

Directive Principles of State Policy and Fundamental Duties: Constitutional Imperatives

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Lecture 34: Duties in Other Religions and Constitutional Connect

Greetings to all of you. We are in Module 7, where we are understanding the relationship between fundamental duties and other ancient texts, for which we have given a kind of heading: Relationship between Fundamental Duties and Indian Knowledge System. And in the last session, we tried to analyze the ancient texts, particularly the Vedas, Manusmriti, Mahabharata, and Gita—how duties are highlighted in those ancient texts and what kind of connection can be drawn between the relevance of duties stressed in those ancient religious texts and Part IVA of the Constitution. In continuation of the discussion on a similar theme, today we shall look at the relationship between fundamental duties, as given under the Indian Constitution, and the relevance of duties provided under other religions. In this context, we are trying to understand what could be a sort of moral justification for impressing upon every individual to follow fundamental duties. Though we do understand that with the constitutional entrenchment, these duties have become very important for every individual, and enforcement comes through constitutional provisions or constitutional dicta. However, on the issue of duties, we are also trying to build an argument about how religious documents give a sort of larger legitimacy to these duties, and such religious teachings should also be seen as adding value to fundamental duties and as an obligation upon an individual to abide by the duties so that constitutional goals can be achieved. So in today's session, we shall look at religious philosophies in Buddhism, Jainism, and Islam, and we will try to connect them with the different duties in Article 51A of the Constitution.

Generally, when we look at religious texts, we find that the very idea of spirituality is closely connected with duty. And that's how religious philosophy teaches us a kind of very intertwined relationship between spirituality and duty. And that's what also is the case with Buddhism, Jainism or Islam. When we look at it, we find that they emphasize upon the importance of

ethical conduct as part of a spiritual journey. And as we have been trying to look at the justification of fundamental duties, we have read that fundamental duties also gain the justification through moral elements, moral precepts which are ingrained in such duties. Needless to emphasize that these religious philosophies, these religious practices, they advocate for transformative approach to life, which focuses on avoiding of blemish character, which focuses on moral action, personal responsibility as well as the pursuit of spiritual liberation. And thus we can very well draw a connect between the teachings which this religious philosophy have on modern concepts and in today's discussion we are connecting it with. We are trying to align it with the duties given in Part IVA of the Constitution. When we analyze the very philosophy of duties which are there in Buddhism. We find that practicing punna is the foundation of purified human life as per Buddhism. Where three types of punna which Buddhism refers to, dana, sila, and bhavna. Dana is translated as generosity, Sila as morality and Bhavna as meditation. So Buddhism advocates for threefold disciplines which is Sila is like discipline or ethical living, Samadhi is about concentration and Prajna is insight or wisdom. There are five precepts which are being followed in Buddhism. The path is sometimes conceived of as a three-fold training in which sila provides the foundation for samadhi and prajna a good moral conduct, Sila refers overall principles of ethical behavior. And in which we find that there are eight noble paths. Sila includes practices of right action, right speech, and right livelihood. And the practice of moral discipline is supportive of other practices in the path. And that's how we find that there are several levels of Sila, which correspond to five basic precepts, known as the five Panchasila, which are about:

- I undertake the training-precept to abstain from onslaught on breathing beings.
- I undertake the training-precept to abstain from taking what is not given.
- I undertake the training-precept to abstain from misconduct concerning sense-pleasures.
- I undertake the training-precept to abstain from false speech.
- I undertake the training-precept to abstain from alcoholic drinks or drugs that are an opportunity for heedlessness.

So the first precept has potential implications on present-day issues like violence, war, and crimes. In the modern legal context, we can connect this precept with laws against murder and assault, which protect the right to life and personal safety. So legal systems, as we have observed across the world, criminalize unlawful killing or harming of individuals, as it violates

the basic human right to life. Second precept what you see is avoiding theft and cheating where this precept encourages the value of honesty and integrity by prohibiting theft or taking anything that does not belong to oneself. This precept promotes generosity, dana which is again key virtue in Buddhism. The severity of theft is judged not only by the value of what is stolen but also by the virtue of the person from whom it is taken. So this precept is reflected in the laws regarding theft, robbery and property rights where this kind of actions are considered to be a criminal offense. So legal system again across the world protect personal property, criminalizes the very act of stealing, ensuring that individual's belongings and assets are not taken without consent. Third precept which is about avoiding sexual misconduct where it emphasizes upon responsible and respectful conduct in sexual matters where it says that it is about prohibiting into engaging in sexual activities that cause harm to oneself or others such as adultery, sexual exploitation or inappropriate relationship. And you can very well connect this with a key principle here is about one has to work with integrity, respect and mindfulness. Modern laws gets connected with this, where laws are against sexual harassment, consent or adultery reflect these precepts whereby it protects a kind of forced relationship and protecting individuals from exploitation or coercion. That's how you find that laws against rape, sexual harassment seek to prevent sexual misconduct and uphold the human dignity. Fourth precept you find that which is about avoiding wrong speech. First three precepts focus on physical actions, aligning with the right action, aspect of eightfold path, where you find that observing the fourth precept aligns with the right speech. How it is often been interpreted more broadly to include refraining other forms of harmful speech that lead to mental unrest or suffering for oneself or others. In modern law, we find that this precept aligns with the laws on perjury, defamation and fraud. And in legal system, it holds individuals accountable for spreading false information that causes harm, which is these days also been termed as a case of misinformation and disinformation. Fifth precept deals with sovereignty, where this advises against the use of alcohol, drugs or any other substances that can impair the mind, causing heedlessness and a loss of self-control, where the intent is to maintain clarity of mind and avoid actions driven by delusion or ignorance. It relates to laws regulating alcohol and drug consumption where you find that in modern legal system often restrictions are being imposed on the use of intoxicants especially when it leads to unsafe behavior or impaired judgment. And that's how you find that there's a law against driving under influence, alcoholic influence or drug abuse where you these precepts are somehow connected. So you find that there is a link between the precepts and the duties which are there. For example, first precept has a kind of connect with Article 51A(i), which reads as to safeguard public property and to absorb violence and it also has a connect

with Article 51A(g) which reads as to protect and improve the natural environment and including forest, lakes, rivers and wildlife and to have compassion for living creatures. And then second precept has got a linkage with Article 51A(e) and it reads as to promote harmony and a 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. The third precept also has connect with the same fundamental duty given under Article 51A(e). Fourth precept has got again connect with safeguarding public property and to observe violence. And then fifth precept has again to do with protect and improve natural environment. So that's how you find that the precepts, the teachings or religious philosophy in Buddhism gets connected with fundamental duties which are there in Article 51A.

Now let us look at philosophy of duties under Jainism. We find that in Jainism, the path to liberation is outlined through three jewels. Ratnatraya and five vows (Mahavratas). These duties and ethical practices guide practitioners toward the purification of the soul. These ethical principles not only save the spiritual lives of practitioners but also resonate with a deep connection to the fundamental duties as given under the Indian Constitution. Three jewels, when you look at them, include right faith, (Samyag Darshan), which is believing in the true nature of the soul and the path to liberation. Then comes right knowledge, Samyag Jnana, which involves understanding the teachings of Jainism and the nature of reality. And then right conduct, Samyag Charitra, which means acting in a way that purifies the soul and avoids accumulating karma. These five vows are Ahimsa, Satya, Asteya, Brahmacharya, Aparigraha. That's what it says. Now, the duties in Jainism, when you look at them, are based on the very idea of spiritual liberation, which is achieved through self-discipline and ethical living, as we have argued that moral or ethical considerations play a significant role in the effectuation of fundamental duties. Central to the philosophy is the concept of karma, which is seen as a material substance that binds the soul due to actions driven by passions and desires. These duties are not merely obligations but pathways to spiritual liberation, fostering harmony within the individual, society, and the natural world. If you also look at the relevance of duties under the UDHR, there too, there is a specific reference to duties toward the community, or for example Article 12 of the Japanese Constitution, which mentions public welfare. So duty in general, when you look across jurisdictions, you find that it has got that kind of value, which is so important for self-development as well as for just an equal or good social order. So duties under Jainism, you find that they can be broadly categorized into three domains. Duties to oneself (self-purification), duties to others (social ethics) and duties to the environment. You

draw the connection here with the fundamental duties; you find that there is a lot of discussion going on about the issue of climate change and environmental crisis. This very philosophy can play a significant role in minimizing harm to nature. And the duties which are there in Jainism can very well work in encouraging everyone to contribute to a good environment. That's how we connected with Article 51A(g), which is about protecting the environment and improving the natural environment. And also Article 51A(e), which is about promoting harmony and the spirit of common brotherhood.

Let us also look at the philosophy of duties under Islam, where what we find is that Islamic philosophy asserts that human beings are endowed with reason and free will, making them morally accountable for their actions. So what we find is that this accountability is enshrined in the Quranic verse, where it is written that we have certainly created man in the best of stature, then we return him to the lowest of the low, except for those who believe and do righteous deeds. Then Islam places great emphasis on ethical behavior, as it has been indicated in the Quran and Sunnah. Duties such as honesty, kindness, and justice are considered acts of worship, where you find that what Prophet Muhammad has said: 'The most beloved of people to Allah are those who bring the most benefit to others.' It also recognizes a sort of interconnectedness of all creation and assigns humans the duty of environmental stewardship, where it is written: 'Do not commit abuse on the earth and spread corruption.' Duties under Islam and modern relevance—when you look at it, you find that the teaching of Islamic scriptures has got a kind of relevance and can be connected with the fundamental duties. For example, the concept of honesty, kindness, justice, and benefiting others can very well be related with Article 51A(e), which is on common brotherhood. Then environmental stewardship can very well be connected with Article 51A(g), which is about protecting the environment and improving natural resources. And then human excellence, when you talk about it, certainly it talks about how one can connect it with Article 51A(j), which is about striving for excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavor and achievement. So that's how you can connect it with the fundamental duties. So when you look at it, you find that the moral and religious philosophies provide a strong ethical foundation that reinforces the constitutional ideals under Article 51A. While looking at the larger legitimacy of fundamental duties, it should not always focus on the legal legitimacy. The same can be drawn also from an ethical perspective, a religious perspective, or a moral perspective, and the same can be drawn by reading this literature or by referring to these religious philosophies. Religious teachings promote unity, respect, and compassion among individuals,

which certainly reinforces the idea of constitutional values or ideals. Such moral tenets have historically played a role in fostering communal harmony and peaceful coexistence in the diverse society of India. By integrating or by trying to draw a connection between moral tenets and constitutional duties, one can argue that a nation strengthens its democratic fabric, not by imposing religious beliefs, but by drawing from universally accepted ethical values that resonate across faiths, which I was also talking about in one of the sessions as cross-cultural philosophical foundation is one of the important sources of duties in different jurisdictions.

So in conclusion, one may argue that the nature of duty is what we have looked at, what we have gone through in Buddhism, Jainism, and Islam. It certainly showcases a connection between individual and society and ethical and spiritual duties from these traditions. They help in shaping up personal growth and societal harmony, and that's how we can always say that it aligns with the broader idea of fundamental duties given in Article 51A, where it has been suggested that there shouldn't be an overemphasis on rights and there shouldn't be an overemphasis on assertion of claims; there should also be due regard given to the duties of every individual because that emphasis is very important for building a nation because every individual must come forward by fulfilling his or her duty so that the constitutional goals can be achieved by the collective action of the state and the citizen.

These are the references for this session.

Thank you.