create an ambiguous and shade-worthy area in the minds of the interpreters of the fundamental duties. As every action has an equal and opposite reaction, fundamental duties also as much as they garnered the amount of respect and recommendation (for its implementation) as they did, they also attracted an equal amount of criticism.

The major number of critics complained that the legislature failed in its primary duty to make its draft, its work, its creation a clear and understandable piece of work.

It is trite law especially a cardinal principle of the interpretation of statutes, that the legislature ought to create the statute in unequivocal terms and its very meaning ought to be clear and unambiguous because the greatest aid to interpreting a legislative genus is primarily its very own language and if the language is itself unclear, how will the people (for whom ultimately law is made) make out its true significance and abide/obey the law. Also, given that the majority of the Indian population, the masses are illiterate, how will they be in a position to understand and decodify this mysterious work of law?

EXECUTIVE INTERFERENCE AND MANIPULATIONS

Assuming, if fundamental duties become enforceable then a citizen conducting a protest against a policy of the Government, (in the light of the current situations) there is a high probability of the Government abusing its power, to drag citizens to the court of law for non-obedience of their fundamental duties. Under the garb of holding us liable for violation of fundamental duties, it can curtail our fundamental rights.

NO NECESSITY OF INCLUDING MORAL AND ETHICAL DUTIES

The Indian culture and secular ethos show key traces of the concepts of ‘dharma’ and ‘karma’ and such values have been ingrained in the Indian culture since time immemorial. Indians are known across the globe for their commitment to spiritual, secular, traditional and cultural beliefs.

They are almost inalienable. Duties like respecting our elders, respecting the nation, investing relentless efforts in achieving excellence in various fields, to develop a scientific temper and commitment to intellectual reforms, to promote brotherhood are a few of the many.

Therefore, the insertion of fundamental duties was not necessary at its threshold (adhering to this particular point).

CONCLUSION

After putting forth this view, it necessary to state the other side of this critique.

Fundamental duties after all the scrutiny and examination they have been subjected to, deserve a fair share of appreciation as well.

These fundamental duties form a breathing inseparable organ of the Constitution, the supreme law of the land and the world’s longest written Constitution.

In modern context, it has become increasingly important to inculcate the civic obligations among Indian citizens.

This object can be achieved by adding new duties to the existing list of duties under the Constitution while simultaneously laying emphasis on the performance of the existing ones.

Excessive emphasis on exercise of fundamental rights and their ever-increasing scope as interpreted by the judiciary has made it almost necessary for the codification relating to civic obligations.

Thus, fundamental duties serve as a core of a mutual coherence and welfare State.

It would not be out of place to conclude this critique with what was said by Sir Robert Welch – *“The real freedom of any individual can always be measured by the amount of responsibility which he must assume for his own welfare and security.”*

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- [1] [Constitution \(42nd Amendment\) Act, 1976](#)
- [2] [\(1980\) 3 SCC 625](#)
- [3] Ibid
- [4] [Preamble, the Constitution of India](#)
- [5] C.K. Allen; Law in Making; Jurisprudential Aspects of Fundamental Duties and their Enforceability: A Study by Prof (Dr.) R.L. Koul and Dr. Meenakshi Koul.
- [6] S. Krishnan , ‘Lokmanya Tilak’s Thoughts are Relevant in Today’s Socio-Political Context’.
- [7] [Swaran Singh Committee Report, \(1976\) 2 SCC J-45](#)
- [8] [Ins. by the Constitution \(42nd Amendment\) Act, 1976, S.11 \(w.e.f 3.1.1977\).](#)
- [9] [Omitted by the Constitution \(44th Amendment\) Act, 1978.](#)
- [10] [\(1973\) 4 SCC 225](#)
- [11] [\(1980\) 3 SCC 625.](#)
- [12] [Universal Declaration of Human Rights](#)
- [13] Soviet Constitution, Article 59(1), 1977.
- [14] Justice Verma Committee Report, 1998.
- [15] Government of India, Report: National Commission to Review the Working of the Constitution, Vol. II, p. 373 (Ministry of Law, Justice and Company Affairs, 2001).
- [16] [Ins. by Constitution \(86th Amendment\) Act, 2002](#)
- [17] Durga Das Basu, *Introduction to the Constitution of India*, 24th Edn., 2020.
- [18] [\(2003\) 8 SCC 369](#)
- [19] Justice Kurian Joseph, Judge of Supreme Court of India on “My Fundamental Duties under the Constitution of India”.
- [20] [\(1980\) 3 SCC 625.](#)
- [21] Government of India, Report: National Commission to Review the Working of the Constitution, Vol. II, p 373 (Ministry of Law, Justice and Company Affairs, 2001), pp. 388-393.
- [22] [1992 Supp. \(1\) SCC 594](#)
- [23]. [\(1996\) 5 SCC 647](#)
- [24] M.C. Mehta (Badkhal and Surajkund Lakes Matter) v. Union of India, [\(1997\) 3 SCC 715](#)
- [25] [\(2002\) 1 SCC 428](#)
- [26] [\(1991\) 2 SCC 353](#)
- [27] [\(2003\) 7 SCC 133](#)
- [28] [1984 SCC OnLine AP 107](#)
- [29] Article 29(1), Universal Declaration of Human Rights.
- [30] [1954 SCC OnLine US SC 33](#)
- [31] McDowell & Co. Ltd. v. CTO, [\(1985\) 3 SCC 230.](#)
- [32] Union of India v. Azadi Bachao Andolan, [\(2004\) 10 SCC 1](#)
- [33] Vodafone International Holdings BV v. Union of India, [\(2012\) 6 SCC 613](#)
- [34] Kritika Sharma Sebastian, “Guidelines to Protect Good Samaritans Soon”, The Hindu, Apr. 12, 2015

<http://www.thehindu.com/new/cities/bangalore/good-samaritans-law-is-now-on-your-side/article8390403.ece>.

[35] Vellore Citizens' Welfare Forum v. Union of India, (1996) 5 SCC 647.

[36] The Protection of Children from Sexual Offences Act, S. 20, 2013.

[37]. (1980) 3 SCC 625.

[38] Indian Constitution, Article 51(j).