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**The challenge of reviving a sense of fraternity**

It cannot be prescribed in formal terms alone; it has to be imbibed individually and collectively, which is the challenge today

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The Constitution of India was drafted by the Constituent Assembly. The idea was initially proposed in December 1934 by M.N. Roy, a pioneer of the Communist movement in India and an advocate of radical democracy. It became an official demand of the Indian National Congress in 1935 and was officially adopted in the Lucknow session in April 1936 presided by Jawaharlal Nehru, who also drafted the Objectives Resolution. The proceedings of the Constituent Assembly show the richness of ideas that characterised it. The Drafting Committee was presided over by B.R. Ambedkar.

‘Common brotherhood’

In the concluding session of the Committee, on November 25, 1949, B.R. Ambedkar drew attention to a lacuna in the draft. “The second thing we are wanting in is recognition of the principle of fraternity. What does fraternity mean? Fraternity means a sense of common brotherhood of all Indians — if Indians being one people. It is the principle which gives unity and solidarity to social life. It is a difficult thing to achieve....”

He added elsewhere that ‘without fraternity[,] equality and liberty will be no deeper than coats of paint’; that fraternity has been most forgotten in our Constitution and in our electoral process, that in turn are reproduced in our hearts and homes. The idea of fraternity is closely linked to that of social solidarity, which is impossible to accomplish without public empathy.

So along with liberty, equality and justice, fraternity was added to the principles in the Preamble. There was little discussion nor was it sufficiently clarified that a sense of fraternity enriches and strengthens the gains emanating from the other three.

Those in the audience familiar with the history of the French Revolution might have recalled with some disquiet the message of the 1792 Edict of Fraternity (‘All governments are our enemies, all people our friends’). Only Acharya Kripalani, on October 17, 1949, drew attention to some implications. He pointed out that the contents of the Preamble were not only legal and political principles but also had a moral, spiritual and mystical content: “If we want to use democracy as only a legal,

constitutional and formal device, I submit, we shall fail.... the whole country should understand the moral, the spiritual and the mystic implication of the word democracy... If we have not done that, we shall fail as they have failed in other countries. Democracy will be made into autocracy and it will be made into imperialism, and it will be made into fascism. But as a moral principle, it must be lived in life. It is not lived in life, and the whole of it in all its departments, it becomes only a formal and a legal principle.

### A duty

What duties emanate from it? How are they to be undertaken in practice? The text of the Constitution dilates at length on the implication of other principles and on the duties arising from them; not so on fraternity. In fact, Article 51A, on Fundamental Duties, added to by the 42nd Amendment in 1977 and further amended by 86th Amendment in 2010, evaded it except by Article 51A(e) generally that referred to the duty of every citizen 'to promote harmony and the spirit of common brotherhood amongst all the people of India'.

This has wider ramifications and, as pointed out by Sir Ernest Barker in a seminal work lauding the Constitution of India, a distinction has to be made between the psychological fact of common emotion and the political principle of fraternity or co-operation. 'Fraternity is a dubious word, which may be used to denote both emotion and principle but is perhaps generally used to denote emotion rather than principle...the emotion of loyalty to the state and the emotion of nationalism for national society are, or should be, controlled emotions.'

In such a discussion, it is useful to recall the difference between being and becoming. Being designates a state, something which continues unchanged through time while becoming designates an event, a change of state, an act of cultivation. There is also, as Rajeev Bhargava has argued, 'a pressing need to excavate the moral values embedded in the Constitution to bring out their connections, and to identify the coherent or not-so-coherent worldviews contained within it.'

Three years later, and after some experience of the working of a nascent democratic system that he had helped to put in place (and in which disagreements on critical questions led to his resignation from the government), B.R. Ambedkar devoted himself to this arduous task of 'excavation', in a lecture on December 1952 aptly titled 'Conditions Precedent for the Successful Working of Democracy'. Listed first were certain general characteristics: democracy is prone to change form and purpose and its purpose in our times 'is not so much to put a curb on an autocratic king as to bring about welfare of the people'. It is a method of government by discussion that brings about revolutionary changes in the

economic and social life of people without bloodshed. Some specifics were listed to bring this about: there must not be glaring inequalities in society, there must also be an opposition, an equality in law as well as equal protection of law, and administration and observance of constitutional morality. There must be no tyranny of the majority over the minority. Above all, a functioning moral order in society and a public conscience are essential. This same social necessity is present in B.R. Ambedkar's righteousness or dharma, tinged as it was by his evolving religious perceptions.

The ground reality on each of these counts gives a different reading. Inequalities continue to persist and so do those emanating from the caste system; the democratic opposition has progressively declined in substance, equality in law does not necessarily mean equal protection of the law, and little regard is paid to constitutional morality. Each of Gandhiji's Seven Social Sins (inscribed on a tablet at Rajghat) seem to hold good in the functioning of the polity.

An unavoidable virtue

India's existential reality is one of immense diversity. There is also an unfortunate legacy of violence at birth that persists and takes different forms. This necessitates the functioning in practice of these principles in all their diversity and in individual and collective terms. Without imputing infallibility, a sense of fraternity as an essential virtue is thus unavoidable. This cannot be merely in formal terms and has to be imbibed individually and collectively. Nor can it merely be a legal or formal venture and must ascend to what Acharya Kripalani described as a moral and spiritual content. A legislative shape to it, however, is yet to be given beyond the wording of Article 51A(e) – a 'duty' notionally in the shape of a pious hope without going beyond the consequences of the non-observance of other duties specified in this Article.

The challenge today is to invest our democracy with this moral content at the individual and collective levels. It has to take the shape of an imperative; a failure to do so would expose us to the threat of fragmentation. Its consequences should not be guessed.