

Directive Principles of State Policy and Fundamental Duties: Constitutional Imperatives

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Lecture 35: Weaving Unity: Fraternity in Indian Culture and Constitution

Greetings to all of you. We are in Module 7, where we are discussing the relationship between fundamental duties and the Indian Knowledge System. We are trying to analyze how the ancient texts can give additional legitimacy to the fundamental duties incorporated through the 42nd Constitutional Amendment Act. And in today's session, we shall be talking about the relevance of fraternity, which has been explained or amplified in the fundamental duties and which already features in the Preamble to the Indian Constitution. So, in today's session, we shall be covering this concept where we shall talk about fraternity under the Indian Knowledge System. We shall also try to delineate the concept of fraternity—how fraternity in contemporary times has been analyzed and understood, and how we have adopted this value of fraternity under the Indian Constitution. And what is the take of the judiciary on this value? How the judiciary has used this very preambular concept and duties to interpret the Constitution or to add constitutional goals or to strengthen constitutional goals.

It is a well-known fact that the idea of common brotherhood has got a very deep entrenchment in the ancient texts because it is based on the very premise of universal bond of unity, mutual respect, and shared humanity. And thus, this very idea of common brotherhood transcends all kinds of boundaries which are man-made—for example, race, caste, nationality—and certainly helps in promoting peace and harmony in society. That is why we shall try to look at how this common brotherhood is rooted in ancient wisdom and to what extent it reinforces the modern ideals, which is a very clear-cut goal and a very clear-cut value laid down in the modern Constitution. So, by embracing the wisdom of the ancient texts, our idea is to read the modern concepts of common brotherhood and fraternity as manifested principles under equality, social harmony, and collective responsibilities, which are well-known constitutional values in the Indian Constitution. Let us try to look at the connection between fraternity in the ancient

texts—how it was considered in ancient India, where you find that in the realm of Bharat, the essence of fraternity, which can loosely be translated as “बंधुता”, flourished like a divine thread, weaving souls together with an idea to create harmonious relationships and kinship. So, this divine principle is not only considered to be a kind of abstract idea. But it was full of living ethos, breathing through the lives and customs of the people, and possibly that is the reason why this scripture proclaims the oneness of mankind by saying वसुधैव कुटुम्बकम्, which was there in chapter 6 of the Maha Upanishad. This very scripture is also inscribed at the entrance of the old Parliament building. So, fraternity in ancient times is also connected with dharma, where fraternity is closely knitted—closely connected with the fabric of the social order—where it has been suggested that the dharmic tenets of mutual aid and compassion were manifested in rituals, festivals, and practices, which go a long way in uniting the communities and giving a kind of communitarian feeling and approach. That is how, when you look at the ancient Gurukul system, which nurtured the spirit of camaraderie among monks and disciples who lived and learned together, regardless of their lineage.

So, fraternity in Hinduism is deeply rooted in the philosophy of interconnectedness and universal brotherhood—that is, if I can cite this shloka again from the Maha Upanishad, where it says, “अयं निजः परो वेति गणना लघुचेतसाम्। उदारचरितानां तु वसुधैव कुटुम्बकम्” “This person is mine, that one is another’s—such thoughts occur only to the narrow-minded. For those of noble conduct, the whole world is one family”. Further, if you analyze the reference of fraternity, you find that something of a similar contour is there in different ancient literature. For example, in an Upanishadic text, you find that again there is a reference to fraternity in these words: सर्वे भवन्तु सुखिनः सर्वे सन्तु निरामयाः। सर्वे भद्राणि पश्यन्तु मा कश्चित् दुःखभाग्भवेत्॥” where it treats or stipulates: “May all beings be happy, may all be free from illness. May all see auspiciousness, and may no one suffer”. So, the idea of oneness, the idea of togetherness, is well inbuilt in this shloka. Then, another from the Bhagavad Gita, which is there in Chapter 5, Verse 18 states that “विद्याविनयसम्पन्ने ब्राह्मणे गवि हस्तिनि। शुनि चैव श्वपाके च पण्डिताः समदर्शिनः॥” which can be translated as: “The wise see with equal vision a learned and humble Brahmana, a cow, an elephant, a dog, and even a dog-eater”. This certainly highlights that oneness of all beings advocating for fraternity through equality and mutual respect regardless of the social status, background, lineage, and ethnicity. That is how you also further connect fraternity with the idea of Buddhism where you find that Buddhism is deeply emphasized based on the core values which is about compassion (Karuna) and universal love (Maitri). That is what Buddha taught

that all sentient beings are interconnected. And that is how the concept of Paticca Samuppada (“प्रतीत्यसमुत्पाद”) which highlights that no one being exists in isolation fostering a spirit of mutual care and understanding. Further when you look at the literature which relates to Jainism, there again you find a very entrenched reference of fraternity where Jainism advocates fraternity through its emphasis on Ahimsa and Anekantavada (“अनेकांतवाद”) which is translated as many-sidedness where you find a sloka of “अहिंसा परमो धर्मः” that non-violence is the highest virtue. This principle certainly fosters or promotes a sense of fraternity by promoting non-violence and compassion toward all living beings recognizing their inherent equality. And that is how you find that the philosophy of Anekantavada where the multiplicity of viewpoints teaches that truth is multifaceted, it has a multi dimension where it in a way encourages tolerance and fraternity by valuing and respecting diverse perspectives, divergent views or different viewpoints. And that is how you look at the concept of fraternity in modern times where it has been suggested that the ideals of fraternity has been engrained in the French Constitution as a kind of aftermath of French revolution, in the Constitution of year III in this terms where it is where it says that *“Do not do to others what you would not want them to do to you; do constantly to others the good which you would wish to receive from them”*. That is how you find that the ideals of fraternity can be broadly under these three broad approaches one is the collective action, second is cooperation and then third one is mutual responsibility. And let us look at the connect between these ideas with fraternity where you talk about collective action it is all about involving social groups, collective action together as opposed to dominant individualistic ideologies. Then the argument of collective action also bases on this very sentiment that activities undertaken with others are in one or the other way is more valuable than those which are done on a very individual level or individual individually. And, thus ah it is it can be said that fostering mutual support growth and empowerment is something which is very valuable for the growth of the society and for building a kind of solidarity in the society. Additionally, this kind of feeling certainly goes long way in empowering disadvantaged marginalized and dispossessed individuals to transform their circumstances. That is how we also connect cooperation with fraternity where it can be interpreted in two different ways. One is defined in terms of common purpose people can be said to be cooperating when they are working to the same end or the second view of cooperation is based on the process and partnership which is about engagement in a common activity. And that is how when cooperation merges with collective action enhances the sort of sense of unity and collaboration among the group members which in a way fortifies or which in a way brings

in the sense of fraternity and coming together. That is how also the case with mutual responsibility and aid where it is all about obligation to support others within a network of relationships. And, this can be seen or this can be analyzed in two forms one it could be a case of balanced or direct reciprocity whereas, about mutual agreements or exchanges between individuals. And, the second one is generalized reciprocity where it is about indirect exchange where benefits received from one person create obligations to others forming a broader network of interdependence that is how it is being read. So, balance or direct reciprocity refers to a mutual exchange of goods or services or support between individuals or groups where each party directly gives and receives something of roughly equivalent value. Whereas generalized reciprocity is about in general where people confer or receive benefits from one person which conveys obligations to someone else.

Relevance of fraternity is also highlighted in the Constituent Assembly and that is how you find fraternity becoming a very important value in the preamble to the Indian Constitution. Though fraternity was not included while placing objective resolutions before the formulation of the Indian Constitution, because it is the objective resolution which has guided the Constituent Assembly on the overall framework of the Indian Constitution and that was proposed by Pandit Nehru. Dr. Ambedkar who emphasized on adding the term fraternity into the Preamble and he was of the view that preamble in a way is going to give a strong message on shared brotherhood among all Indians and what he said is fraternity means a sense of common brotherhood of all the Indians. So, if Indians being one people is a principle which gives unity and solidarity to social life is a difficult thing to achieve. So, he was of the view that fraternity is not only about the unity of the nation and sovereignty, it is also to do with solidarity in social life. That is how it was being deliberated in the Constituent Assembly, the concepts of equality, fraternity, and liberty. They were perceived as a continuing trinity, forming a kind of bedrock of democracy or a very anchoring basis on which the democratic values were supposed to flourish. And it is flourishing as on date also, and that is how you find that what was the upon while drafting the Constitution and while placing the value in the Preamble to the Indian Constitution. The same got amplified when there was a deliberation on incorporating the set of duties in the constitution when the Swaran Singh Committee discussed it and thought of having a set of duties for ordinary Indians, for citizens to follow. In addition to the very assertion of rights, which are given in Part III, they thought of highlighting the significance of fraternity by stressing upon the idea of common brotherhood. That is how, when you read Article 51A(e), it reads as to promote harmony and the spirit of common brotherhood amongst

all the people of India transcending religious, linguistic, and regional or sectional diversities, which certainly is about manifesting the idea of fraternity. You may say that the preambular concept, which is there in the Preamble to the Indian Constitution, Article 51A(e) amplifies that idea and makes a kind of elaborative concepts on fraternity. And thus, it certainly encourages individuals to foster a sense of collective responsibility, which goes a long way in strengthening the national social fabric, and that is why it has been said that together we rise, united we thrive. The judiciary has also expressed its opinion on fraternity, whether it could be in the context of fundamental rights or it could be in the case of power exercised by the state. For example, in this case of *In Re: Section 6A Citizenship Act 1955*, (2024) where there was an issue with regard to the Assam Accord for granting citizenship to the immigrants coming from Bangladesh, the court had said that fraternity was envisioned as a deep sense of well-being for others and to counterbalance individualism thereby preventing anarchy and sustaining moral order in society. To validate the scheme of EWS based reservation in *Janhit Abhiyan v. Union of India*, (2022) the court observed that fraternity as a concept awakens humans to the reality that despite our apparent or superficial differences, ethnic, religion, caste, gender, origin or economic status, the institutions we create need our collective cooperation and individual commitment. On the issue of wearing hijab in the school, the Court in *Aishat Shifa v. State of Karnataka*, (2022) has also said that philosophy of fraternity is to be read while examining the ah validity of the ban on hijab. The court has said that fraternity as a value should be looked at for approving such ban on wearing hijab. Then the court in the case of *M Siddiq v. Mahant Suresh Das*, (2019) again highlighted the role of fraternity and the fundamental duty under Article 51A where it says that the tolerance respect for an acceptance of the equality of all religious faiths is a fundamental precept of the fraternity. Court in *Nandini Sundar v. State of Chhattisgarh*, (2011) on examining the scheme of employing local youths to counter Naxal activities. The court has rejected the scheme of the government. The court says that “The Constitution itself, in no uncertain terms, demands that the State shall strive, incessantly and consistently, to promote fraternity amongst all citizens such that dignity of every citizen is protected, nourished and promoted”. *Indra Sawhney v. Union of India*, (1992) is a case which is a case settling the law on reservation on many facets where the court has given a kind of additional justification to the affirmative action policy followed by the government with the help of fraternity where the court observes that inequality ill favours fraternity and unity remains a dream without fraternity. The goal enumerated in the Preamble of the Constitution of fraternity assuring the dignity of the individual. And the unity and integrity of the nation must therefore, remain unattainable so long as the quality of opportunity is not ensured to all.

So, that is how if you look at it the very provision which is there in Part III of the Constitution gets an additional justification with the help of ah the reading of fraternity which is there in the Preamble. In the case of this Rajasthan State Electricity Board v. Sultan Mohd., (1999) which is a case on kind of agreement which has been arrived at between the employer and the employee union. The court again highlight the significance of fraternity by saying that *“Fraternity, in our opinion, imposes a duty on every party, to honour, protect and enforce the rights of the other parties to the bond and this appears to be at the root of the maxim that wherever there is a right there must be a corresponding duty on some other fellow....”* So, one may conclude that the concept of fraternity travels beyond the boundaries of religion, philosophy, and modern constitutional framework. That is how, when you look at the ancient texts, when you look at the texts which were there from ancient India, you find that Fraternity was celebrated as a divine thread weaving humanity together. That is how we embrace the idea of fraternity in its multifaceted forms—be it spiritual, cultural, or constitutional—which we truly believe that India presents as a timeless ideal of unity amidst diversity, offering a model of collective harmony for everyone's well-being is what is very important. When you look at the connection between fundamental duties and ancient texts, you find how common brotherhood has also been part of ancient texts. And how the same can also be used for further delineating the meaning of fundamental duties in today's context.

These are the references for this session.

Thank you very much.