CHAPTER VI

A RENOVATED PART IV-A OF THE CONSTITUTION.

On the basis of the suggestions made in the preceding two chapters in the context of the crisis-ridden Indian society today, the renovation of Part IV-A appears imperative.

A Renovated List

A renovated Part IV-A of the Constitution, it is felt, should have the following Fundamental Duties for every citizen of India in Art. 51 A:

(a) "To abide by the Constitution and respect its ideals and institutions, National Flag and National Anthem".

(b) "To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities".

(c) "to renounce practices derogatory to the dignity of human beings".

(d) "Not to damage the natural environment including forests, lakes, rivers, wild life and to have compassion for living creatures".

108
(e) "to safeguard public property and to abjure violence".

(f) "To strive towards excellence in one's field, individually and collectively".

(g) "To educate oneself and others for developing scientific temper, spirit of enquiry and reform".

(h) "to perform one's work conscientiously and diligently".

(i) "to cast one's vote during the election of members for the legislative assembly and the Lok Sabha".

The Importance of the Renovated list in being more clear and comprehensive list than that in Part IV-A of the Constitution.

The above list can be irrefragably stated to be a more clear and comprehensive list in comparison to the Part IV-A of the Constitution. The importance of each of the duties can be seen in the context of the present Indian democratic system. Not only this, it can also be maintained that each of these duties is not only complementary to the other parts of the Constitution (especially the Preamble, the Directive Principles and Fundamental Rights) but also supplementary to them. They are, in fact, intimately linked with these parts of
the Constitution.

**Importance of clause (a) in the renovated list.**

The importance of clause (a) in Art. 51 A, i.e. "to abide by the Constitution and respect its ideals and institutions, National Flag and National Anthem," can be appreciated if one recognizes the fact that the well-being of a citizen depends on the development of the nation.

A constitution of a nation is the fundamental law of that land. To abide by the Constitution means to abide by the fundamental law. Hence, this duty is of prime importance. It is only when this duty is faithfully observed that the rule of law can be truly established on the Indian soil. The duty to abide by the Constitution implies the duty to uphold the Secular, Socialist, Sovereign, Democratic Republic of India, which is based on the principle of Rule of Law. Dicey's theory of the Rule of Law, which has found general acceptance among legal and constitutional thinkers, postulates that neither any man is above the law; nor is any one beyond its protection.

For strengthening the rule of law, a citizen must be law-abiding. At the same time, he must also be law-enforcing in areas where the law of the land
requires him to be so. Here it would be apt to recall
the following observation: "One lawless man, like one
lawless State, can destroy the peace of a substantial
part of his world"; or as Edmund Burke observed: "Among a
people generally corrupt, liberty cannot long exist".

The importance of the rule of law has been
convincingly put forth by Hobbes in chapter XIII of
"Leviathan" that "where there was no law or authority,
there was a "state of nature", in which every man is
enemy to every man", "in which there is no place for
industry......and consequently no culture of the earth;
no navigation.....no commodious building; ..... no
knowledge of the face of the Earth; no account of time;
no arts; no letters; no society; and which is worst of
all, continual fear and danger of violent death; and the
life of man, solitary, poor, nasty, brutish and short".

Since we the people of India have established a
Sovereign Democratic Republic, it is our duty to uphold
the rule of law which is the bedrock of our polity.
Therefore, the duty to protect and uphold the Secular
Socialist, Sovereign, Democratic Republic of India is
not a restraint on rights; as rights, like freedom of
speech and expression, freedom of movement, personal
liberty, etc, cannot flourish in India if its
sovereignty or its unity or its integrity is imperilled.
Hence, it can be said that clause (a) of the renovated list is intimately linked with the Fundamental Rights and the Preamble to the Constitution. Without a citizen's commitment to abide by the Constitution, the rule of law cannot be established in India. Here it would be pertinent to refer to Kipling's statement when England was facing adversities during the first world war that "Who lives if England dies". In the context of India, Pandit Nehru echoed a similar sentiment at the Lahore session of the Indian National Congress when he observed, while concluding his presidential address: "Who lives if India dies and who dies if India lives".

Importance of clause (b) in the renovated list.

The clause (b) of the renovated list is the same as the former clause (e) in Art. 51A, viz. "to promote harmony and the spirit of common brotherhood, amongst all the people of India transcending religious, linguistic and regional or sectional diversities".

There is no gainsaying the fact that this duty is important in the present scenario. When one looks at the present Indian society, one finds that the Indian society is riven with dissension on grounds of religion, language, caste and creed, giving rise to violence. On the growing lawlessness in India, a prominent writer
observes: "Not since the abolition of thuggery by Lord William Bentinck in the 1830s has violence characterised our national life on a scale so widespread and so unchecked as today". Drawing a lesson from our past history, we must eschew communalism, linguism, sectionalism, regionalism, etc. and thereby strengthen the foundations of our democratic polity.

This duty prescribed in the former clause of Art. 51 A(e) is important from another angle as well. Art. 25(1) of the Constitution guarantees to every person freedom of conscience and freedom to profess, practise and propagate religion. This seems inconsistent with the former clause of Art. 51 A(e). As has already been stated in chapter III, the Right to profess and practise religion is all right. But the right to propagate religion guaranteed by Art. 25(1) can hardly promote harmony and a spirit of brotherhood among the citizens. Very often one finds that the propagation of religion by two different religious communities leads to clashes, sparking off communal riots. The founding fathers of the Constitution had introduced this right in Art 25(1) as a fundamental right because they wanted to give total freedom in this sphere to all the citizens with the object of dispelling their apprehension that the State would be influenced by the dominant groups to
interfere with the religious practices of the minorities. The idea, though laudable, has given rise to conflicts between rival religious groups and the emergence of fissiparous religious tendencies and religious fundamentalism which threaten to destroy our secular polity. The incident of December 10, 1992 at Ayodhya is a grim reminder of the folly of our Constitution makers to incorporate into the fundamental rights the right to propagate one's own religion.

It is heartening to note that the duty mentioned in clause (1) of Art 51 A(e) can take care of these problems provided the people realise its importance and observe this duty both in letter and spirit.

**Importance of clause (c) in the renovated list.**

The clause (c) in the renovated list, which enshrines the duty" to renounce practices derogatory to the dignity of human beings" is important for any society. The moral principle which underlines this duty is beautifully expressed in the following statement of Abraham Lincoln: "If I would not be a slave, then I must not agree to own a slave". Srimad Bhagavad Gita and other holy scriptures lay adequate stress on this moral principle as the basis of human conduct and action. "Apply the same standard of conduct and action"to others
as you appply to yourself", says Srimad Bhagwad Gita.

Democracy, in its true sense, cannot be established unless certain minimal rights which are essential for a free and civilised existence, are assured to every member of the community. Bestowing rights upon an individual becomes meaningless unless inequality is banished from the social structure and each individual is assured of equality of status and opportunity for the development of the best in him, as also the means for the enforcement of the rights guaranteed to him. This, in nutshell, is essential for promoting the dignity of the human beings. As Dr. S. Radhakrishnan has said: "Poor people who wander about, find no work, no wages and starve, whose lives are a continual round of sore affliction and pinching poverty, cannot be proud of the Constitution or its law". It is not only a question of poor people, but of all those who are exploited, say, for example, the bonded labourers, the hapless children and women. Dr. Ambedkar, in his concluding speech in the Constituent Assembly had rightly said:"Political democracy cannot last unless there lies at the base of it social democracy. What does social democracy mean? It means a way of life which recognizes liberty, equality and fraternity which are not to be treated as a separate item in a trinity.
They form a union of trinity in the sense that to divorce one from the other is to defeat the very purpose of democracy. Liberty cannot be divorced from equality, equality cannot be divorced from liberty. Nor can liberty and equality be divorced from fraternity."

It is indeed an irony that a democratic country like India, has not been able to stop practices which are derogatory to the dignity of human beings. It is, therefore, imperative that it should be made a fundamental duty to eschew practices derogatory to the dignity of human beings.

**Importance of clause (d) in the renovated list.**

Clause (d) in the renovated list, viz: "Not to damage the natural environment including forests, lakes, rivers, wild life and to have compassion for living creatures", is a modified form of Art.51 A(g) in Part IV A of the Constitution. This duty is quite akin to the duty discussed above with reference to clause (c) of the renovated list. While the duty listed in clause (c) aims at preserving human dignity, the duty listed in clause (d) aims at preserving the dignity of the "earth". We owe our existence to earth. It is a planet that supports our life. It is the home of human beings, animals and plants. The environment of our earth is
unique. It has a tremendous capacity to hold and absorb waste material. But its capacity is not limitless and, beyond a point, it cannot absorb the waste material. Harmful effect on our environment would lead to harmful effect on our plants, animals and human beings. Therefore, the protection of environment assumes special significance in the present day world when indiscriminate use of fossil fuel, merciless felling of trees, dumping of toxic materials in seas, etc. threaten to degrade the environment and the quality of our life.

Preservation of environment is of national as well as of international concern today. U. Thant, Secretary General of UNO (1961-71), in one of his articles titled 'Man, the Killer of Nature', observes:

"Five hundred million hectares (1,235 million acres) of arable land have already been lost through erosion and salinization, two thirds of the world forests have been lost to production and 150 kinds of birds and animals have become extinct because of man. Approximately 1,000 species or races of wild animals are now rare or in peril. Erosion, soil deterioration, deforestation, watershed damage and the destruction of animal and plant life continue and in some areas are increasing". This is the magnitude of the problem and it is affecting practically all countries of the world. The ecological
disequilibrium is threatening the whole mankind.

The responsibility for meeting these challenges rests squarely on the citizens. Man survives by using plants and animals as food. All animals, in the same way, directly or indirectly depend on the plants. On this inter-relationship depends ecological balance. When the ecological balance is disturbed, disastrous consequences are bound to follow.

Realizing this, at the national level, Senator Gaylord Nelson, Wisconsin Democrat, introduced a one paragraph amendment to the U.S. Constitution in January that reads: "Every person has the inalienable right to a decent environment". The United States and every State shall guarantee that right. This right to a decent environment implies the duty to take care of one's environment and not to damage it.

There is a symbiotic relationship between vegetation and human beings, as it is between the natural environment and the life of living beings. Hindus were conscious of the reality in early years that their existence depended on the welfare of flora and fauna of the country. But unfortunately, we tend to overlook this, overpowered as we are by our insatiable greed. The present ecological crisis stems from the modern man's overpowering ego that he is capable of
enslaving the nature with the help of modern technological and scientific devices. In the process, he is destroying the environment, and thereby destroying his own self. Referring to the high purpose of the measure for protection of environment and ecology, the Supreme Court said: "The State to which the ecological imbalances and the consequent environmental damage have reached is so alarming that unless immediate, determined and effective steps were taken, the damage might become irreversible. The preservation of the fauna and flora, some species of which are getting extinct at an alarming rate, has been a great and urgent necessity for the survival of humanity and these laws reflect a last ditch battle for the restoration, in part at least, a grave situation emerging from a long history of callous insensitiveness to the enormity of the risks of mankind that go with the deterioration of environment. The tragedy of the predicament of the civilized man is that "Every source from which man has increased his power on earth has been used to diminish the prospects of his successors. All his progress is being made at the expense of damage to the environment which he cannot repair and cannot foresee". Gandhiji rightly said :"The earth has everything man needs; only it cannot satisfy his greed".

119
The need of the hour, therefore, is to lay down moral guidelines to create an ethical framework, and evolve an environmental ethics. As development of environmental ethics can go a long way in arresting the degeneration of environment, the fundamental duty prescribed in clause (d) of the renovated list, viz: "not to damage the natural environment including forests, lakes, rivers, wild life and to have compassion for living creatures", assumes special importance.

**Importance of clause (e) in the renovated list.**

The duty "to safeguard public property and abjure violence" is important in today's world. In India we have democracy and we enjoy all rights which are essential for running a democratic system successfully. In democracy, there is no place for violence. Even during the freedom struggle when we were fighting against foreign rule, our leaders had taken recourse to methods of non-violence. But now, when Constitutional methods are available, there is absolutely no justification for adoption of violent methods of redressal of our grievances. Violence sets in chain reaction and has to be eschewed at all costs.

It was rightly observed by Dr. B.R.Ambedkar in the Constituent Assembly on 25th November, 1949: "If we
wish to maintain democracy not merely in form, but also in fact, what must we do? The first thing, in my judgement we must do is to hold fast to constitutional methods for achieving our social and economic objectives. It means that we must abandon the bloody methods of revolution. It means that we must abandon the methods of civil disobedience, non-co-operation and Satyagraha. When there was no way left for constitutional methods for achieving economic and social objectives, there was a great deal of justification for unconstitutional methods. But when constitutional methods are open, there can be no justification for unconstitutional methods. These methods are nothing, but the Grammar of Anarchy and the sooner they are abandoned the better for us.  

Moreover, it is important to safeguard public property. Firstly, vandalism is a negation of civilised behaviour and it must be eschewed by all of us. Secondly, it is our sacred duty not to harm or damage public property. Public property is nation's property. It belongs to all of us, as it is created by investing money received from us in the form of taxes. Just like private property is protected by the owner, in the same way public property should also be protected by the society.
It is, therefore, incumbent on every citizen to protect public property, which is the nation's property and national loss is the loss of none other than "we, the people of India".

People have a tendency to neglect what is not their own. But here they should remember that one of the moral codes of ethics accepted not only by Western thinkers but also by our own Indian Philosophers is that "one should not do to others what would be disliked by one's own self". This is what Devala meant when he said that "the quintessence of dharma is that one should not do to others what would be disliked by one's self". Kant's categorical imperative points to the same objective, i.e., "Act only on that maxim which thou canst at the same time will to become a universal law".

**Importance of Clause (f) in the renovated list.**

The importance of the duty listed in clause (f) of the renovated list, viz: "to strive towards excellence individually or collectively in one's field" is obvious. It is after all the quality of citizens which determines the quality of the society and its development. When citizens strive towards excellence individually as well as collectively, the advancement of the society is the logical outcome. "The worth of the
"State", as was rightly pointed out by J.S. Mill, "is the worth of the individuals composing it". No work is unimportant. Whatever work we do, we should try to achieve excellence in that work. As Woodrow Wilson has said, there is always the best way of doing a thing, even if it is to boil an egg. This is not only in our interest but also in the larger interest of the country. Upanishads have taken cognizance of the danger inherent in stagnation and laid stress on the need to strive for excellence. The clarion call given in the Katha Upanisad is relevant in this context, viz: "Uttissthata Jagrata, prapya - varan nibhodhata", i.e. Arise, Awake and stop not till the goal is reached.

In the context of the mood currently prevailing in India where people pay scant attention to hard work and discipline, where parochialism, regionalism, linguism, minoritism, communalism and so many 'isms' are dividing the people and weakening the democratic fabric, proving the theory of Jung that "all isms are lethal", the need for special attention to this can hardly be over-emphasised.

At present most people live, what we may call, adhoc lives, day to day, hour to hour, without any distant vision appearing before them, and without any goal or purpose. The trend is dangerous. Whenever a
civilization has developed this ad-hoc, day to day, hour to hour attitude without any distant vision, farsight or foresight, it has always disintegrated. Today in our society, the three pursuits, viz. the pursuit of wealth, the pursuit of pleasure, and the pursuit of power, have made us blind and insensitive to social justice and these pursuits have almost destroyed the creative spirit of the people taking the nation to the brink of catastrophe. This disturbing trend can be reversed only by taking recourse to new pursuit which is capable not only of purifying all other pursuits but also of destroying whatever evil is inherent in them; namely, the pursuit of excellence. Aristotle underlined the importance of excellence in his concept of Eudaimonia. He defined 'Eudaimonia' as the excercise of a man's soul (or realization of man's capacities) in accordance with the best and most complete excellence. Perfectionist, as he was, Aristotle very much exalted the virtue of the spirit to strive for excellence in all human endeavours.

But a point not to be lost sight of is that the spirit to strive for excellence should transcend materialism in order to encompass spiritualism as well. The great achievements in the field of science are no doubt a result of this spirit to strive for excellence. We are today living in an amazing age, called the
space-age of the civilization. We have vast knowledge of the macro-cosmic and micro-cosmic universe and have invented all sorts of useful gadgets; we have plenty of comfort, and we have quick means of travel and communication of ideas. We have gone to the moon; our sputniks have gone to other planets and are now racing towards the outskirts of the solar system and into the outer space. All this, no doubt, is the result of the spirit to strive for excellence.

But there is no gainsaying the fact that something vital is missing in this great civilization of ours. That missing item is perceived while tasting the bitter fruits of scientific and technological advancement in the world-wide phenomenon of tension, anxiety and unhappiness within man and the psychic distortions resulting from them. The great German Philosopher, Schopenhauer, in his book, predicted this problem when he said: "Almost all men who are secure from want and care, now that they have at last thrown off all other burdens, become a burden to themselves". This is the problem of today in the highly developed societies. Man's problem is man himself, not the nature outside. This problem can be got over only when one tries to achieve excellence in the sphere of conduct, by inculcating basic values and adhering to
them tenaciously.

The spirit to strive for excellence in the sphere of conduct both in terms of work and in terms of values, can be developed in all citizens through proper education. Our system of education does not produce in us the virtues of a citizen. We have, therefore, to reform our educational system. It is indeed unfortunate that our educational system, instead of providing good education to all children, or at least to all the able children from every stratum of society, helps only the children of a small minority who are usually selected not on the basis of talent, but on the basis of their capacity to pay high tuition fees. The policy of charging capitation fees in institutions providing technical and other professional education in our country is a classic example of this policy. This policy retards the process of identification and the development of the total national pool of human resources. The policy is not only undemocratic but also inconsistent with the ideal of an egalitarian society enshrined in the Constitution. It is a pity that more talented among the children are not able to find access to good schools, while the economically privileged parents are able to 'buy' good education for their children. The principle of striving for
excellence collectively postulates that the talented children will get opportunity to develop themselves so that our nation achieves excellence in the various socio-economic activities. Jean Jaques Rousseau very well said: "As soon as public service ceases to be the chief business of the citizens, and they would rather serve with their money than with their persons, the State is not far from its fall". 

The provision in Art 51.A that a citizen should strive for excellence needs to be implemented both in letter and spirit if the nation is to reach its goal adumbrated in the Preamble to the Constitution. The reason why our education, industry and administration are not giving the expected results and our nation has not marched satisfactorily during the 46 years after independence, lies in our failure to strive for excellence which is a fundamental duty laid down in Art. 51A of the Constitution.

**Importance of clause(g) in the renovated list.**

Clause (g) in the renovated list prescribes the duty "to educate oneself and others". This duty is very important for any society, and more especially for the Indian democratic society. It is indeed an irony that despite the fact that this is an important duty,
it was not included in the original list of Part IV-A of the Constitution. A plea for inclusion of this duty has been made by me in Chapter V of this thesis because literacy and education are the essential pre-requisite of a democratic polity. Moreover, the duty prescribed in Art. 51A(h) of Part IV-A, viz: "to develop scientific temper, humanism and the spirit of inquiry and reform", becomes a tall order unless the citizens take care to educate themselves and their family members.

This duty is intimately linked with the Directive Principles of State Policy which enjoin upon the State the responsibility to impart education vide Art. 45. The State's effort to impart education to its citizens will be realised only when a citizen understands the importance of education, and he abides by his duty to educate oneself as well as others.

**Importance of clause (h) in the renovated list.**

The duty listed in clause (h) includes the duty "to perform one's work conscientiously and diligently". In a democratic country like India, the importance of this duty can hardly be over-emphasised. Today in India one finds the people indifferent to work. Lethargy and inertia are all-pervasive in our national
In such an atmosphere, it becomes necessary for the citizens to realize the importance of the above clause, viz "to perform one's work diligently and conscientiously", being their fundamental duty.

**Importance of clause(i) in the renovated list.**

The clause (i) prescribes the duty "to cast one's vote during the election of members for the legislative assembly and the Lok Sabha". This duty is very important in a democratic system because the functioning of the constitutional machinery depends on the exercise of franchise by the citizens. Moreover, the political immaturity of the people and their lack of appreciation of the importance of vote, are the other compelling reasons justifying inclusion of the duty to exercise franchise as a fundamental duty of the citizens.

**The Role of Citizens.**

By sincerely performing the duties enumerated above, the citizens of India can succeed in creating conditions conducive to the development of a harmonious and egalitarian democratic society.

Here it may be mentioned that very often citizens are heard complaining that the country is not
doing enough for them. Needless to say, such a complaint stems from a lack of perception of the role of a citizen in a democracy. The importance of responsible citizens in a State was very well highlighted by John Stuart Mill when he observed: "The worth of a State in the long run is the worth of individuals composing it". The citizens of India have to prove their worth by sincerely performing the duties enjoined upon them by the Constitution. If they want to improve their conditions, they have to work hard and live up to the expectations set out in the Constitution. One should remember the words of Heraclitus that if men care for gold they must dig for it or be content with straw. If one wants pearls, one has to dive deep into the ocean or be content with the pebbles on the shore.

The role of a citizen was very well summed up by John F Kennedy in a speech, when he said: Ask not what your country can do for you - ask what you can do for your country". If the citizens of India develop such an attitude, there is no reason why the Indian Nation should not emerge by the end of this century as the largest successful democracy in the world.
NOTES


3. Ibid, p.4.


7. N.A. Palkhiwala, We, the People, Paperback Impression, Strand book Stall, 1991, p.3.


21. In 'We, the People', by N.A. Palkhivala,


