

'NO NEED FOR LAWS TO ENFORCE DUTIES ON CITIZENS'

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

Attorney-General K.K. Venugopal on Monday said there was no need to enact specific laws to “enforce” fundamental duties on citizens.

Mr. Venugopal, in his capacity as a constitutional officer, said the Supreme Court cannot issue mandamus to Parliament to make such laws.

Lawyer's petition

A Bench led by Justice Sanjay Kishan Kaul said the court had been very circumspect in entertaining a public interest litigation (PIL) petition filed by lawyer Durga Dutt to enforce the fundamental duties of citizens, including patriotism and unity of nation, through “comprehensive, well-defined laws”.

Mr. Venugopal took objection to the petitioner's lack of research, saying had he cared to look, the Ministry of Law and Justice website would have shown him detailed accounts of the “tremendous work” done by the government to create awareness among the public of their fundamental duties.

Mr. Dutt had wanted to know what the government had done to comply with the Supreme Court's direction in the Ranganath Mishra judgment of 2003 regarding the implementation of the Justice J.S. Verma Committee's report on the “operationalisation of fundamental duties”. The committee's work was a part of a report of the National Commission to Review the Working of the Constitution. The report had urged the government to sensitise people to, and create general awareness of, their duties and the protection of minorities and freedom of religion.

The Supreme Court, on February 21, issued notice to the Centre and the States on this question.

“I object to this petition... The Department of Justice website shows the tremendous amount of work which has been done for the purpose of sensitising people, both citizens and the students, about Article 51A. The duties are part of the school curriculum... The President and the Prime Minister have addressed this aspect from time to time. A one-year awareness drive was launched,” Mr. Venugopal, who was called in to assist the court, submitted.

'Govt. could file affidavit'

However, the court said the government could very well file an affidavit, based on which the Bench could deal with the petition.

Counsel appearing for the Solicitor-General's office, representing the government, agreed to file the response in four weeks.

The court listed the case in July, after the summer vacations.

END

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