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## If Everything Is A Right Then Nothing Is Wrong

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**Anarchy is mounting in all spheres of Indian life because competitive Political Populism is conjuring up more rights at the expense of duties** By Naresh

Minocha

A traffic roundabout in Sushant Lok-Phase III of Gurgaon city in Haryana is aptly named Harmony Chowk. Aptly because everyone in this area is in harmony with the citizen's de facto right to do as one desires.

Every person at Harmony Chowk, from the owner of a luxury car to a cyclist, seems hell bent on taking innovative shortcuts, violating every traffic rule in the book. This Harmony Chowk syndrome of saying two hoots to the duty of complying with traffic rules is the apotheosis of the Indian 'I'm-allright-Jack' paradigm: the entire nation, now in the grip of an unprecedented "my rights" revolution fanned by politicians, judiciary, NGOs and the media, cares not a whit about the concept of "my duties".



SIGNAL TO ANARCHY

A massive traffic snarl in front of the New Delhi Railway Station

What applies to road traffic is equally relevant to other spheres. The rights of individuals and the rights of vocal groups matter more than the interests of society. It does not matter whether fulfillment of one's right tramples on the right of the other.

Every person, every group, in the country is now obsessed with its selfish perspectives or “rights”, ranging from the aspiration to form a separate state to having a bite of the job reservations cake.

In this competitive populism to conjure up more and more “rights” that could be trivial or even unconstitutional, other issues such as the right to food, right to fresh air, tribals’ forest rights, animal rights, including no-go forests where tigers roam, right to information and the right to protest begin to sit on the backburner.

The citizen’s indifference towards fundamental duties enshrined in the constitution has flourished over the years. It has now become omnipresent because the activist judiciary has not prodded the discordant legislature and the play-safe executive to enact laws or create administrative mechanisms to enforce fundamental duties.

None of the three organs of the state have thought it prudent to review and expand fundamental duties to create a more responsible, restrained and sustainable society. The situation today is far worse than what it was in May 1998 when the former chief justice of India (CJI), the late Ranganath Mishra wrote a letter citing Chief Justice MM Punchhi on the urgency to teach fundamental duties in the country.

The letter, which the apex court transformed into a petition for developing the balance between duties and the rights, stated: “All of us are experiencing to our horror degrading human behavior in society every day. The deterioration is gradually becoming sharper and unless this fall is immediately arrested and a remedial measure found out and enforced, the situation would not improve. Fundamental duties have remained in the constitution book and have not come out to reach even the class of people who handle the constitution.”

The Supreme Court disposed of Justice Mishra’s petition on July 31, 2003 in the hope that the government would act on the recommendations of a committee on fundamental duties under the chairmanship of former CJI, the late Justice JS Verma, that submitted its report in 1999.

The apex court cited the Verma Committee’s recommendation that read: “It may be necessary to enact suitable legislation wherever necessary to require obedience of obligations by the citizens. If the existing laws are inadequate to enforce the needed discipline, the legislative vacuum needs to be filled. If legislation and judicial directions are available and still there are violations of fundamental duties by the citizens, this would call for other strategies for making them operational.”



CELEBRATING DUTIES

Women in Bikaner district voluntarily clean up their village pond before the rains every year

The judgment added: "Keeping in view the fact that the Government of India would take notice of the recommendations of the aforesaid commission/committee, we agree with Shri K Parasaran (a senior advocate who served as amicus curiae in this case) that the same may be considered in its right earnestness by the Central Government and we accordingly direct it to do so as also to take appropriate steps for their implementation as expeditiously as possible."

About two years prior to this verdict, the apex court had ruled that "fundamental duties, as defined in Article 51A (of the constitution), are not made enforceable by a writ of court just as the fundamental rights are...." This was part of the apex court's judgment dated August 24, 2001, in the seat-reservations-centric petition filed by AIIMS Students' Union.

The judgment elaborated: "Fundamental duties, though not enforceable by a writ of the court, yet provide a valuable guide and aid to interpretation of constitutional and legal issues. 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 constructing or molding 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."

Alas, a steady drift away from duties has gathered pace since then. The elected representatives of parliament seem oblivious of their duties as citizens. This can be gauged from the fact that a paltry five questions on fundamental duties were asked in the Rajya Sabha during the last 15 years!

Instead of focusing on duties as Mahatma Gandhi would, perforce, have urged all citizens to heed, politicians have wallowed in competitive populism, promising legitimate and illegitimate rights to voters as a quid pro quo for electing them to power.

It is noteworthy that Rahul Gandhi stated during the 83rd AICC Plenary Session on December 19, 2010: "This sustained (economic) growth has empowered the Congress government to take development to the individual through the concept of rights. Individual rights give people the space to realize their full potential."

**The rights of individuals and the rights of vocal groups matter more than the interests of society. It does not matter whether fulfillment of one's right tramples on the right of the other.**

Like all politicians, Rahul Gandhi has perhaps never spoken about the vital role of duties in sustaining rights. The concept of rights and duties as being the two sides of the same coin is alien to politicians.

It is small wonder then that neither the political class nor the government has embraced the recommendations of Justice Verma Committee and the National Commission to Review the Working of the Constitution (NCRWC) that submitted its report in 2002. It observed: "Every right implies a corresponding duty but every duty does not imply a corresponding right."

It recommended inclusion of two duties in the constitution: to foster a spirit of family values and responsible parenthood in the matter of education, physical and moral well-being of children; and duty of industrial organizations to provide education to children of their employees.

The NCRWC stated: "If every citizen performs his duties irrespective of considerations of caste, creed, color and language, most of the malaise of the present day polity could be contained, if not eradicated, and the society as a whole uplifted. Rich or poor, in power or out of power, obedience to citizenship duty, at all costs and risks, is the essence of civilized life."

## Will this wisdom ever awake in India?

### The Forgotten Values

The Emergency was justifiably excoriated and then rejected by the people of India as a travesty of democracy. Ironically, some of the most noble principles of exemplary citizenship were incorporated into the constitution by Prime Minister Indira Gandhi as the 10 fundamental duties of the citizen in the constitution. The 11th duty was added in 2002, but is not yet in force.

#### THE 11 FUNDAMENTAL DUTIES ARE:

- To abide by the constitution and respect its ideals and institutions, the national flag and the national anthem
- To cherish and follow the noble ideals, which inspired our national struggle for freedom
- To uphold and protect the sovereignty, unity and integrity of India
- To defend the country and render national service when called upon to do so
- To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women
- To value and preserve the rich heritage of our composite culture
- To protect and improve the natural environment, including forests, lakes, rivers and wildlife, and to have compassion for living creatures
- To develop the scientific temper, humanism and the spirit of inquiry and reform
- To safeguard public property and to abjure violence
- To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavor and achievement
- (In case of a parent or guardian) to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years

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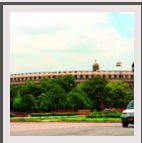
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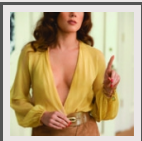
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