

to the supreme need of the safety of the State. Hence, during emergency the rights remain suspended. Such an order may extend to the whole or any part of the territory of India. The constitutional remedies for the enforcement of the fundamental rights cannot be suspended during normal times without the amendment of the Constitution by the Parliament. But during the emergency the right to constitutional remedies can be suspended by the President by an executive decree. It is true that the nature and the scope of this power is absolute and unlimited and may be open to abuse but in the larger interests of the State such power is deemed necessary."

According to Article 33, Parliament has the power to modify the rights guaranteed to the citizens, which may in their application to the members of the Armed Forces or the Forces charged with the maintenance of public order be restricted or abrogated so as to ensure the proper discharge of their duties and the maintenance of discipline among them.

Article 34: Notwithstanding the provisions regarding fundamental rights in Part III, "Parliament may be law indemnify any person in the service of the Union or of a State or any other person in respect of any act done by him in connection with the maintenance or restoration of order in any area within the territory of India where martial law was in force or validate any sentence passed, punishments inflicted, forfeiture ordered or other act done under martial law in such area."

Article 35, makes it clear that laws regarding matters relating to fundamental rights are to be enacted by the Parliament alone and the State legislatures have no power to deal with these matters.

FUNDAMENTAL DUTIES

In June, 1975, Mrs. Gandhi proclaimed Internal Emergency because of apprehended internal disturbances following the adverse judgement of the Allahabad High Court against her. Certain drastic amendments were made to the Constitution during this period. The main purpose of these amendments was to contain the apprehended

disturbance and large scale violation of constitutional provisions and law and order. The government wanted to strengthen its hands and the 42nd Amendment of the Indian Constitution.

Part IV A is inserted titled, "Fundamental Duties" saying: 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;
- (b) to cherish and follow the noble ideas which inspired our national struggle for freedom;
- (c) to uphold and protect the sovereignty, unity and integrity of India;
- (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 people of India transcending religious, linguistic and regional or sectional diversities, to renounce practice derogatory to the dignity of women;
- (f) to value and preserve the rich heritage of our composite culture;
- (g) to protect and improve the natural environment including forest, lakes, rivers and wild life and to have compassion for living creatures;
- (h) to develop the scientific temper, harmonism and spirit of enquiry and reform;
- (i) to safeguard public property and to abjure violence; and
- (j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.

The 42nd Amendment of the Indian Constitution was effected during the time of Emergency. There was the feeling that in India people were demanding too much of rights without being prepared to fulfil their constitutional obligations or duties. Rights and duties are complementary to each other. Mere insistence on rights is likely to vitiate the constitutional process. The Constitution of U.S.S.R. also provided the inspiration for inclusion of the provision of Fundamental Duties in our Constitution.