



INDIAN CONSTITUTION AND BUILDING SOCIAL CAPITAL

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ABSTRACT:

With 395 Articles and 106 Amendments, the Indian Constitution is the longest and the most comprehensive Constitutional document in the history of democratic politics that is built around the principles of liberty, equality and fraternity. Apart from guaranteeing the citizens fundamental rights and directing the Indian State with regard to policy making, the Constitution also promotes the generation of social capital in the country. The institutional approach to study of social capital focuses on the role of institutions, including the state, in developing social capital within a society. The state can build social capital, specifically bridging social capital through its power to legislate. It can, first and foremost, through the application of formal rule of law, ensure trust within the society. By legislating and implementing freedom of speech and association, a state can create an environment where a healthy civil society can flourish. In a society where a civil society does not exist, the state can play an interventionary role and create institutions and groups for the sake of creating social capital. Through mandatory education, the state can also foster norms of reciprocity and trustworthiness, both of which are important components of social capital. The Indian Constitution aims to achieve exactly that, guiding the Indian state to build social capital in a society plagued with caste based segmentation, characterised by micro communities with "bonding" social capital, but little in the form of "bridging" social capital. The Indian Constitution guarantees freedom of speech and associations, legitimises village self rule through Gram Sabhas and builds cooperatives, all of which helps in bridging social divides and enhancing social cohesion.



KEY WORDS: Social Capital, Constitution, State, Civil Society.

INTRODUCTION

The Indian Constitution came into force in 1950 and till date remains the longest and the most comprehensive political document in the history of democracies. It takes inspiration from the best practices of Constitutions from around the world including US, UK, Ireland, German Weimar Republic and the Japanese Diet, and attempts to build a political system fit for the extremely complex and diverse society of India. Despite taking inspiration from the West, the Constitution carefully avoids a system that would encourage the atomisation of the individual that has become a hallmark of the capitalist system (Lebowitz: 2023). The Indian Constitution provides an alternative that would help in building social capital across the country. Using a series of Constitutional provisions, ranging from rule of law to legitimisation of cooperatives and labour unions it develops all components of social capital, such as trust, attitudes and norms, networks and associations.

Social Capital: Understanding the Meaning and Operational Definitions

Social capital is generally understood as the aggregate of norms and values, trust and networks that help foster cooperation and simplify collective action. Unlike human capital, which is located within an individual or financial capital that could be in a bank, social capital lies within the structures of a relationship (Coleman: 1989). It has primarily two components: cognitive and structural. Both are codependent, but the former focuses on attitudes, norms and values existing within a group, while the latter concentrates on the density of networks (Lancee: 2012). Trust, that is, the ability of individuals to rely upon and open oneself to vulnerability, is also a crucial part of social capital that helps communities to sustain themselves with little formalisation or authoritative structures (Fukuyama: 2005). A feeling of oneness, fraternity and solidarity are also components of social capital, and are known to increase the commitment of the people within the group (Turner: 1999, 132).

Operational Definitions

Social capital's theoretical basis has been a subject of extensive debates among scholars. The first ever explanation of the concept of social capital came from Hanifan (1916), who described social capital as "good will, mutual sympathy, fellowship and social intercourse among a group of individuals and families that make a social unit." Pierre Bourdieu (1986) described social capital as an aggregate of all resources that would be available to people because of their membership of a group. James Coleman (1989) argued that social capital is not a single entity, but a variety of entities having two characteristics in common: they all consist of some aspect of social structure, and they allow individuals who are part of the structure to acquire tangible benefits. Robert Putnam (2000) described it as features of a social organisation such as networks, norms and social trust that facilitate coordination and cooperation for mutual benefit. Woolcock (2001) defined it as norms and networks that enable people to act collectively while Turner defined it as those forces that increase the potential for economic development by creating and sustaining social relations and patterns of social organisation (Turner: 1999).

Social capital is fundamentally of three types: bonding, bridging and linking (Claridge: 2018). Bonding social capital exists between homogeneous groups with common demographic features, while bridging social capital goes across ethnic enclaves and forges unity despite demographic diversity. Linking social capital is the one that exists in a hierarchy. It describes norms of respect and networks that exist between individuals who belong to varying levels of power and influence, such as interaction between a citizen and the state (Claridge: 2018).

Role of the State in Building Social Capital

Paul Collier (1998) discussed the role of the state in creation of social capital. He holds that a broad definition of social capital would include the government. This is because the government is a collective decision making body that helps in realising goals that private or voluntary organisations cannot. He divides social capital in terms of the source: government social capital and civil society social capital. The relationship between the two can be both complements as well substitutes of each other. When it comes to resolving issues like opportunism or penalising dishonourable behaviour, the state's apparatuses such as the police or the courts can help in building trust and social capital. Similarly, in the case of collective services such as education, both civil society and government can complement each other (Collier: 1998, 23).

Rothstein and Stollner (2008) found that it is specifically the legal and administrative institutions of the state that can play a crucial role in building social capital. Same is not true for the executive or the parliament as both these institutions are likely to have a partisan perception owing to the involvement of political parties. This is one of the reasons why trust in government does not necessarily translate to generalised trust. On the other hand, if judicial or administrative bodies such as police and courts have a perception of impartially punishing wrongdoers and enforcing contracts, it leads to social trust and cohesion.

The role played by the state and its associated institutions in generating social capital is covered by the institutional school (Woolcock & Narayan: 2000). Unlike the communitarian perspectives of social capital popularised by Coleman (1988) and Putnam (1993) which focuses on the role of the civil society, this approach focuses on the role played by institutions such as the state. According to Turner (1999), institutions are a way the society coordinates among themselves to resolve issues of collective nature. The state, with its ability to create laws and specify rights and obligations can ensure cohesion in a society which leads to creation, channelling and influencing social capital. It is asserted that the state creates an environment where an active civil society can thrive (Skocpol: 1995). Where states are weak, with poor implementation of political rights and inability to deal with ethnic fragmentation, civil society crumbles, leading to complete absence of social capital (Collier & Gunning: 1999).

Another school of thought believes that state and civil society can work together in synergy to build trust and social capital. Relations between governments and citizens can be mutually reinforcing as the government can create social capital with its creative action while the civil society can provide the government with adequate information and support to carry out policies. For example, in North Brazil, the government's media blitz surrounding a successful health program bolstered the spirits of the health agents, encouraged them to work even more sincerely and helped generate greater trust between them and the community (Tendler: 1994). Not only that, the government health agents went out of their way to embed themselves among the people and earned their trust by building a relationship that went beyond healthcare. Similarly, Fox (1996) found in Mexico that the government's free transportation scheme raised the social capital of the peasants as it allowed them to engage in close contact more frequently. Therefore, the crux of the synergy theory is that social capital lies not just in civil society but within the structures of relationships that goes beyond the public-private dichotomy (Evans:1996).

Understanding the Historical Context of Social Capital: Indian Scenario

The social landscape of India has seen multiple political upheavals throughout history. From the quasi centralised Turko-Mongol Mansabdari system to the British colonial ethnographic state (Dirks: 2000), state power in India has changed forms multiple times. However, outside of political systems, Indian society has not undergone any serious structural changes. The *Varna-Jati* system, popularly known as the "caste system" has by and large remained unaffected by political turmoil. An example of this stability were the *jati sabhas* of Maharashtra, whose authority as the first line of judicial power did not change, regardless of whether the Bahmani Sultanate ruled or the Marathas (Gune: 1953).

The primary form of social capital in pre-modern India was the *jati*, (Vaidyanathan: 2019) a strictly endogamous group, distinguished particularly by a unique profession. The *jati* served a multitude of purposes in an individual's life. Firstly, it was an individual's primary source of identity, providing the individual with a sense of fraternity and belonging. Secondly, the *jati* was the only source of income as all members were assigned a particular profession, with skills being passed down from father to son. Thirdly, the *jati* served as a collective bargaining instrument, in line with modern labour unions, to bargain for better prices for their goods and services (Sarkar: 1912). Fourthly, *jati* provided a sense of security to the individual, protecting him/her from starvation except during times of famines (Hunter: 1893, 247). Finally, the *jati* also served as the first line of judicial authority. Any individual charged with a crime was first prosecuted by the *Jati Sabha* and only if no satisfactory judgement could be given, did the matters go to the officers of the King (Fukazawa: 1968).

In terms of social capital theory, *jati* could be considered the source of what is today called "bonding social capital", since it exists among people who share similar demographic characteristics such as common ancestry, ethnicity, language, religion etc. Such a form of social capital is fundamentally exclusive and distinguished by closed networks (Claridge: 2018) where entry is impossible unless by birth. It is characterised by a thick trust between the member groups. However, what *jati* usually fails to produce is "bridging social capital", which consists of connections between people who are not alike and belong to different demographic denominations. Bridging social capital may be characterised by

weak ties and structural holes, but it leads to much better flow of information since several diverse networks with varying perspectives are part of it (Granovetter: 1973).

Despite attempts to build bridging social capital across castes, the system remained closed and inward looking. The Balutedari system of mediaeval Maharashtra (Duff: 1826) drew norms and regulations for managing inter caste relations but these systems had graded inequality at their roots, which led to exploitation of those on the margins of society. As India began to modernise, these structural inequalities began to be increasingly put under scrutiny, along with facing resistance. The resistance of the people of lower castes for social equality and dignity significantly impacted the process of Constitution development, as the leaders sought systematic guarantees for these communities so as to protect them from future exploitation. Therefore, the Constitution makers took several measures that would build social capital while simultaneously remedying social evils.

Constitutional Provisions for Building Social Capital ***Fraternity***

In its Preamble, the Constitution of India vows to promote, among all citizens “Fraternity”, assuring the dignity of the individual and the unity of the nation. When this issue was discussed during the Constituent Assembly debates, Dr BR Ambedkar, the Chairman of the Drafting Committee, spoke about the principle of fraternity, stating that it refers to the sense of common brotherhood among all Indians. He pointed out that the idea of fraternity should not be seen in isolation, rather it should be seen as complementary to liberty and equality. Without liberty, equality would kill individual initiative while without equality, liberty will become a privilege of the few. Similarly, without fraternity, ensuring liberty and equality would become a laborious task that would constantly require monitoring by a higher power (Constituent Assembly Debates: 2014, 979). However, Dr Ambedkar also laid bare the nature of the caste dominated Indian society, asking the people whether India is truly a nation when it is divided into thousands of castes. Stating that castes bring a separation in social life, he asserted that they generate jealousy and antipathy among the people which prevents a sense of fraternity (Ibid, 980). Fraternal bonds are characterised by a strong sense of unity and solidarity among the people. It is a bond that does not exist simply to facilitate flow of goods and services but is a shared feeling of brotherhood that exists intrinsically among the members of a group (Shetty & Sanyal: 2011). This solidarity is a cognitive dimension of social capital. It goes hand in hand with social trust, and is characterised by a sense of reliability that each member of the group feels on one another. A patriotic sense of fraternity, as Hanifan (1916) observed in West Virginia, can lead to community improvement and administrative performance. In the absence of this sense of solidarity, it becomes difficult for the state to implement laws since it faces resistance from multiple groups. However, it is also pertinent to note that inequality breeds low trust and solidarity, as unequal members of a group do not feel a sense of “shared fate” (Rothstein & Uslaner: 2005). Therefore, the Constitutional ideals of equality and fraternity go hand in hand to create social capital in the country, which plays a direct role in improving administrative quality in the country.

Rule of Law

The Constitution makes several provisions to ensure a rule of law in the country and to prevent arbitrariness in the imposition of norms. Rule of law is a concept that puts restraint on the ability of the political elite to impose its will on the citizens by use of force. It ensures that the ruling class can only govern on the basis of certain pre-established guidelines and cannot take decisions on a whim. The Article 13 of the Indian Constitution establishes the rule of law by stating that any law inconsistent with the fundamental rights of the citizens shall be null and void (Constitution of India: n.d.). Similarly Article 14 displays another facet of rule of law, that is equality of all people before the law. This provision ensures that no one, regardless of stature or influence in the society, will be given preference over the other. Rule of law is essential to ensure trust in institutions as well as society (Kramer: 2021). Without equality before law, there will always be doubt whether legal proceedings are fair and not in favour of a group (Constitution of India: n.d.).

Fundamental Rights

Article 19 (1) of the Indian Constitution also recognises the citizens' right to assemble peacefully and form associations, unions or cooperative societies. Associations help in fostering trust among people by creating avenues for repeated interaction and information sharing (Grootaert: 1998). Among them, cooperatives are particularly effective as they generate social capital by offering an open, plural and democratic structure that helps in building bridges between communities. They also build the cognitive aspect of social capital by practising values like responsibility, solidarity and primacy of the people over capital (Gil et al: 2021).

Right to Education was added to the Indian Constitution as part of the 86th Amendment Act, 2010, which guarantees free and compulsory education for all children of the age 6 to 14. It plays a crucial role in the creation of social capital as it is one of the first sources of socialisation for a child apart from family. In the form of norms and values, they help foster an environment where components of social capital such as civic virtues, reciprocity and trustworthiness can be built (Tokas: 2016). According to Fukuyama (1999), public education is one of the best measures of building social capital as they cultivate rich networks and give people greater access to resources.

The Constitution also provides the provision of Judicial Review in Article 32 and Articles 226-227 for the Supreme Court and the High Courts respectively (Constitution of India: n.d.). This provision is designed to ensure the legislations passed are in line with Constitutional principles and does not trample Citizens' Fundamental Rights. Implementation of these provisions has ensured that among all state institutions in India, the judiciary enjoys the second highest confidence at 66.44%, next only to the military (Mallick et al: 2023). When the primary decision making institutions are held accountable, it leads to greater trust in authority figures, which is an important component of linking social capital. Trustworthy relationships between the authorities and the citizens helps in running the administration smoothly (Claridge: 2018).

Role of Directive Principles of State Policy in promoting Social Capital

Apart from rule of law and accountability which ensures trust within the Indian society, the Constitution also assists in directly creating networks between citizens, especially in remote and fragmented areas which leads to successful deliberation and collective action. In the Part IV, Directive Principles of State, which are guidelines for the state with regard to policy, there are recommendations to increase social capital.

Article 40 directs the State to organise village panchayats and endow them with powers so they could function as local self governments (Ministry of External Affairs: n.d.). Working on this Directive, the Indian Government passed the 73rd Amendment in 1992 which gave constitutional status to the Panchayati Raj bodies, namely: Gram Sabhas and Panchayats. These local bodies help in resolution of conflict and implementation of welfare schemes by facilitating collective action. This has been primarily true for communities on the margins of the society such as Dalits who have utilised such bodies to assert themselves politically and brought upward mobility for themselves (Pai: 2001, 7). Associated bodies such as People's Plan Campaign (PPC) in Kerala have also served the same purpose, building social capital which acts as a lubricant for smooth collective action. Studies have shown that the most active associations and the largest contributor to the region's social capital were the PPC (Chathukulam and John: 2003).

In the same way, Article 43A (Constitution of India: n.d.), a provision introduced by the 42nd Amendment directs the state to ensure participation of workers in the management of industries in the form of trade or labour unions. Unions have the potential to serve as a major source of social capital. They were created to organise workers and provide them the strength of numbers against the industrialists who had capital and control over state power. They form the structural aspect of social capital, that is, networks that help in increasing interaction between individuals, fosters bonds between them, provides them with greater information about political processes, empowers them and increases a sense of reciprocity among the members (Johnson & Jarley: 2005). The state's recognition of unions as legitimate actors empowers the workers to negotiate better wages from their employers and have a

greater say in their contracts. By creating an environment where a weaker party gets to have a greater say in proceedings, the state helps in building interpersonal trust (Herrerros: 2009).

CONCLUSION

In conclusion, the makers of the Indian Constitution offered a robust framework for generating social capital in a historically diverse society. By promoting values such as equality and fraternity, the Constitution attempts to foster a culture where social divides can be navigated and bonds of solidarity can be created among the citizens. In the form of Fundamental Rights and Directive Principles of State Policy, it legitimises and nurtures the ability of the citizens of India to organise themselves and build networks that facilitate building of social capital. Thus, as against the western individualist approach, the Indian Constitution takes a holistic approach which involves generating social capital through use of state capacity for building a cohesive and unified society.

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