

## CONCEPT OF DUTY VIS-A-VIS MODERN STATE WITH SPECIAL REFERENCE TO FUNDAMENTAL DUTIES UNDER INDIAN AND USSR CONSTITUTION

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### Abstract

*The Fundamental Duties as present in Part IV-A of the Indian Constitution are said to be 'borrowed' from the Citizen's duties enumerated in constitution of the erstwhile Union of Soviet Socialist Republic (USSR). A comparative study of both constitutional provisions is sought to be done to see the extent, scope and nature of duties per se, as they stand in comparison, enshrined in their respective constitutional documents. Henry Sturt explains the origin of the sentiment of duty. To feel a duty implies at least three things: (i) that a service is claimed from us; (2) that we feel the force of the claim; (3) that a certain effort is necessary to perform the service. As early as 1795, new European republics issued declarations of duties to accompany their new declarations of rights. In 1948, The Universal Declaration of Human Rights also recognised "Everyone has duties to the community in which alone the free and full development of his personality is possible." The research paper will put light on the concept of moral and legal duties and its enforceability under Indian Constitution with comparative analysis to various countries.*

**Keywords:** Fundamental duty, Indian Constitution, USSR Constitution, Universal Declaration of Human Rights

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## Introduction

The Fundamental Duties as present in Part IV-A of the Indian Constitution are said to be ‘borrowed’ from the Citizen’s duties enumerated in constitution of the erstwhile Union of Soviet Socialist Republic (USSR). A comparative study of both constitutional provisions is sought to be done to see the extent, scope and nature of duties per se, as they stand in comparison, enshrined in their respective constitutional documents.

The National Commission to Review the Working of the Constitution<sup>1</sup> has, in a precise manner, summed up the scope and importance of duties in the following manner:

*When the leaders and the rulers talk of citizenship values, they tend to talk in the language of “you, the people should”. They forget that they are not outside the people, they are also first and foremost the citizens of India and it is as much for them as for others to respect the citizenship values. In fact, in the discharge of their functional responsibilities and duties, they have an additional responsibility to protect and promote citizenship duties and fulfil the oaths they take. Ideally, a proper balance and harmony can be achieved if the State – high functionaries of the Government and the leadership generally – cease to lecture the citizens on their duties and devote their*

*energies and attention to protecting their rights, and the citizens themselves lay greater emphasis on discharging their responsibilities and duties instead of all the time demanding fulfilment of their rights.*

Moreover, herein lies the utility of duties to make provisions for a proactive role by the citizen in the polity and the democratic process by bestowing upon them duties of loyalty to the nation and ideals that are cherished and held sacred by it. In achieving this, the most crucial aspect is striking the appropriate balance between individual liberty and demands of civil society.

## CONCEPT OF DUTY & MODERN STATE

Henry Sturt<sup>2</sup> explains the origin of the sentiment of duty. To feel a duty implies at least three things: (i) that a service is claimed from us; (2) that we feel the force of the claim; (3) that a certain effort is necessary to perform the service.

It has been an eternal paradox in jurisprudence that whether law is a system of rights or of duties. Legal right, however we define it, must mean some enlargement, or at least some guarantee, of individual freedom of action or of enjoyment; while legal duty denotes some restriction, necessitated by the interests of others, upon self-interest. The

<sup>1</sup> Government of India, National Commission to Review the Working of the Constitution : A Consultation Paper on ‘Effectuation of Fundamental Duties of Citizens (Ministry of Law and Justice, 2001)

<sup>2</sup> Henry Sturt, “Duty”, 7, *International Journal of Ethics*, 334 (1897)

conventional doctrines of jurisprudence return the answer that every legal system is made up, and *must* be made up, both of rights and duties, and that the two things are reciprocal constants, indissociable part and counter-part of a wide variety of legal relationships.<sup>3</sup>

In classis Hohfeld analysis, he has put duty as the jural co-relative of right. So if, A has a right against B, this is equivalent to B having a duty to honour A's right. If B has no duty, that means that B has a privilege, i.e. B can do whatever he or she pleases because B has no duty to refrain from doing it, and A has no right to prohibit B from doing so. Each individual is located within a matrix of relationships with other individuals. By summing the rights held and duties owed across all these relationships, the analyst can identify both the degree of liberty — an individual would be considered to have perfect liberty if it is shown that no one has a right to prevent the given act — and whether the concept of liberty is comprised by commonly followed practices, thereby establishing general moral principles and civil rights.<sup>4</sup>

Sir Frederick Pollock, who regards law as primarily a system of duties, defines rules of

law as "the duties of subjects under the common authority of the State."<sup>5</sup> Léon Duguit went as far as to state in his seminal work *Manuel de droit Constitutionnel*<sup>6</sup>: "*The decisive regeneration will consist above all in always substituting duties for rights in order the better to subordinate personality to sociability.*" Thus, attacking the individualistic conception of natural rights. Rights by nature mean nothing. It is impossible to conceive man as anything else than a social creature, involved in an "inescapable plexus" of relationships with his fellows. These relationships, Duguit holds, are never of rights, but always of duties, insisting that man has only but one right, which is "right to do his duty".

L.T. Hobhouse succinctly takes this forward:

*Rights and Duties, then, are conditions of social welfare or for a life of harmony to which every member of a community stands in double relations. He has his share in it. That is the sum of his rights. He has to contribute his share. That is the sum of his duties. Rights are what we may expect from others and others from us, and all genuine rights are the conditions of social welfare.*

As early as 1795, new European republics issued declarations of duties to accompany their new declarations of rights. These were seen as measures, among others, to help

<sup>3</sup> Carleton Kemp Allen, "Legal Duties", XL, *Yale Law Journal*, 331 (1931)

<sup>4</sup> See W.N. Hohfeld, "Fundamental Legal Conceptions as Applied in Judicial Reasoning and Other Legal Essays" (1919)

<sup>5</sup> Pollock, *FIRST BOOK OF JURISPRUDENCE* (6th ed. 1929) 57

<sup>6</sup> Léon Duguit, *Manuel de droit Constitutionnel : théorie générale de l'état-organisation*, (Paris, 3<sup>rd</sup> edn., 1918)

govern the states under a new system of democracy. Some of these early constitutional duties included the duty of the citizen to obey the law, the duty of the officeholder to be free from corruption, and some had moral duties like : to be a good husband, father, brother, and son. Some nations even included a variation of the Christian Golden Rule : “Do nothing to others that you would not wish done to yourself, and do for others all good that you would wish to receive.”<sup>7</sup> These early examples have successors in modern constitutions.<sup>7</sup>

In 1948, The Universal Declaration of Human Rights also recognised “Everyone has duties to the community in which alone the free and full development of his personality is possible.”<sup>8</sup> In consequence laying obligation that the member states are bound to respect and undertake action to facilitate and effectuate them.

Duties can be universal which would be binding on all citizens on the community, particular when the individuals voluntarily undertake them or general duties relating to specific classes of people. Other nature of duty may be moral or legal, positive or negative.

## FUNDAMENTAL DUTIES IN CONSTITUTIONS OF THE WORLD<sup>9</sup>

About 55 Constitutions of the nation’s today list a duty to work or provisions of similar effect in their constitutions. 86 nations impose duties in the nature of duty to pay taxes. When it comes to duty to serve in the military at a specified time, 117 nations have provisions mandating it. Most also have provisions for conscientious objectors. In comparison, provisions which ensure the duty of binding effect of the constitutional rights are only found only in 41 countries but most commonly found is the duty to obey the constitution (in 117 countries).

In Germany, we can see in the “Basic Law” parents and the “national community” have duty to care for their children. It also has provision of duty of military service for all males eighteen years of age or older and loyalty to the Constitutions of all citizens (even above other freedoms such as freedom of expression or teaching). In Australia, as well as in Greece and Cyprus there is an explicit duty to vote under the constitution and failure to do so is punishable under the constitution. The Japanese though are seemingly laying more emphasis on duties

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<sup>7</sup> W.Kent Davis, “Answering Justice Ginsburg's Charge That the Constitution is "Skimpy" in Comparison to Our International Neighbors: A Comparison of Fundamental Rights in American and Foreign Law”, 39, *South Texas Law Review*, 986 (1998)

<sup>8</sup> United Nations Universal Declaration of Human Rights, art.29 (1)

<sup>9</sup> Comparative Constitutions of the World, available at <https://www.constituteproject.org/search?lang=en&key=milser> (last visited on September 20<sup>th</sup>, 2015)

than rights, the Showa Constitution states duties to pay taxes, to provide education, and the duty and obligation to work.”

The so-called Third World countries also have comprehensively incorporated duties in their national constitution. The Ugandan Constitution, clearly recognises that there are no rights without duties demonstrating it by “Duties of Citizen” including loyalty the country, the duty to uphold and defend the constitution and the support of democracy and the rule of law. Sri Lanka has duties to further and foster national unity and interest. A most interesting one is the duty to protect public property and to combat misuse and waste of public property.

Whereas China has uniquely incorporated among other duties, the “*duty to practise family planning*” and a provision alike Germany of “*Duty towards family*” to rear and educate their minor children and children who have come of age having the duty to support and assist their parents.

In United States of America and United Kingdom, such responsibilities are imposed by common law and by statute and no attempt has been made to judicially enumerate those duties which flow from the Constitution. The common law duties are mostly same like “*Allegiance to State*”: This

duty of the citizen extends to even abroad, in lieu of the protection he enjoys from his state. Its breach is punishable as offence of ‘treason’.

## USSR: CITIZEN’S DUTIES

The current Russian Constitution was adopted in 1993 by the Russian state with universal adult franchise and multiple political parties. It must be noted that since the abdication of the Tsar in 1917 as culmination of the October Revolution, Russia was under a system of *soviets* (meaning council) with the USSR Supreme Soviet at the top. With the creation of Union of Soviet Socialist Republic (USSR) in 1922, the first USSR Constitution came in 1924. However, it was the 1936 Constitution which was popularly known as the ‘Stalin Constitution’ due to the heavy influence of Stalinist theory of “socialism in one country” required a strong State backed by strong law with changed economic basis of ‘full planning by the centre’. Hailed as “masterpiece” presenting an ‘idyllic picture of a well-ordered State with Citizen’s rights and duties set out for the first time at USSR level’. This part was frequently cited as by Stalin to prove the regime's "most democratic" nature<sup>10</sup>. Later during the authority of Khrushchev, in 1962 began drafting of a new constitution

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<sup>10</sup> Jingyuan Qian, “A Brief Research on 1936 Soviet Constitution under Joseph Stalin”, 2, *The Macalester Review*, 8 (2011)

‘taking into account USSR’s enhanced international status at the centre of a world system of socialist states .’<sup>11</sup>

### **Analysis of Fundamental Duties in 1936 Constitution**

The rights and duties of the citizens were defined in Chapter X consisting of sixteen clauses. The Soviet constitution of 1918 proclaimed the principle of internationalism – the “Stalin Constitution” as “Pravda” terms it – declares: “The defence of the fatherland is a holy duty of every citizen of the of the U.S.S.R.” (Article 133). Article 130 states the civic duty of every citizen of the U.S.S.R. to abide by the Constitution, to observe the laws, to maintain labor discipline, honestly to perform public duties, and to respect the rules of socialist intercourse. The author however criticizes this “... as the most enlightening in the Constitution, since it perfectly exemplified how an authoritarian government legitimized its suppression of individual members of society. The rights enumerated within Chapter X gave various freedom of speech, religion, assembly etc. but these were then made limited by the language of Article 130. The scope of this been explained as “tacitly stated that anyone who holds dissident opinions or actions against

the Soviet authority's commands and orders will be "constitutionally" deprived of those inalienable rights” with the use of word ‘treason’ for such offences prosecuted with ‘all the severity of the law as the most heinous of crimes’ words in Article 130. “Since the extension of "rules of socialist intercourse," "labor discipline" or "public duties" were not clearly defined, Soviet rulers could apply those ambiguous restrictions to any speeches or actions considered by them as dangerous to their ruling order.” The Soviet citizens have only the rights of conformation, but not resistance.”<sup>12</sup>

The author perceives this as more of a proclamation of Communist rule than with declaration of a nation’s basic law. By the language of Article 126 it is evident that “no *political* organisations apart from the official Communist Party are allowed, as the Communists are to play the part of the “leading kernel of all organisations of the working people”, the freedom of organisation, speech and coalition is clearly limited to supporters of the official point of view.<sup>13</sup> With these clauses, the Stalin regime rationalized its censorship and suppression of any forms of resistance or even attempts of it by the citizens.

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<sup>11</sup> Jane Henderson, *The Constitution of the Russian Federation: A Contextual Analysis* (Hart Publishing, Portland (Oregon) United States, 2011)

<sup>12</sup> *Supra* note 10 at 8

<sup>13</sup> Peter Petroff (Translated by Ted Crawford), “New Constitution of the U.S.S.R.”, *Labour*, 266-67 (1936)

Further, **Article 131 called upon** every citizen of the U.S.S.R. to “safeguard and strengthen public, socialist property as the sacred and inviolable foundation of the Soviet system, as the source of the wealth and might of the country, as the source of the prosperous and cultured life of all the working people. Persons committing offences against public, socialist property are enemies of the people.” This sanctified the notion of public property central to Communism philosophy.

Article 132 mandated military service as law and an “honorable duty” of the citizen to be discharged.

Apart from Chapter X, Article 12 also declared a ‘duty to work’ standing as the symbol of the socialist system of USSR : ‘From each according to his ability, to each according to his work.’ It even extended to state that for every able bodied citizen, “He who does not work, neither shall he eat.” Stalin here declared the socialist nature of Soviet Union and real economic condition of the State.

This constitution used plenty of ambiguous statements throughout its body, creating abundant "empty spaces" for rulers to interpret its actual meaning and implementation. The deliberate lack of detail in the Stalin Constitution may explain why

the so-called "most democratic document" was too enfeebled to prevent people from suffering the Great Purge and later catastrophes.<sup>14</sup>

### **Analysis of Fundamental Duties in 1977 and 1993 Constitution**

It may be noted that though the subsequent changes of Constitutions are not within the scope of our comparative analysis, we may in short discuss about this. Under Chapter 7 of the 1977 Constitution, ‘the Basic Rights, Duties and Freedoms of the Citizens of USSR’ were enumerated. The new Constitution explicitly stated that the ‘exercise of rights and freedoms shall be inseparable from the performance by a citizen of his duties.’ It further increased the number and scope of duties in the 1936 constitution by re-casting them and additions included in the form of Article 66 where parents were made obliged for upbringing of the child and ‘train for socially useful work’, at the same time children were made obliged to take care and help parents. Duties towards nature preservation (Article 67) and conservation of historical monuments and cultural values (Article 68) were also added anew.

The new 1993 Constitution based on policy of *Perestroika* of Gorbachev brought about respect for law and an aspiration towards

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<sup>14</sup> Supra note 10 at 8

constitutionalism and rule of law. Article 60 says, “A citizen of the Russian Federation may exercise his or her rights and duties in full from the age of 18.” While retaining the duty to environment and to defend the Fatherland in Articles 58 and 59, Article 57 was inserted to ‘pay taxes’. “ However this did not stop the Constitutional Court in 2005 from interpreting the statute of limitations in a way which allowed a court to ignore the expiry of the limitation period when a taxpayer has engaged in ‘lawful actions’. This case was related to the tax authorities suing YUKOS for back taxes from 2001.<sup>15</sup>

### **Enforceability of Citizen’s Duties**

Though there is no explicit provision in the Russian Constitution which speaks of enforceability of the duties of the citizen directly, we may look at the criminal and civil provisions of the country to cull out specific offences related to them.

Section 1, Article 15(2) of constitution of the Russian Federation, 1993 places the burden of observing the **Constitution and its laws on** State government bodies, local self-government bodies, officials, citizens and their associations.

The Criminal Code Of The Russian Federation<sup>16</sup> as adopted by State Duma in

1996 lists the specific crimes which in serve the purpose of protecting the citizen’s duties enlisted in the Constitution :

Part II, Chapter 19 Crimes Against the Constitutional Rights and Freedoms of Man and Citizen lists under Article 145.1. Non-payment of wages, pensions, stipends, allowances and other payments as a punishable act. We may here recall that this provision can be linked to the ‘Duty to work’ in 1936 Constitution where the principle of ‘equal pay for equal work’ was enshrined. Such non-payment for work done penalises as well as punish heads of enterprises, agencies or organisations ‘regardless of their form of ownership out of mercenary or other personal interest.

Chapter 26 under the head of ‘Ecological crimes’ prescribes punishment such as disqualification to hold specified offices or engage in specified activities, deprivation of liberty punishable and deprivation by corrective labour for a wide range on offences ranging from “Violation of the Rules for Environmental Protection During the Performance of Works” or Violation while Dealing with Environmentally Hazardous Substances and Waste, Microbiological or Other Biological Agents or Toxins even ‘Veterinary Rules and Rules

<sup>15</sup> Supra note 11 at 8

<sup>16</sup>The Criminal Code Of The Russian Federation, 1996 (Federal Law No. 64-FZ of June 13, 1996)



for Control of Epidemics. Pollution of waters, atmosphere, marine environment, deterioration of land, illegal hunting of aquatic animals and harvesting aquatic plants or contravention of the laws of the Russian Federation on the Continental Shelf and on the Exclusive Economic Zone are all included in the ambit of this Chapter. Thus the 'duty towards environment' is comprehensively covered and any violation strictly results in punishment as prescribed.

Part II, Section VII under Chapter 20 Crimes against the family minor whereby Article 156 declares failure to discharge or to improper discharging of the duties of bringing up a minor by a parent, teacher or by any other person charged with these duties, if such deed is associated with the cruel treatment of the minor, it is made punishable by a fine or by restraint of liberty for or by deprivation of liberty with disqualification to hold specified offices or to engage in specified activities for a term of up to three years, or permanent disqualification. Thus, this gives teeth to the 'obligation of parents towards children.'

So, we may see here that though under the Russian constitutional structure while the enforcement of rights can be availed via the Procuracy (which is a sort of supervision of legality) or an appeal by citizen to the Courts

or even the Plenipotentiary for Human Rights who is an kind of ombudsman available to an individual seeking redressal in case of violation of his/her rights, there are no direct provisions similarly for duties and their enforcement. Now additionally the European Convention on Human Rights is also directly applicable in Russia as well.

### **INDIA: FUNDAMENTAL DUTIES**

The original Constitution of India did not contain any fundamental duties. There appear to be good reasons why the authors of the Constitution did not feel the need of enacting the Fundamental Duties in the Constitution as firstly, the basic and inherent values of the Indian society nurtured at home and in schools would not allow aberration from noble ideals; secondly Preamble itself spelt the Indian people's dedication to fulfilling ideals and aspirations of justice, liberty, equality and fraternity and lastly Fundamental Rights had inbuilt obligations therein.<sup>17</sup>

It was only in 1976 that 'Fundamental Duties' of the citizens of India were added. This idea of incorporating the duties in the Constitution itself was inspired by the erstwhile USSR, China and Japan<sup>18</sup> wherein USSR was the first socialist constitutions to

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<sup>17</sup> Government of India, National Commission to Review the Working of the Constitution : A Consultation Paper on 'Effectuation of Fundamental Duties of Citizens (Ministry of Law and Justice, 2001)

<sup>18</sup>Dr. D.D.Basu, *Commentary on the Constitution of India*, 4215 (Lexis Nexis, Nagpur, 8<sup>th</sup> edn., 2008)

declare that citizen's exercise of their rights and freedoms was inseparable from the performance of their duties and obligations. It also brought the Constitution in line with the Universal Declaration of Human Rights as well.

The Sardar Swaran Singh Committee appointed in 1976 recommended the inclusion of fundamental duties as a separate chapter and as such was accepted and enacted by the Government via the 42<sup>nd</sup> Constitutional Amendment Act, 1976 containing ten duties. Today, Part IVA containing Article 51A enlists 11 duties, the last of which was added in 2002 via the 86<sup>th</sup> Amendment Act when 'Right to education' was included as Fundamental Right placing duty on every citizen of India "who is a parent or guardian to provide opportunities for education to his child or ward between the age of six and fourteen years."

#### **Article 51A<sup>19</sup>**

The Article incorporates some moral duties like 'cherishing the noble ideals of freedom struggle' and also civic duties of 'respecting the constitution, National flag and National anthem'. These along with 'promote harmony and spirit of common brotherhood and to renounce practices derogatory to the dignity of women' are "clearly intended to

meet certain specific political interests that democracy in India has to contend with."<sup>20</sup> They also refer to such values and traditions that are essentially Indian and to preserve 'the rich heritage of our composite culture.'

Dr. D. D. Basu explains that inclusion of the duty to cultivate 'scientific temper, humanism and spirit of inquiry and reform' is a unique feature aimed at eradicating religious fanaticism, regional chauvinism and linguistic frenzy which have and continue to plague Indian society.<sup>21</sup>

Under duty to improvement of environment, the Supreme Court has read it as a duty of the government to make this provision effective by taking steps to prevent damage to flora, fauna and wildlife, by adopting measures such as environmental educational lessons in schools and even introduce citizen aimed cleanliness weeks.<sup>22</sup>

#### **Analysis of Fundamental Duties**

Author M.P.Jain<sup>23</sup> states that duties contained in sub clauses (b), (f), (h) and (j) do not convey any definite ideas and are vague and ambiguous as it is capable of being given different interpretations.

Whereas there are some duties identified by the 1999 Justice Verma Committee on Fundamental Duties of Citizens which can be

<sup>19</sup> Constitution of India, art.51A

<sup>20</sup> Supra note 10 at 9

<sup>21</sup> *Ibid.*

<sup>22</sup> *M.C.Mehta v. Union of India* AIR 1988 SC 1115

<sup>23</sup> M.P.Jain, *V.N.Shukla's Constitution of India*, 315 (Eastern Book Company, Lucknow, 10<sup>th</sup> edn.,)

implemented by existing legal provisions, for example the 'Prevention of Insults to National Honour Act, 1971' prevents disrespect to Constitution of India, national flag and anthem; the criminal law provisions and 'Protection of Civil Rights Act, 1955' provide punishments for discriminating on grounds of race, language, place of birth, religion as well as protecting the sovereignty and integrity of India ; the 'Wildlife (Protection) Act, 1972' and 'Forest (Conservation) Act, 1980' are legislations punishing offences related to the environment and animal life. The Verma Committee was conscious of the fact that any non-operationalization of Fundamental Duties might not necessarily be the lack of concern or non-availability of legal and other enforceable provisions; but it was more a case of lacuna in the strategy of implementation.<sup>24</sup> But speaking generally the Duties are non-justiciable as the Constitution does not provide for their direct enforcement unlike the Fundamental Rights in Part III. This is a blow to their significance and value.

But the role of the fundamental duties cannot be discounted in the citizen's life as they are the source of inspiration and reminder to be conscious of duties they owe to their country. While describing the Indian political system

and structure, The Report of National Commission to Review the working of Constitution, 2002<sup>25</sup> clearly states the importance of fundamental duties in Indian constitutional structure:

The political, social and economic philosophy of the Constitution is reflected in the Preamble of the Constitution which declares India a "sovereign, socialist, secular, democratic, republic". The Preamble read with the Directive Principles of State Policy presents the socio-economic goals of the Constitution. Fundamental Rights and Fundamental Duties are the means by which the socio-economic goals of the Constitution are to be realized.

Evidently, they also help the courts to examine and determine the constitutional validity of a law by acting as a tool for interpretation. They provide a valuable guide as in case of doubt or choice, people's wish as manifested through Article 51A can serve as a guide not only for resolving the issue but also for construing or moulding the relief to be given by the Courts. "Constitutional enactment of fundamental duties, if it has to have any meaning, must be used by courts as a tool to tab, even a taboo, on State action drifting away from constitutional values."<sup>26</sup> "The Courts may also look at the Duties

<sup>24</sup> Supra note 10 at 9

<sup>25</sup> Government of India, Report of National Commission to Review the working of Constitution (Ministry of Law and Justice, 2002).

<sup>26</sup> *A.I.I.M.S. Students Union vs A.I.I.M.S.* AIR 2001 SC 3262

while interpreting equivocal statutes which admit of two constructions.”<sup>27</sup> Even while giving relief to a party, the Court should consider whether in doing so, it would be defeating a fundamental duty.

## CONCLUSION

An analysis of both the chapters of USSR and India with respect to duties reveals that if merely the 1936 constitution was the genesis of the idea of incorporating Fundamental Duties formally in our constitution, it was merely as much. The Indian legislature expanded the scope and ambit of these duties to include wide range of subjects and even culture and traditions along with morals. The duty to environment and protection of heritage formed a part of the 1977 Constitution of USSR whereas these already were part of Article 51A at time of its inclusion in 1976.

When it comes to enforceability or specific prohibition, there is no legal sanction attached to fundamental duties and they along with Directive Principles of State Policy in Part IV and the Fundamental

Duties in Part IVA “form a compendium and have to be read together.” Thus, the Fundamental Duties have an “inherent element of compulsion regarding compliance.” Due to lack of access to Russian case laws, an effort was made much similar to the Justice Verma Committee Report to identify within the Russian Constitution and criminal law statute provisions, which by their nexus with the stated Duty make implementation a reality within the existing legal framework.

It may be contended that Duties by their very nature cannot be practically enforced. They ought to obey by the citizen out of sheer will. But in the Indian context today, the Duties today “have the element of compulsion regarding compliance.”<sup>28</sup>

Thus we may end by saying Rights flow only from duties well performed. Duty is an inalienable part of right: What is duty for one is another person’s right and respect human life and not to injure another person. If everyone performs his/her duty, everybody’s rights would be automatically protected.

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<sup>27</sup> *Mumbai Kamgar Sabha v. Abdulbhai* AIR 1976 SC 1455

<sup>28</sup> *Supra* note 18 at 12