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The Spirit of Nationalism as Citizen's Duty

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ABSTRACT

The issue of Nationalism is not new or unknown to a person. However, the amount of nationalism varies from one person to another depending upon the values and his/her views towards the nation. This issue was further hyped when recently the acts of individuals were considered as an act against the sacred concept of nationalism which led the chaos to create altogether a different act. The Constitution of India shares the concept as a part of fundamental Duties enshrined under Article 51A; however the recent state of affairs questioned the concept once again as to whether it is a citizen's duty or not. In this paper, the author attempts to explain the link between the nationalism and citizen's duty as to follow it."

Keywords: *Nationalism, Fundamental Duties, Constitution, Article 51A, 42nd Constitutional Amendment.*

"The fact remains that the duty of every citizen of India is the collective duty of the State."

- **Justice Dalveer Bhandari**

Our country, India, is the most diverse country in its nature, yet we stand together for each other, for the nation. It is homeland to numerous castes, culture, religion, language, ethnicity, geographical diversity, tradition, customs etc. It has more features than an entire continent could have. What abides us united is the Constitution i.e. supreme law of land, which recognizes our country as sovereign, secular, socialist and democratic in true sense. On the other hand, Nationalism is a theoretical concept shaped by the nation's people who believe that their nation is superior to all. This sense of superiority has its roots in a shared ethnicity, geographical unity, culture, religion, ideology, language etc., yet Nationalism exists in our country.

This concept of nationalism exists from the genesis of society and its establishment into the nation. The advocates of this theory are referred as a nationalist, who primarily focuses on development of nation as a whole. Prior to independence, its essence can be widely noticed in all struggles for freedom in India, which was merger of series of political, socio-cultural and economic factors that led to the rise of Nationalism.

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After the gain of independence and formation of the Indian Constitution, the whole theme took a turn when it was brought into codified form. The 42nd Constitutional Amendment, 1976 (also known as ‘mini constitution’) brought in fundamental duties by insertion of Article 51-A (Part IV-A). The idea of fundamental duties in our constitution was borrowed from the USSR. In USSR, before 1815 the sense of Russian nationalism was weak, what there was focused on loyal obedience of tsar. *Sergey Uvarov* coined this concept of nationalism (‘*Narodnost*’) i.e. national spirit which was later adopted by *Emperor Nicholas* as official ideology. In India, unlike the fundamental rights, duties are imposed upon the citizens only. A bare version of the whole Article enumerates its principle to respect nationalism by abiding by the Constitution, cherish and follow noble ideals who inspired national struggle for freedom, by upholding and protecting the sovereignty, unity and integrity of India, by defending country and rendering national service when called upon etc. The several clauses of Article 51A of the Indian Constitution express fine sentiments, while many of the provisions are being enforced by different ordinary and special statutes.

The Nationalism is relatively benign and is best seen in the form patriotism of most people in their respective countries including India. In such countries, almost everyone believes that the state is legitimate and supports it often without any question. Hereby, the individuals give up their interests and works for the overall national interest and sovereignty. It also helps in curbing mutual conflicts and quarrels and leads to political unity and stability. For eg. sacrifices made by our armed forces, people bear burden of extra taxes in order to implement plans in national interest, showing respect to national symbols etc.

As being a responsible citizen of India, each and every person shall strive to fulfill the constitutionally mandated fundamental duties toward our nation, whether it may be toward any form or figure of national importance such as National Flag and Anthem. From time to time, the Hon’ble Supreme Court issued clarifications, regarding what would constitute disrespect and abuse to the National Anthem and directions to avoid such disrespect and abuse. The stated observation can be discovered in several cases including *Bijoy Emmanuel’s*, *Naveen Jindal v. Union of India*, *N.R. Narayanmurthy’s* etc. cases. In a recent case, *Shyam Narayan Chouksey v. Union of India*², the Hon’ble Supreme Court held that one is compelled to show respect whenever and wherever the National Anthem is played. *It is the elan vital of the nation and fundamental grammar belonging to a nation State.*

For the proper enforcement of duties, it is necessary that it should be known to all concerned

² AIR 2018 SC 37.

citizens. Most of the people of our country are illiterate, malnourished, poor and not politically conscious of what they have and what they owe to society and nation. A correlation between fundamental rights and duties can suffice this cause as while the fundamental rights under Part III of the Constitution empowers a citizen, the fundamental duties remind the great responsibilities. If such citizens have rights, they also owe duties as well to fulfill. *Eg.* Insertion of Article 21-A (Right to education) and Article 51A(k) by the 86th Constitutional Amendment, 2002. The very performance of a duty secures us our right and rights cannot be divorced from duties. In similar context arrives the fundamental principle of governance which recognizes that a state shall protect its citizens' rights for the betterment of the society, likewise, a citizen owe to nurture the spirit of nationalism within himself/herself and other citizens of the country. The moral values of fundamental duties would not only make enforcement of fundamental rights smoother but also establishes a democratic balance in the country.

However, nationalism can be both irresistible as a political force and disastrous in political development. In recent trend, it is regarded that nationalism equals to pro-government, which is not the case at all. A person who criticizes the government policies or doesn't support the ruling party's ideology is not an anti-nationalist. One can love his country even if they don't support the government. A government can neither be nation or state in itself; rather it is an entity of state like other entities including Population, territory and sovereignty. At an instance, the Nationalism in an aggressive form could lead to violence, racism etc. (*Eg.* Genocide, Ethnic Cleansing, Germany-Nazis and Jews) where the concept of Nationalism leaves most people blinder than they should be to their country's political flaws.

Nevertheless, the spirit of nationalism shall always be esteem and shall be nurtured in furtherance of national goals exclusively. It is the duty for each of its citizen to obey fundamental duties as provided under the Constitution. We are expected to defend our country, run our country, or represent our country. It shall be not surprising that there is an established link between our fundamental rights and fundamental duties, whereby the latter carries equal importance. The intimate link between the citizen duty and nurturing of nationalism shapes not only the impression and ideology of nation but also has left its stamp on the hearts and minds of the individuals. What our nation had given us, we might not give them back, but we shall always respect of what we have.
