

Report on *Percipience 2 Lecture* 21April 2017

“Fundamental Duties under the Constitution of India – Forgotten Virtues ?”

Quoting Max Mueller, (DU double Gold Medallist) **Justice Sikri** said that we boast about India's rich heritage in the form of *Vedas* and *Upanishads* and teachings of sages who taught the world at large the meaning of life and how to live it. However, there is deep concern that this rich heritage has been largely lost or at best , deteriorating in the current times.

Quoting Nani Palkivala, he said that problems of black money, red tapism and corruption in India are deep - rooted and the basic cause of these problems is moral decay of our society and the general lowering of sociomoral standards. He emphasised that problems can be solved only with the active, dedicated contribution by citizens, this is where the role of **Fundamental Duties** as contained in Part IVA of the Constitution arise.

We need to be accommodating and to be tolerant. Today we have lost our calmness which results in different types of crimes such as road rage and crimes of passion. He also emphasised the relevance of happiness in one's life. He said that we need to understand the value of happiness over monetary gains, money is only a mean to attain happiness, the aim and objective of an individual, society and the country must be to attain happiness rather than emphasising on higher level of GDP.

If we adhere to the duties as given in the Constitution, many problems like casteism , regionalism, nepotism and offences against women will automatically decrease.

We need to rise above parochial considerations such as casteism, nepotism, communalism and regionalism and start accepting everyone as our brethren. In a definitive conclusion, Justice Sikri ended by saying that we must cultivate two senses of disciplines, *Self* regarding and *Other* regarding. One must attempt to be wiser by observing *Self* regarding discipline and one must show kindness toward fellow - beings. We must inculcate the sense of sympathy and empathy.

Professor M P Singh, Chancellor Central University of Haryana, *Moderator* highlighted the close relationship between *Dharma* and **Duties**. He emphasised that *Dharma* and *Deen* is not a synonym for religion, it is more than religion. *Dharma* and *Deen* take us forward as it prescribes doing our duties while religion on the other hand, takes us back by following and adhering to dogmatic practices. *Dharma* basically means the doing of duties as a person in the respective roles given to one person.

Quoting President Dr S Radhakrishnan, Professor M P Singh emphasised that for Hindus *Dharma* is a way of life. Similarly, the concept of *Deen* as given in Islam is also not equivalent to the concept of religion. He said that the very foundation of Islam is based on duties and obligations; again, Islam is the way of life for Muslims.

Pointing out the similarities between Hinduism and Islam, Professor Singh attempted to highlight the fact that we are all same and instead of focussing on points of differences we *should look for the similarities* such as humanism and tolerance, the message of Peace given by all the religions. These will help in performing our duties as envisaged in the Constitution.

Quoting Mahatma Gandhi, he said that *the true source of Rights are Duties*; one must be concerned to perform one's duties and the rights will automatically follow.

In his Presidential Address , **Professor Yogesh K Tyagi** appreciated the speakers and audience for a marvellous session on Fundamental Duties. He also encouraged the students to be as *hard-working, honest, simple and dedicated students* like Justice Sikri and underscored the tripos suggested by Justice Sikri of *Reminder, Warning and Inspiration* in regard to fundamental duties.

Asserting that *Rights and Duties are umbilically linked* , Hon'ble Vice Chancellor Professor Tyagi invited students and researchers to find a possible *jural correlative* between Fundamental Rights and Fundamental Duties, and added that these even at the 44th Amendment stage Fundamental Duties were retained, so we cannot doubt the legitimacy and , indeed , the vital relevance of these Duties even if they were inserted in haste.

He emphasised the Duty to *abjure violence* in the University and averred that violence is not limited to physical violence alone and one should seek the remedies of grievances *only by peaceful means*.

Professor Ved Kumari, Head and Dean Faculty of Law observed that if we see the rights and duties as given in the Constitution from the perspective of feminist jurisprudence, we find that the Rights which are more relevant to women are non-enforceable in the Constitution and Rights more relevant to men are made enforceable. This needs essential course correction.

EC Member Dr JL Gupta , senior Advocate Dr J C Batra , Professor Ashish , Yogesh Kumar, former CE Dr Ravi Batra , Arun Chaubey , Amit Singh , and Dr J L Gupta provided further sinews to the Session's *Percipience* .

Dr Shalini Baxi Dy Dean (Culture) compered the session while **Dr Vanita Tripathi** Dy Dean VCO proposed the Vote of Thanks .

Adapted from a Report by rapporteur Neeraj K Gupta Research Scholar CLC .