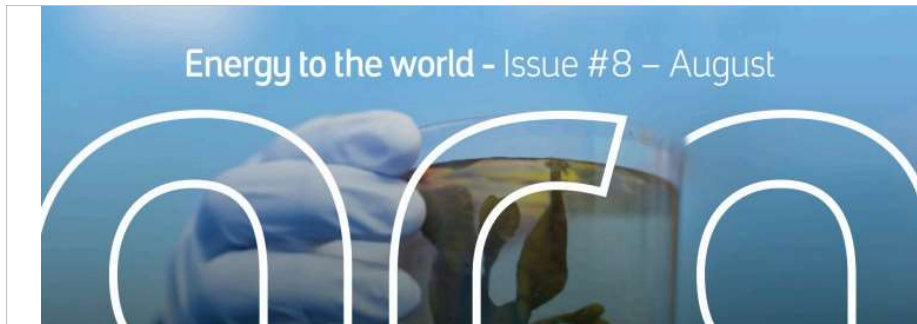


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Effectuation of fundamental duties a continuing task: Attorney General to SC

The top court was hearing a plea filed by the Centre for enactment of well adherence to the fundamental duties as e

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A month after the RG Kar incident, Kolkata is a city at the barricades

By: **PTI**

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Attorney General R Venkataramani. (File photo)

Effectuation of fundamental duties is and will always be a continuing task, calling for duty-specific legislations, schemes and supervision, Attorney General R Venkataramani told the Supreme Court on Wednesday.

Venkataramani told a bench of Justices Sanjiv Khanna, Sanjay Kumar and R Mahadevan that the apex court and various high courts have time and again reiterated that it is not for the judiciary to direct the legislature to enact a law in a particular manner and courts ought to be circumspect about stepping in to fill any perceived gaps, particularly when the issue at hand is under active consideration by the legislature.

The top court was hearing a plea filed by lawyer Durga Dutt which sought direction to the Centre for enacting well defined laws/rules fundamental duties as enshrined in the Constitution.

“The judiciary and this court in particular, has also about taking steps to give effect to fundamental duties as far as possible. While examining the importance of fundamental duties in various cases, this court has consistently opined that such duties provide a valuable guide and aid to the

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ON ALL CITIZENS OF INDIA, VENKATARAMANI SAID IN HIS WRITTEN NOTE.

The top court had sought the assistance of the top-most law officer on February 21, 2022, while issuing notice to the Centre in the matter.

“It is clear that the effectuation of fundamental duties is and will always be a continuing task, calling for duty-specific legislations, schemes and supervision. Ministries, both at the Central as well as at the state level, in relation to education and culture, may be called upon to continue to be engaged in the above regard,” he said in the note.

Venkataramani said the executive as well as the judiciary have always been aware that mere incorporation of these duties in Article 51-A of the Constitution is insufficient to ensure that they are actually effectuated, particularly given their non-justiciable status.

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He said that to address these concerns, the Centre had in 1998 constituted a committee to operationalise the suggestions to tea citizens of the country.

The senior-most law officer said it is well settled t justiciable per se and their implementation lies within the domain of the executive.

“Thus, it is submitted that this court may be pleased to take note of the various steps proposed/taken and accordingly close the present proceedings, subject to any directions as may be deemed fit to be passed by this court in this regard,” he

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The plea sought issuance of directives to ensure adherence to the mandates as postulated under Part IV-A of the Constitution and said that non-adherence to them has a direct bearing on the exercise and enjoyment of the fundamental rights guaranteed under Articles 14, 19 and 21 for formulation and operationalisation of appropriate scheme providing incentives to the citizenry for their adherence.

It said the fundamental duties are intended to serve as a constant reminder to every citizen that while the Constitution conferred on them certain fundamental rights specifically, it also requires citizens to observe certain basic norms of democratic conduct and behaviour because rights and duties are correlative.



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It has sought directions to Centre and states for framing guidelines for taking appropriate steps to sensitise people and spread general awareness among the citizens in relation to performance of fundamental duties under the Constitution.

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