

## Citizenship-Rights and Duties

**Excerpts from “CITIZENSHIP-RIGHTS AND DUTIES” by JUSTICE E.S.VENKATARAMIAH, JUDGE, SUPREME COURT OF INDIA, (Justice R.K.Tankha Memorial Lecture, 1988 delivered under the auspices of the Central India Law Institute, Jabalpur)**

### **THE CONCEPT OF CITIZENSHIP**

In essence, citizenship is a bond. Man, when he comes into this world, is born with a physical bond. This is towards his parents. Though biological in origin, it has a deeply rich emotional content. As he grows, he comes to form a number of other bonds. Some of these are extra-legal and purely emotional, such as the bond of friendship. A few of them have both legal and emotional aspects, such as the bond of marriage. A few of them, again, have only legal aspects, such as the bond arising out of contract. But the one bond that arises on birth and flowing from the law, may govern the life of an individual throughout his or her existence is the bond of citizenship. This aspect does not become prominent in our static life - a proposition which might

be true of many other legal links. It is only when a problem of some difficulty arises or a controversy of some magnitude emerges, that the strength or weakness of the bond and the manner in which it is binding, becomes crucial.

The concept of citizenship has fundamental links with the development of political thought throughout the centuries. The present day word 'citizen' itself is derived from the French root word 'citoyen'. As at present understood, it has two meanings. According to the first meaning, it is linked with a particular city, for example, as when one speaks of 'citizen of Paris'. In the second meaning, it carries connection with the State or the nation and indicates a certain type of relationship with a particular nation. It is for this reason that the word 'nationality' is often used in other countries to denote the political and legal link that exists between a particular State and those who owe permanent allegiance to it. However, the one disadvantage of the expression 'nationality' is that it has a negative and disjunctive quality about itself. It indicates a

sociological affinity. It emphasizes the demarcating barrier between one nation and another and makes subordinate the philosophical link between a State and its own nationals. The modern nation States owe their origin to the idea of nationality like, the French, the Germans or the Dutch. The idea that a person who is not a member of a nation can also be a citizen is overlooked. In contrast, the word 'citizen' makes it possible to hint at the fact that within a geographical territory organized as a political entity, there could be a number of persons between whom and the political organisation there is affinity. Citizenship in this case may be acquired by birth or by naturalization. The present day United States of America is an ideal illustration to explain this concept. People who originally belonged to different nationalities have now become citizens of the United States of America. Citizenship in this case is an affinity that makes them care for the political organisation and also makes that organisation care for them. It is thus a cementing tie, positive in its content and constructive in its approach.

The fact that citizens may, if necessary, take up arms for the State to which they belong and may be called upon to do so is incidental to this relationship. What is of primary value is that in their daily life and conduct, they owe obligations to the State.

It is to the Greeks that we owe the basic concept of citizenship. The Greek States did not have large territories. Mostly, they were small city States, ruled by monarchy or, at times, by some other form of Government. But the fact was that persons permanently residing within the geographical territories or units owed an obligation to the State and enjoyed certain rights and they brought into the forefront the intimate relationship between the State and these residents. Thus was born the concept of citizen. The fact that the States were also cities might have something to do with the origin of the word. But once the concept was evolved, it lost the purely local colour and came to occupy an important place in the history of philosophical thought.

Athens was a model city State. The period between 460 B.C. and 430 B.C. during which Pericles ruled was perhaps its best period. Those years have been ideally called as the classical Greek period during which period the Greek culture blossomed. It gave a stimulus to the entire European world in all departments of life and art – literature, philosophy, art, sculpture, drama, science and medicine. This was followed by the era of Aristotle and Alexander.

W.H.Auden writes:

“There could be no stronger proof of the riches and depth of Greek culture than its powers of appeal to every kind of personality. It has been said that every one is born either a Platonist or an Aristotelian; but it means to me that there are more contrasted and significant divisions than this, between for instances, the lovers of Ionia and lovers of Sparta, between those who are devoted to both Plato and Aristotle and those who prefer Hippocrates and Thucydides to either.”

Proceeding further Auden said:

“Had Greek civilization never existed, we might fear God and deal justly with our neighbours, we might practice arts and even have learned how to devise fairly simple machines, but we would have never become fully conscious, which is to say that we would never have become, for better or worse, fully human.”

This is the tribute paid by a modern European to the ancient Greek civilization which was dependent on the practice of good citizenship and observance of equality in political life.

This Greeks themselves were great thinkers. Unlike the modern intellectuals, they did not divide life into segments. Nor did they divide knowledge into compartments. They regarded life as one integral whole, to be lived to the full. It was a rich life, not devoid of pleasures of the senses, but, at the same time, not wanting in the refinements of civilisation. The body, the mind and the soul went together. The family, the society and the State supplemented each other. With

this approach towards life, it was inevitable that knowledge was also regarded as integral. It was to be an instrument for living the full life, enriched with subtle thinking and occasional philosophical excursions. It was in this climate that Greek drama, history, poetry, rhetoric and other intellectual achievements were born and took shape. This naturally made it possible for the Greeks to accept the thinking of philosophers who offered deep insights into reality and a co-ordinated approach. The famous trilogy of Greek philosophers-Socrates, Plato and Aristotle-wonderfully enriched Greek thinking. Each of them viewed life as a whole and took all knowledge as his province. Socrates stood for free thinking. Plato's thinking which probably will survive for a few more centuries, has a stamp of originality and depth, of which the finer nuances have not yet been grasped, even though a hundred generations have passed. Aristotle, the last of these three great philosophers, tried to systematize, collect and co-ordinate knowledge. He had the advantage of the abstract doctrines of Plato and could make concrete

many of the abstractions. Covering almost all branches of knowledge, Aristotle did not leave out politics and ethics. In Book III of Politics Aristotle tries to give some idea of the organisation of the State. A portion of the discussion is devoted to the citizen. Here, he mentions the essential attributes of a citizen as one who takes part in the process of judgment and in the deliberations of the Assembly. Because of the peculiar nature of the city States in Greece, Aristotle's emphasis on these two functions is understandable. Even though the citizen in the modern State has no direct role to play in law-making or in the making of political decisions by representative assemblies, Aristotle's formulation about the citizen has not lost its significance. It serves to highlight the basic postulate of a democratic State, namely, that every citizen has some part to play in the governance of the country. Similarly, Aristotle's mention of the role of the citizen in the administration of justice, though it may now appear to be only of historical value, serves the important function of reminding us that the administration of justice is an

essential function of the State. It also reminds us that even if a court of law may be primarily concerned with disputes between the individuals who are parties to the dispute, every citizen is interested in the process of justice. Academic though it may appear, this aspect has been known to assume considerable practical importance from time to time, in modern legal doctrines and decisions. Not unoften, legal controversies arise as to how far the principle of open trial can be properly departed from. Legal controversies inevitably arise as to the considerations on which exceptions, if any, could be made to the principle that the proceedings of a court shall be open to the public (including the press) and the reporting of judicial proceedings is to be regarded as a matter, not only of legal right, but also of relevance as a means of education and information for the citizens.

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