

LECTURE - 8

RIGHTS AND RESPONSIBILITIES OF INDIAN YOUTH

ETHICS OF DUTY & RESPONSIBILITY

Virtue ethics: It is concerned with qualities of character for being a good person. The internal goodness of character and virtuous thoughts are of little avail unless they are translated into positive and right actions. The moral life demands moral conduct in the social setting. The most important part of this demand is fulfillment of our duties towards others. Each human relationship, be it husband-wife relationship, parent-child relationship, relationship between friends, neighbors, co-workers requires reciprocal performance of duties for its nurturance. Apart from these one to one relationships, we have multiplicity of individual to group relationships like duties of individual to the community, to the nation, to the whole of humanity.

Mahatma Gandhi has defined Civilization as “that mode of conduct which points out to man the path of duty”. Delineating the demands of these different duties is one of main function of **Dharma** in the Indian tradition.

The Samanya Dharma: lists the general obligations we have towards each other and towards the nature. It includes duties like helping, sharing, caring, respecting and protecting life in all forms, kind and virtuous conduct towards others, practicing truth and non-violence.

The Varnashram Dharma: defined the duties of persons at different stages of life. It's main aim was to promote social cohesiveness by providing a firm and commonly agreed frame work of duties for social cooperation.

Enthusiastic performance of social duty by all individuals and groups is a prime requirement of a good society. **Family** is the basic unit of social organization. Therefore, proper performance of familial duties is the basic demand of the ethics of duty. It is the moral duty of parents to nurture and to help children grow up as good persons.

Parental nurturance is not merely meeting physical needs, but providing emotional, intellectual and value nurturance as well. Much of the behavioral and personality aberrations' noticeable in the society today is due to the neglect of these wider parental duties, either out of ignorance or incompetence. At the other extreme are those overzealous parents who try to mould every aspect of their children's personality according to some set, preconceived pattern. This type of **parental authoritarianism** is equally damaging to the growth of a self confident, independent and mature personality. Frequently it leads to hostile reactions and bitterness in the parent- child relationship.

Ethic of love demands acceptance and respect of the unique, individual personality of each child and helping them grow according to their genius. Equally important is the **reciprocal ethical demand of duty towards parents:** to love them, help them and to look after them in their old age. These feelings should be genuine and should not degenerate into mere tokenism like the modern day hollow formality of sending them a greeting card on parents' day. Duty towards parents is a reciprocal obligation for all they have done for us, for the pains they have taken to bring us up.

Civic duties constitute our duties as citizens of a community, of a democratic society and sovereign nation. Having enjoyed the rights and benefits of being a member of this socio-political and cultural unit it is our moral obligation to strengthen its institutions and contribute towards its smooth, collective functioning.

The wellbeing of the society as a whole and those of its members individually, is very much dependent upon efficient and diligent performance of the tasks assigned to these groups. **The ethics of duty** requires that

these different tasks be performed in a spirit of social service, and as a contribution to the common cause rather than merely gaining personal or group advantage.

At a higher level of moral consciousness we become sensitive to our duties towards the larger collectivity called “humanity” or Human duties. It would be, not to cause any harm to the interest of any segment of humanity and to feel duty bound to do good to every human person. E.g. A person may be a perfect stranger to me, yet it is my human duty to help her/him particularly if she/he is in distress.

At a higher spiritual level: this sense of human duties gets transformed into universal love for the whole of humanity e.g. It was this feeling which inspired enlightened souls like Buddha to devote themselves to the cause of removing human suffering rather than seeking their own personal nirvana. E.g. Mahatma Gandhi & Sri Aurobindo worked with all their might for the social, political and spiritual development not only of India but of whole of humanity.

ETHICS OF RESPONSIBILITY:

How to ensure responsible exercise of power in all walks of Public life

1. All the modern centers of power are social constructs and not divine or individual creations. Society creates and sanctions them with the rightful expectation that they will be exercised for social and human advancement. Fulfillment of this expectation is the first demand of ethics of responsibility.

2. The **second** demand of ethics of responsibility is that we investigate fully and beforehand the consequences of any contemplated action or policy. The investigation should cover all the constituencies i.e. all the persons, groups, communities, nations which are likely to be affected. We should seek answers to questions like: Who are the people who will be benefitted and who will be harmed? Who will be empowered and who will be disempowered? What can be done to mitigate the harm and to justly compensate those who stand to lose. E.g. In constructing a big power project, the gainers are the financiers, industrialists and consumers in urban centre while the losers are farmers, tribal and the rural communities whose land is taken away.

Sense of responsibility towards environment:

The fast pace of material development is severely degrading our natural environment. Many plant and animal species have become extinct and many more on the verge of extinction. It is the moral responsibility of all policy makers, project managers, developers and engineers to examine carefully and honestly, the environmental impact of their activities.

We owe moral responsibility not only to the present generation, but also to the coming generations:

In our hurry to create a good life for ourselves, we should not create conditions which will degrade the quality of life of the coming generations eg exhaustion of non-renewable natural resources, depletion of the quality of soil, creation of nuclear waste, global warming, depletion of ozone layer etc.

Scientists and technologists often plead that it is very difficult to predict the long term consequences of the use of new inventions and new technologies eg. Nobody could think in 1935 that the newly invented gas for refrigeration, chlorofluro-carbon, would cause ozone layer depletion fifty years later. But many a times enough pains are not taken to examine the consequences in sufficient depth because doing that is not considered a binding moral responsibility. In their hurry to gain recognition and reward for their new discoveries, and for converting them into commercial gains, scientists and technologists often under play long term adverse effects of their inventions.

It is the moral responsibility of each one of us to exercise due care in all our actions, particularly those in public domain to safeguard the collective interests of the community. It is the responsibility of each person to exercise due control over these centres of power.

Many of the tragedies of modern times are because of the abdication of this moral responsibility by the common man.

It is heartening to see an initiative at the International level for promotion of the concept of universal human responsibilities on lines parallel to that of universal human rights. The initiative has been taken by the Inter Action Council founded by the former Japanese Prime Minister Fukuda.

FUNDAMENTAL RIGHTS AND FUNDAMENTAL DUTIES

Now-a-days, terms like 'Right to Education', 'Right to Information' and 'Right to Protest Peacefully' are being used quite frequently. Many a time, you also feel that you have certain rights. Simultaneously, you may have been told by someone, may be your teacher, that you have certain duties towards other individuals, society, nation or the Humanity. But do you think that every human being enjoys the rights or everyone performs the duties? In a democratic country like ours, there are rights that must be guaranteed to every citizen. Similarly there are certain duties that must be performed by democratic citizens. Which is why, the Constitution of India guarantees some rights to its citizens. They are known as Fundamental Rights. Besides this, the Indian Constitution also enlists certain core duties that every citizen is expected to perform. These are known as Fundamental Duties.

MEANING AND IMPORTANCE OF RIGHTS AND DUTIES

Rights are rules of interaction between people. They place constraints and obligations upon the actions of the state and individuals or groups. For example, if one has a right to life, this means that others do not have the liberty to kill him or her. Rights are defined as claims of an individual that are essential for the development of his or her own self and that are recognized by society or State. These are legal, social or ethical principles of freedom or entitlement and are the fundamental normative rules about what is allowed to people or owed to people, according to some legal system, social convention, or ethical theory.

But the rights have real meaning only if individuals perform duties. A duty is something that someone is expected or required to do. Parents, for example, have a duty to take care of their child. You have duties towards your parents. A teacher has a duty to educate students. In fact, rights and duties are two wheels on which the chariot of life moves forward smoothly. **Life can become smoother if rights and duties go hand in hand and become complementary to each other.** Rights are what we want others to do for us whereas the duties are those acts which we should perform for others. Thus, a right comes with an obligation to show respect for the rights of others. If we have the right to enjoy public facilities like transport or health services, it becomes our duty to allow others to avail the same. If we have the right to freedom, it becomes our duty not to misuse this and harm others.

FUNDAMENTAL RIGHTS

Rights are claims that are essential for the existence and development of individuals. In that sense there will a long list of rights. Whereas all these are recognized by the society, some of the most important rights are recognized by the State and enshrined in the Constitution. Such rights are called fundamental rights. These rights are fundamental because of two reasons. First, these are mentioned in the Constitution which guarantees them and the second, these are justiciable, i.e. enforceable through courts. Being justiciable

means that in case of their violation, the individual can approach courts for their protection. If a government enacts a law that restricts any of these rights, it will be declared invalid by courts. Such rights are provided in Part III of the Indian Constitution. The Constitution guarantees six fundamental rights to Indian citizens as follows: (i) Right to Equality, (ii) Right to Freedom, (iii) Right Against Exploitation, (iv) Right to Freedom Of Religion, (v) Cultural and Educational Rights, and (vi) Right to Constitutional Remedies. While these fundamental rights are universal, the constitution provides for some exceptions and restrictions.

1. RIGHT TO EQUALITY

The purpose of this right is to establish the rule of law where all the citizens should be treated equal before the law. It has five provisions (Articles 14-18) to provide for equality before law. It prohibits discrimination on the grounds of religion, race, caste, sex or place of birth.

(i) Equality before Law: The Constitution guarantees that all citizens will be equal before law. It means that everyone will be equally protected by the laws of the country. It means that if two persons commit the same crime, both of them will get the same punishment without any discrimination.

(ii) No Discrimination on the basis of Religion, Race, Caste, Sex or Place of Birth: The State cannot discriminate against a citizen on the basis of religion, race, caste, sex or place of birth. This is necessary to bring about social equality. Every citizen of India has equal access to shops, restaurants, places of public entertainment or in the use of wells, tanks or roads without any discrimination.

(iii) Equality of Opportunity to all Citizens in matter of Public Employment: The State cannot discriminate against anyone in the matter of public employment. All citizens can apply and become employees of the State. Merits and qualifications will be the basis of employment.

(iv) Abolition of Untouchability: This provision is an effort to uplift the social status of millions of Indians who had been looked down upon and kept at a distance because of either their caste or the nature of their profession. But, it is really very unfortunate that despite constitutional provisions, this social evil continues even today. Can you find any difference when you see a nurse cleaning a patient, a mother cleaning her child and a lady cleaning a toilet? Why do people consider the cleaning of a toilet in a derogatory manner?

(v) Abolition of Titles: All the British titles like Sir (Knighthood) or Rai Bahadur which were given to the British loyalists during the British rule, have been abolished because they created distinctions of artificial nature. However, the President of India can confer civil (Bharat Ratna, Padma Vibhushan, Padma Bhushan and Padma Shri) and military awards (Veer Chakra, Paramveer Chakra, Ashok Chakra) to those who have rendered meritorious service to the nation in different fields.

2. RIGHT TO FREEDOM

You will agree that the freedom is the most cherished desire of every living being. Human beings definitely want and need freedom. You also want to have freedom. The Constitution of India provides Right to Freedom to all its citizens. This Right is stipulated under Articles 19 to 22. The following are the four categories of Right to Freedom:

(i) Six Freedoms: Article 19 of the Constitution provides for the following six freedoms. The purpose of providing these freedoms is to build and maintain an environment for proper functioning of democracy. However, the Constitution has authorized the State to impose certain reasonable restrictions on each of them:

Freedoms	Reasonable Restrictions
1. Freedom of speech and expression	a. Restriction on the movement of a person/group to prevent spread of violence.
2. Freedom to form Associations and Unions	b. Not allowed to run trades like gambling, prostitution, selling of narcotic drugs.
3. Freedom to assemble peacefully and without arms	c. Not allowed to reside too close to aerodrome
4. Freedom to move freely throughout the territory of India	d. Restriction on the use of language that may instigate people for communal violence
5. Free to reside and settle in any part of India	e. Not allowed to form an association to help terrorist activities
6. Freedom to practice any profession or to carry on any occupation, trade or business	f. Should be peaceful and participants should not carry any weapon

(ii) Protection in respect of conviction for offences: In Article 20 of the Constitution, No one can be convicted for an act that was not an offence at the time of its commission, and no one can be given punishment greater than what was provided in the law prevalent at the time of its commission. Also, no one can be prosecuted and punished for the same offence more than once.

(iii) Protection of life and personal liberty: As provided in Article 21, no one can be deprived of his or her life or personal liberty except according to the procedure established by law.

(iv) Protection against arrest and detention in certain cases: It is provided in Article 22 that whenever a person is arrested, he or she should be informed, as soon as it is possible, of the grounds for arrest and should be allowed to consult and to be defended by a legal practitioner of his or her choice. Moreover, the arrested person must be produced before the nearest magistrate within 24 hours of such an arrest excepting a person who has been arrested under preventive detention law. The case of the person arrested under preventive detention law has also to be referred to an Advisory Board within a period of three months of his or her arrest.

3. RIGHT AGAINST EXPLOITATION

Have you ever thought how many ways exploitations take place in our society? You might have seen a small child working in a tea shop or a poor and illiterate person being forced to work in the household of a rich person. The citizens have been guaranteed the right against exploitation through Articles 23 and 24 of the Constitution. These two provisions are:

(i) Prohibition of traffic in human beings and forced labour: Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any breach of this provision shall be an offence punishable in accordance with law.

(ii) Prohibition of employment of children in factories, etc. As the Constitution provides, no child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment. This right aims at eliminating one of the most serious problems, child labour, that India has been facing since ages.

4. RIGHT TO FREEDOM OF RELIGION

Since India is a multi-religion country, where Hindus, Muslims, Sikhs, Christians and many other communities live together, the Constitution declares India as a 'secular state'. It means that Indian State has no religion of

its own. But it allows full freedom to all the citizens to have faith in any religion and to worship, the way they like. But this should not interfere with the religious beliefs and ways of worship of other fellow beings. This freedom is available to the foreigners as well. In respect of the Right to freedom the Constitution makes the following four provisions under Articles 25 to 28:

(i) Freedom of conscience and free profession, practice and propagation of religion: All persons are equally entitled to freedom of conscience and the right to profess, practice and propagate religion freely. However, it does not mean that one can force another person to convert his/her religion by force or allurements. Also, certain inhuman, illegal and superstitious practices have been banned. Religious practices like sacrificing animals or human beings, for offering to gods and goddesses or to some supernatural forces are not permissible. Similarly, the law does not permit a widow to get cremated alive with her dead husband (voluntarily or forcibly) in the name of Sati Pratha.

(ii) Freedom to manage religious affairs: Subject to public order, morality and health, every religious group or any section thereof shall have the right (a) to establish and maintain institutions for religious and charitable purposes; (b) to manage its own affairs in matters of religion; (c) to own and acquire movable and immovable property; and (d) to administer such property in accordance with law.

(iii) Freedom as to the payment of taxes for promotion of any particular religion: No person shall be compelled to pay any tax, the proceeds of which are specifically used in payment of expenses incurred on the promotion or maintenance of any particular religion or religious sect.

(iv) Freedom as to attendance at religious instruction or religious worship in certain educational institutions: No religious instruction shall be provided in any educational institution wholly maintained out of State funds. No person attending such an institution shall be compelled to take part in any religious instruction that may be imparted there or attend any religious worship that may be conducted there.

5. CULTURAL AND EDUCATIONAL RIGHTS

India is the largest democracy in the world having diversity of culture, scripts, languages and religions. As we know the democracy is a rule of the majority. But the minorities are also equally important for its successful working. Therefore, protection of language, culture and religion of the minorities becomes essential so that the minorities may not feel neglected or undermined under the impact of the majority rule. Since people take pride in their own culture and language, a special right known as **Cultural and Educational Right** has been included in the Chapter on Fundamental Rights. In Articles 29 to 30, two major provisions have been made:

(i) Protection of interests of minorities: Any minority group having a distinct language, script or culture of its own shall have the right to conserve the same. No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

(ii) Right of minorities to establish and administer educational institutions:

All Minorities, whether based on religion or language, have the right to establish and administer educational institutions of their choice.

6. RIGHT TO CONSTITUTIONAL REMEDIES

Since Fundamental Rights are justiciable, they are just like guarantees. They are enforceable, as every individual has the right to seek the help from courts, if they are violated. But in reality it is not so. Encroachment or violation of Fundamental Right in our day to day life is a matter of great concern. Which is why, our Constitution does not permit the legislature and the executive to curb these rights. It provides legal remedies for the protection of our Fundamental Rights. This is called the Right to Constitutional Remedies stipulated in Article 32.

7. RIGHT TO EDUCATION (RTE)

The Right to Education is added by introducing a new Article 21-A in the Chapter on Fundamental Rights in 2002 by the 86th Constitutional Amendment. It was a long standing demand so that all children in the age group of 6-14 years (and their parents) can claim compulsory and free education as a Fundamental Right. It is a major step forward in making the country free of illiteracy.

FUNDAMENTAL DUTIES

After going through the Fundamental Rights, you must have observed and realized that in return for every right, the society expects the citizens to do certain things which are collectively known as duties. Some such important duties have been incorporated in the Indian Constitution also. The original Constitution enforced on 26th January, 1950 did not mention anything about the duties of the citizen. It was expected that the citizens of free India would perform their duties willingly. But things did not go as expected. Therefore, ten Fundamental Duties were added in Part-IV of the Constitution under Article 51-A in the year 1976 through the 42nd Constitutional Amendment. However, Fundamental Rights are justiciable, whereas, the Fundamental Duties are non-justiciable. It means that the violation of fundamental duties, i.e. the non-performance of these duties by citizens is not punishable. The following ten duties have been listed in the Constitution of India:

1. to abide by the Constitution and respect its ideals and institutions, the National Flag and National Anthem;
2. to cherish and follow the noble ideals which inspired our national struggle for freedom;
3. to uphold and protect the sovereignty, unity and integrity of India;
4. to defend the country and render national service when called upon to do;
5. to promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women;
6. to value and preserve the rich heritage of our composite culture;
7. to protect and improve the natural environments including forests, lakes, rivers and wildlife;
8. to develop the scientific temper, humanism and the spirit of inquiry and reform;
9. to safeguard public property and not to use violence; and
10. to serve towards excellence in all spheres of individual and collective activity.

NATURE OF FUNDAMENTAL DUTIES

These duties are in the nature of a code of conduct. Since they are unjusticiable, there is no legal sanction behind them. As you will find, a few of these duties are vague. For example, a common citizen may not understand what is meant by 'composite culture', 'rich heritage', 'humanism', or 'excellence in all spheres of

individual and collective activities'. They will realize the importance of these duties only when these terms are simplified. A demand has been made from time to time to revise the present list, simplify their language and make them more realistic and meaningful and add some urgently required more realistic duties. As far as possible, they should be made justiciable.