



Concept of Citizenship- An Analytical Study

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Abstract. Citizenship values explicitly enshrined in the Preamble, Fundamental Rights, Directive Principles and Fundamental Duties of the Constitution embody some of the noblest norms, principles and sentiments that human ingenuity has thus far been able to evolve. Certain citizenship values can be deduced also from a close study of the other provisions of the Constitution. However, unless the values are implemented in practice, these remain a mere charter of pious intentions. It is for us, the citizens of India; in whatever position we may be placed, to implement these citizenship values through the exercise of our rights and obligations in society and as members constituting the State. In a democratic polity as ours, the rulers and ruled both are citizens. The traits expected of a citizen are honesty and integrity.

Key Words: *Citizenship, Preamble, Fundamental Rights, Directive Principles, Traits, Honesty,*

Introduction: Man is a social animal and right from the most primitive times, he has lived in communion—in cooperation and competition—with fellow human beings. State was born when groups of human beings began to settle in definite territorial tracts and claim separate identities as independent communities.

Historically, under the western civilisational context, the concept of citizenship may be said to have had its origin in the Greek City-State democracies (nearly 450 years before Christ). City-States were small entities. The citizen was the resident of the city. But not every resident of the city was a citizen. In fact, only about 15 percent of the total city population constituted the citizenry. Citizen meant a freeman or a person who was a participant in the democratic process, one who had a share in the sovereignty and the government of the city as contradistinguished from other residents of the City-State—not only foreigners but also slaves and women constituting 85 percent of the population—none of whom were deemed

eligible for being citizens. Those entitled to the status of citizenship were expected to be specially cultured and civilized, to remain devoted to the welfare of the city and fellow citizens and to maintain high standards of civil and social behaviour.

Citizenship may also be viewed as the legal relationship between the individual and the State under which the individual pledges his loyalty to the State and the State offers its protection to the individual. This relationship is regulated by national law and recognized by international law. It comprises (i). civil and political rights which the citizen uses or defending the State, (ii). duties which the citizen performs towards the State and which include promotion of public good, and (iii). the loyalty of the citizen towards the State.

Citizens may be of two types, viz., natural born citizens and naturalized citizens. Sometimes there are other terms which are used synonymously with citizens or citizenship. Thus, in



international relations, the term 'nationals' is used. But, in some countries, the term 'nationals' may connote all persons—including non-citizens—who live in or belong to a particular State and owe allegiance to it. The State is obliged to afford protection to all its nationals while dealing with other sovereign States. Since absolute monarchies have practically become a thing of the past, the term 'subjects' has also lost much of its traditional meaning and now has more or less become a synonym of 'citizens' in the context of constitutional monarchies.

The extension of the idea of citizenship to the national level—the way it is held today—can be explained largely in terms of the transition from feudalism to the nation-state. It was through the American and the French Revolutions that national citizenship gained its modern significance. Just as citizenship in the medieval ages had signified freedom from feudal domination, national citizenship in countries like U.S.A. and France symbolised the end of monarchy. Citizenship came to be held by almost the entire adult population residing within the boundaries of a State. In France, distinguishing titles of addresses and different rankings among the citizens were abolished and everyone was addressed simply as a citizen.

The sources of citizenship according to Frits Bolkestein are four, viz., (i). identification with a country, its history and its traditions, (ii). a system of education which teaches duties as well as rights, (iii). politicians who set a personal example of disinterestedness and of probity, and (iv). a system of law which dispenses justice efficiently and effectively. Clearly, the role and

responsibilities of the citizen in a democracy becomes enormous. The quality of a nation is determined by the quality of its citizens. As the nation-state in a democratic polity is the creation of its citizens and it deserves, gains and retains the loyalty of the citizens by affording them maximum opportunity of participating in the political system and of exercising influence on its decision making mechanism, the citizens have not only rights but also special responsibilities. Without them, a democratic polity will cease to function. In addition to such requirements as obedience to law and payment of taxes, which characterize all societies, democracy necessitates citizens' active political participation and obligates them to accept responsibilities for the results of governmental action.

The role of citizens in democracies of our times is indeed a lot more vital. The simple reason behind this is that because of the size of population and the complexity of legislation and administration in a modern nation-state it is not possible for citizens to congregate at a common place and make laws, rules and regulations to govern themselves as they used to do in ancient times. There have thus evolved the systems of representative parliamentary and presidential democracy. In either of them, the citizens rule over themselves through their periodically elected representatives and by means of exercising constant vigilance over them.

Lest our representative democracy fail in moving towards its goal of the welfare and development of the people, the citizens have to remain active. Democracy is hardly possible if citizens cannot share responsibilities for what the



government does, thinking of politics in terms of “We” who are governed and “they” who govern. Of course, there have to be politicians and civil servants who accept political and professional responsibility for the conduct of the affairs of the government. But, since they are themselves also citizens first and are supposed to be responsive to public opinion and pressure from fellow citizens, the ultimate responsibility is squarely that of the vigilant public functionaries—administrators, legislators, ministers or the like. If the people do not appreciate this basic reality, democracy can get converted into the worst form of government. In this context, one might recall Napoleon’s imperialism in France where because of the lack of the spirit of responsible citizenship, democracy got corrupted and finally vanished or the experience of many countries in the Third World which began as democracies in the post-World War II period but soon failed and fell in the absence of alert and responsible citizenship at various levels.

The most important obligation of citizenship lies in our accepting responsibilities of Government. Democracy is made meaningless by the complacent citizen who avoids participation in polity or declines to accept responsibilities.

Concept of Value: In Economics, ‘Value’ means ‘power in exchange’ or what one is prepared to give or sacrifice in return. Value of a particular article for a particular person may be much more than its price or what may be called market value.

More fundamentally and in terms of ethics and sociology, ‘value’ should connote the esteem or regard in which a

thing or principle is held. It is the quality of viewing some norms or beliefs as necessary and desirable or worth preserving at all costs for an individual or a group. Every thinking human being essentially carries in his mind a certain framework of values. When he praises or criticizes some individual, institution or activity, he is passing a value judgment. When he makes a pronouncement about something being right or wrong, just or unjust, he is essentially evaluating. Everyone keeps evaluating others and himself. He values his own beliefs, ideals, aspirations, relationships and actions. Also, all the time he is attaching a certain value to the conflict of his neighbours, friends, relations, fellow citizens and others. In the realm of values, there are some constants and some variables. Some fundamental and foundational values are immutable and inalienable and which hold good at all times and in all places. There are others which keep developing and changing according to the growing societal needs. Also, values may be classified into instrumental and end values or goal values. In as much as every individual may have multiple identities, the value system has to take care of many competing claims on his allegiance and settle a hierarchy of values.

Value may be understood as the conception of the ‘ought’—what ought to be desired or not desired, what is desirable and what is not desirable. It is hardly possible to measure such ‘value’ in economic terms or in terms of practical utility, usefulness or benefit or success potential. Also, it is impossible to understand values in the abstract, without reference to the personality goals of the individual and his socio-cultural milieu and the historical background. The term ‘values’ can be defined as



something (as a principle or quality) intrinsically necessary or desirable for an individual or a group. It is psychological or a matter of belief crucial to one's selective behaviour manifested through so many voluntary activities, like interests, pleasures, likes, dislikes, duties, desires, needs, wants, aversions, oversights, attractions, etc. It can be considered as the conception of the desirable (i.e., what we ought to desire and not what is desired) in accord with the whole array of the goals of the personality, the socio-cultural system and the fellow human beings.¹

In the words of Sharma and Bhatt, "In general, the word 'Value' stands for ideas, beliefs or concepts of a person or a group or persons who treat them as very very essential to their life. It is a concept with some emotional connotation. Concepts of different disciplines concern our head but values stir our hearts. Thus the values of an individual, a group of a society include all important religious beliefs, moral attitudes, philosophy of life, political ideologies, social structure, etc. which are of great importance for sustaining the society and its culture."²

Citizenship Values: Citizenship is all about shared values. It concerns human relations. It is lining together with other people. When we talk of citizenship values, what we mean are the norms of conduct, principles or qualities which as citizens in a representative participatory democratic polity we ought to observe, protect and preserve even at the cost of physical discomfort or material loss. There are no absolutes in citizenship norms and values. Their scope and implementation are society specific. Rights and obligations of citizenship are

related in their application to socio-cultural setting and politico-economic conditions. Even within the same society, there may be variance of perception from strata to strata.

Citizenship rights and duties belong as much to individual citizens as to groups or to the collectivity of the citizenry. Citizenship values would have no meaning in a society where the citizens are not prepared to make sacrifices for protecting and promoting them or where they view them only in terms of their own interests and rights.

In the widest terms, 'citizenship values' are certain indispensable or desirable principles or qualities integral to a citizen's political behaviour in a democratic polity. The values of citizenship have to be understood in the context of the role of a citizen in the polity. This would imply all the rights, responsibilities and duties of citizens *vis a vis* other citizens, society at large and the State.

The Constitution: The Constitution of a country lays down the basic structure of the political system under which its people are to be governed. It establishes the main organs of the State—the Legislature, the Executive and the Judiciary, defines their powers, demarcates their responsibilities and regulates their relationships with each other and with the people. In a democracy, sovereignty vests in the people and ideally the people govern themselves. But, sovereign power cannot be usefully or safely exercised by unorganized people or people without order. The people need an institution, an instrumentality for expressing and exercising their sovereign powers. The



very first and the most fundamental application of their sovereignty by the people is in giving to themselves a Constitution which outlines the ground rules under which certain powers are transferred to different organs of the State and are to be exercised by them. Under the scheme of democratic constitutions, people are said to exercise their sovereign power on a continuing basis while casting their votes at periodic elections to elect their representatives. In a federal polity, a constitution inter alia delineates, delimits and distributes powers between the organs of the State at federal or union level on the one hand and those at the level of the States or the units on the other. The Constitution of a country may also be described as its foundational law which ordains the fundamentals of its polity and on the altar of which all other laws and executive acts of the State are to be tested for their validity and legitimacy. Every Constitution represents the vision and values of its founding fathers and is based on the social, political and economic ethos and faith and aspirations of the people. Also, where the Constitutions are viewed as an instrument of social engineering or social revolution, the values it embodies may be different from inherited social values.

The Constitution of India: Our present Constitution—the first Constitution of India framed and given to themselves by the people of India—was adopted by the Constituent Assembly on 26th November, 1949. It came into full operation with effect from 26th January, 1950. Articles. 5-9 of Part. II dealing with citizenship were, however, brought into force right from 26th November, 1949, the day the Constitution was adopted by the Constituent Assembly. Under our

Constitution, we, the citizens of India, elect Members of Parliament and State Legislatures.

The Lok Sabha and Legislative Assemblies of the States are directly elected by the people under the system of universal adult franchise. All the adult citizens of 18 years or more constitute the electorate entitled to vote. They can elect the representatives they like who in turn constitute Union and State Governments responsible to Lok Sabha and state assemblies respectively. Our Constitution contains chapters on Fundamental Rights, Directive principles of State Policy and Fundamental Duties of Citizens. It is these that attach value to Indian citizenship. What, for example, would citizenship be worth if the Constitution did not guarantee any fundamental rights and how could the rights of individual citizens be ensured unless the interests of society at large were taken care of and the citizens were alive to citizenship obligations and performed their duties.

For nation-building and for establishing a participating democratic polity, an essential prerequisite is the development of civil society with an aware citizenry.

With the seventy-third and seventy-fourth Constitutional Amendments coming into operation, efforts are being made to bring power to the ordinary citizens at the grass root level to be exercised by them so as to make them active participants in the process of governance and transform our polity into a real participatory democracy with the citizenship values looked up to and fully integrated in their behaviour



pattern by all citizens. In the words of the Supreme Court³:

“The Constitution of India in order to ensure sound administration has entrusted separate powers to different organs of the State, charging all of them with the joint responsibility of securing to all citizens of India, justice, social, economic and political; liberty of thought, expression, belief, faith and worship; equality of status and opportunity; and to promote among them all fraternity assuring the dignity of the individual and the unity and integrity of the nation. The said joint endeavour involves cooperation, mutual sympathy and understanding amongst all the organs. The Constitution demands that there should be mutual trust amongst them and there should be no room for suspicion. Distrust and a feeling of suspicion on the part of any of the organs of the State towards any other organ is bound to result in a great national calamity.” We, the citizens of India are all expected to be committed to these values and make the Indian experiment with democracy successful. Jawaharlal Nehru had warned us in the Constituent Assembly that laws and constitutions do not by themselves make a country great. It is the enthusiasm, energy and constant efforts of a people (read citizens) that make it a great nation.

Citizenship under the Constitution:

There existed no concept of Indian citizenship before 26th November, 1949. Until then, those of us who lived in British India were under the Crown and as such British subjects governed by the British Nationality Acts and those of us who came from any of the princely States, had the status of British protected persons.

Citizenship provisions in the Constitution—Articles 5 to 11—gave the Constitution Drafting Committee the maximum ‘headache’ and took more than two years to be finalized. Even then, the Constitution only laid down the law in regard to who would be citizens of India at the time of the commencement of the Constitution. It did not provide for the mode of acquisition and termination of citizenship. Article 11 said that Parliament could regulate the right of citizenship by law. The Indian Citizenship Act passed in 1955 laid down the law for acquisition and termination of Indian Citizenship.

The Constitution⁴ conferred citizenship on the following categories of persons as at the time of the commencement of the Constitution:

- ❖ Persons domiciled in India and born in India—these formed the bulk of the population of the Union of India.
- ❖ Persons domiciled, not born in India but either of whose parents was born in India.
- ❖ Persons domiciled, not born in India but ordinarily resident in India for more than five years.
- ❖ Persons who were resident in India but had migrated to Pakistan after 01st March, 1947 and later returned to India on resettlement permits.
- ❖ Persons resident in Pakistan but who had migrated to India before 19th July, 1948 or those who came thereafter but had stayed on for more than six months and got duly registered.
- ❖ Persons who or whose parents or grandparents were born in India



but who were residing outside India.

resided with the intention of making the country his home.

Thus, citizenship at the commencement of the Constitution included provisions for citizenship (i). by domicile; (ii). of migrants from and to Pakistan; and (iii). of Indians residing in foreign countries.

It was somewhat unique to India and very much unlike what had happened in Europe, that all at once, at the commencement of independent nationhood, citizenship was confined on all without any discrimination on grounds of property, education, religion, etc. While in Europe matters of citizenship were approached in a feudal manner and citizenship was extended to the common people only gradually, India did not allow any injustice or class domination in the matter.

Domicile: Domicile is an important criterion for citizenship of any country. Though the term is not defined in the Indian Constitution, domicile ordinarily connotes a person's residence where he intends to live on a permanent basis. Thus, a permanent residence and the intention to reside there indefinitely are two important ingredients constituting 'domicile'⁵. Article. 5 provides that a person becomes entitled to the citizenship of India if, at the commencement of the Constitution, he has his domicile in the territory of India, he or either of his parents were born in India, or he has been ordinarily resident in the territory of India for not less than five years immediately before the commencement of the Constitution. 'Ordinarily resident' would not mean mere casual, occasional or temporary residence. The person should have

Domicile by birth or residence as aforesaid can be changed by a person by exercising his choice declaring his intention to reside in some other country for an indefinite period. In fact, citizenship is denoted by domicile and not *vice-versa*. In other words, domicile alone is not enough to constitute citizenship. The latter is distinguishable from citizenship in as much as it is vitally connected with territory and not membership of the community which is at the root of the notion of citizenship.⁶ The Constitution avoids dual citizenship; there is one citizenship related to the domicile in the territory of whole of India and not in a part of it. There is no separate State citizenship as in the United States. Thus, it is not correct to say that a citizen of India is domiciled in one state or another forming part of the Union of India. The domicile which he has is only one domicile, namely, domicile in the territory of India.⁷

Migrants from Pakistan: Article. 6 provides for citizenship rights of migrants from Pakistan before the commencement of the Constitution. It makes two types of distinctions among such migrants, i.e., those migrants to India before 19th July 1948 when the permit system for migration was introduced and those who came after that date. A person who migrated from Pakistan to India before 19th July, 1948, shall be deemed to be a citizen of India on the commencement of the Constitution provided he or either of his parents or any of his grandparents was born in India as defined in the Government of India Act, 1935 and he had been ordinarily residing in India since the date of his



migration. In the case of one migrating after 19th July, 1948, he should have been registered as citizen of India by an officer appointed for the purpose by the Government of India. But, in the latter case, no person shall be so registered unless he has been residing in India for at least six months immediately preceding the date of his application.

Migration to Pakistan: Article. 7 makes special provisions regarding the citizenship rights of persons who migrated to Pakistan after 01st March, 1947 but returned to India subsequently. While it has been made clear that any person migrating to Pakistan after 01st March, 1947 ceased to be a citizen of India, an exception has been made in the case of those returning to India on the basis of permits for resettlement in India. Such persons became entitled to be citizens of India if they fulfilled the conditions stipulated for migrants from Pakistan provided under Article. 6. It is necessary that in such cases too, the visits of the migrants must not be for short or limited periods or be of a temporary nature for purposes of business or otherwise.⁸ It is well to remember that the 'migration' referred to in this Article connotes migration before the commencement of the Constitution. Cases pertaining to the period thereafter are to be governed by the Citizenship Act, 1955. Also, 'migrated' has been defined to mean voluntarily going over to Pakistan from India permanently or temporarily.⁹

Persons of Indian origin residing outside India: Several persons of Indian origin have been residing in foreign countries or have been migrating there for the purposes of employment or otherwise. The Founding Fathers were far-sighted

enough to have made provisions in the Constitution to protect the citizenship rights of such persons in India. Article. 8 thus provides that any person who or either of whose parents or grandparents was born in India as defined in the Government of India Act, 1935 and who is ordinarily residing in any country outside India shall be deemed to be a citizen of India if he has been registered as an Indian citizen by the diplomatic or consular representative of India in that country on an application made by him in the prescribed form to such diplomatic or consular representative, whether before or after the commencement of the Constitution. Thus Article. 8 takes care of the future citizenship needs of all Indians residing abroad.

Voluntary acquisition of citizenship of another country: Article. 9 provides that if a person has voluntarily acquired the citizenship of a foreign State he shall forfeit the right of citizenship of India. While this was applicable to cases arising before the commencement of the Constitution, the cases arising after such commencement were to be dealt with in accordance with the provisions of the Citizenship Act, 1955.

It has been held by the Supreme Court that the question whether a person has lost the citizenship of India on acquiring the citizenship of another country has to be determined by the Government of India and only after it has decided the matter can a state government deal with him as an alien. The mere fact that a person has obtained a passport from a foreign country is not enough for deportation or prosecution.¹⁰

Continuance of Citizenship Rights: Article. 10 provides that every person



who is or is deemed to be a citizen of India under any of the provisions in Articles 5 to 10 shall continue to be a citizen of India, subject to the provisions of any law that may be made by Parliament. In other words, it means that the right of citizenship cannot be taken away from a citizen except through express parliamentary legislation.¹¹

The term 'every person' used in Articles 5 to 10 has been interpreted to cover persons who may be in jail under trial or who may be undergoing imprisonment.¹² Subject to Parliament's power under Article 33, members of the armed forces are also included.¹³ For some time, there were sharp differences on whether corporations were also covered as legal persons. The Citizenship Act, however made it clear that corporations were not citizens. The Supreme Court also said that the corporations could not claim rights under Article. 19 which were for citizens only.¹⁴

Parliament's Power to Regulate Right of Citizenship by Law and the Citizenship Act, 1955: Article. 11 endows Parliament with unfettered powers for enacting legislation pertaining to the acquisition and termination of the citizenship of India and all matters connected therewith. Entry. 17 in the Union List under the Seventh Schedule mentions 'Citizenship, naturalization and aliens'. Parliament accordingly passed the Citizenship Act, 1955 providing for acquisition and termination of citizenship. Briefly, the Citizenship Act, 1955 provided that:

- A person born in India after 26th January, 1950 would, subject to certain exceptions—like those of children of diplomats and of

enemy aliens—be a citizen of India by birth;

- Anyone born outside India after 26th January, 1950, subject to certain requirements, would be a citizen of India if his father was an Indian citizen, at the time of his birth;
- Under certain conditions, certain category of persons could acquire Indian citizenship by registration in the prescribed manner;
- Foreigners could acquire Indian citizenship on application for naturalization on certain conditions.¹⁵
- If any territory became part of India, the Government of India could by order specify the persons who would become citizens of India as a result thereof;
- Citizenship could be lost by termination, renunciation or deprivation on certain grounds;
- Citizen of a Commonwealth country would have the status of a Commonwealth citizen in India. Government could make suitable provisions on the basis of reciprocity.

It is important to remember in regard to the citizenship provisions in the Constitution and the law that it was in keeping with the aim of building an integrated Indian nation and a united fraternity that the Constitution-makers decided to provide for a single Indian citizenship with accompanying rights, benefits and obligations throughout the territory of the Union. All citizens irrespective of the State in which they were born are citizens of India and have the same rights and duties all over the country without any discrimination subject only to a few special protections



in case of Jammu & Kashmir, tribal areas, etc. and the power of Parliament under Article. 16 to prescribe residence within a State or Union Territory as a necessary qualification for certain classes of employment under the State or Union Territory. Also, all Indian citizens travelling abroad do so on Indian passport and represent Indian identity and loyalty to one entity that is the Republic of India.

Citizenship values under the Constitution: When India achieved independence from foreign rule, theoretically speaking, the people became the sovereign masters of the country. It was 'We, the people of India' who in the exercise of our sovereign powers, gave to ourselves a Constitution and when India was declared a Sovereign Democratic Republic, we became its proud citizens and as such the foundational units of its polity. We elected our representatives to make laws for us and to rule over us. Those electing were "we, the citizens" and those elected were also "we, the citizens". As Justice B.L. Hansaria puts it in his *Right to Life and Liberty under the Constitution*, "people of free India felt assured that days of repression were over—their lives and liberties would no longer be playthings of the rulers, and their co-citizens who would rule them henceforth would, in all strictness and situations, be able to take their lives and deprive them of their liberties only in accordance with the procedure permitted by law".

Heirs to one of the most ancient civilizations on earth and a highly developed culture with its own ethos and value system and with the background of a unique freedom struggle, we tried to enshrine in our Constitution some of the

fundamental values we wanted to work for as citizens of independent India. Constitution of India, therefore is not only a political or legal document setting out the nature, the polity, structure and functions of the organs of the State—Legislative, Executive and Judiciary—and their relationships inter se, but also a charter of citizenship values—of all the desirables for and on the part of the citizens of India.

Constitution of India is not merely a political or legal document, it is a charter of citizenship values.

In as much as the Constitution is the creation of the people, the basic constitutional values embodied in the Preamble and the Fundamental Rights, Directive Principles and Fundamental Duties Parts of the Constitution represent their value system and are an embodiment of their dreams, hopes and aspirations. They are the Magna Carta of their freedoms, rights and ideals. The provisions in various parts of the Constitution actually emanate from citizenship values—the principles held in high esteem and worthy of making sacrifices for by all of us—the citizens of India.

Citizenship makes adherence to citizenship values in the Constitution a categorical imperative for all of us in whatever position. And, the citizenship values are rooted not merely in our legal status as citizens but in some foundational norms or basic values of citizenship enshrined in the Constitution and permeating all its provisions. Citizens must value citizenship and its values. These not only bring valuable rights but also ordain duties.



Some of the citizenship values have been stated explicitly, for example in Preamble or in Part IV A of Fundamental Duties while others—sometimes equally or even more important ones—are implied in the text and spirit of the provisions and have to be deduced therefrom. To cite just one example, the content of citizenship values in terms of role, rights and duties of citizens flowing from Article. 326 which provides for universal adult franchise may work out to be one of the most significant.

The Head of our State—the President of our Republic—is not only the first citizen of India but he is first a citizen and then only President.

As such while acting as President he has to keep uppermost the values of citizenship enjoined by the Constitution. When the Constitution says that only a citizen can be appointed as President, what is meant is not merely the legal status of citizenship but real adherence to values of citizenship. That is why he has to take an oath of office which binds him to protect the basic constitutional values. Like the President, most other high functionaries, legislators, etc. have to take, what may be called 'citizen oaths' of bearing true faith and allegiance to the Constitution and to the sovereignty, unity and integrity of the nation.

Rights and Duties: Unfortunately, of late, there has been some rather disproportionate emphasis on the rights of citizens as against their duties even though the traditions and temper of Indian thought through the ages laid greater emphasis on duties. Actually rights and duties are the two sides of the same coin. For every right, there is a

corresponding duty. Rights flow only from duties well performed. Duty is an alienable part of right. What is duty for one is another person's right and vice-versa. If all men have a right to life, a duty is also cast upon all men to respect human life and not to injure another person.

If everyone performs his duty, everybody's rights would be automatically protected. Gandhiji sought to emphasise the economic and social responsibilities of all citizens. He said: "The true source of right is duty. If we all discharge our duties, rights will not be far to seek. If leaving duties unperformed we run after rights, they will escape us like will-o'-the-wisp, the more we pursue them, the farther they will fly".

Mahatma Gandhi had written:

"I learned from my illiterate but wise mother that all rights to be deserved and preserved come from duty well done. Thus the very right to live accrues to us when we do the duty of citizenship of the world. From this one fundamental statement, perhaps it is easy enough to define duties of man and woman and correlate every right to some corresponding duty to be first performed. Every other right can be shown to be a usurpation hardly worth fighting for".

Dr. L.M. Singhvi while speaking on the "Unfinished tasks of the Constitution" again at the India International Centre, very rightly identified the two basic components of citizenship values as reciprocity and responsibility. It is necessary to emphasise that there is a fundamental complementarity between rights and



duties of citizenship. As Dr. Singhvi put it:

“The two foremost tasks, indeed the most compelling among the unfulfilled tasks of our Constitution, pertain to the growth and development of citizenship values and the values of national unity and solidarity. Without these values and corresponding patterns of civic behaviour, our constitutional system cannot be sustained and cannot really contribute to the goal of building up a just, free, egalitarian and integrated society. Good citizenship and sense of national unity are indisputably the most vital and valuable human resources of a democratic and republican nation-state. In my opinion, they are also the most neglected in our national life.

Our Constitution is embattled and imperiled because we have failed to impregnate our social and political processes with the inspiration of patriotic citizenship, because we seem to have taken leave of the most basic concepts of reciprocity and responsibility, of rights and obligations, of excellence in whatever task is entrusted to us, and of the principle that our ultimate masters, the People, cannot be taken for granted forever”.

Conclusion: 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 fulfillment of rights. Our Constitution has been in operation for more than half

a century now. We began well, with many hopes and aspirations. We were fortunate to have a galaxy of great leaders with wisdom and vision. Much was achieved in the early years and in the decades that have gone by. *Today, we see the debris of the dream of the Founding Fathers lying scattered all around us. There is a general devaluation of all citizenship values and decline in our behaviour patterns and conduct of mutual relations. The rich diversity which are our greatest strength for national unity has become a source of divisiveness.*

In the words of Swami Ranganathananda “The citizen is responsible for the happiness and well-being of his nation. This happiness and well-being is the product of the work of millions of such citizens imbued with a spirit of efficiency, co-operation, and dedication, like the coral-islands which are built up from the bottom of the ocean by millions of tiny organisms depositing their shells, to emerge eventually out of the ocean as an island. Millions and millions of microscopic shells have gone into the makeup of a coral-island; similarly, little actions of millions of citizens go to the building up of a nation, the silent work of millions of housewives, artisans, peasants, teachers and others”.

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- ¹². State of Maharashtra v. Prabhakar, AIR 1966 SC 424; Sunil Batra v. Delhi Administration, AIR 1978 SC 1675.
- ¹³. Prithi v. Union of India, AIR 1982 SC 1413.
- ¹⁴. State Trading Corporation v. Commercial Tax Officer, (1964) 4 SCR 99; Tata Engineering and Locomotive Co., Ltd. v. Bihar (1964) 6 SCR 885.
- ¹⁵. An outstanding example in this category is that of J.B.S. Haldane, well-known British scientist who became an Indian citizen in 1958.