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Remembering Babasaheb Dr. B.R. Ambedkar on the Constitution Day of India

Prem K. Chumber

Editor-In-Chief: Ambedkar Times / Desh Doaba

Babasaheb Dr Bhimrao Ramji Ambedkar (April 14, 1891 – December 6, 1956) was a great humanist, liberator of downtrodden, world reputed economist, acclaimed jurist, statesman in true spirits, conscientious politician and scholar par excellence.



He initiated many social reform measures and founded three political parties towards his life-long struggle to annihilate caste from the soil of India. He was of the firm view that caste is the biggest hurdle on the way of India to become a nation. Shortly before his Mahaparinirvan, he laid the foundation of the Buddhist movement in India to show a new way to the millions of socially excluded and discriminated people of India to get rid of the centuries' old curse of caste and untouchability. His scholarship and brilliant approach to take mankind to new heights brought him into various offices of responsibility both during the British rule and Independent India. He was the first law minister of independent India.

As a Chairman of the drafting committee of the Constitution of Independent India, he prepared the draft of the Constitution of Independent India, which was adopted by the Constituent Assembly on November 26, 1949. Since then, November 26 is known as Constitution Day (SavidhanDivas). It is also known as "National Law Day", and is celebrated in India on 26 November every year to commemorate the adoption of the Constitution of India. Dr B. R. Ambedkar was a prolific writer who founded three well received journals during his campaign against untouchability. He earned doctorates in economic and many more academic degrees from the reputed universities of the US and UK. He has been adjudged one of the few most intelligent peoples in the world so far. In 1990, the Bharat Ratna, India's highest civilian award, was posthumously conferred upon him. This year the Hon'ble President of India, Smt. DroupadiMurmu, in a tribute to the Chief Architect of the Constitution of India, unveiled a majestic 7-foot-tall statue of Dr. BR Ambedkar on the premises of the Supreme Court on the Constitution Day. Chief Justice of India DY Chandrachud, and Union Law Minister, Arjun Ram Meghwal, were also present during the ceremony.

"Ambedkar Times" and "Desh Doaba" forums fondly and most respectfully remember Bodhisattva Bharat Ratan Babasaheb Dr B. R. Ambedkar on this very day of his being posthumously conferred the highest civilian award of India.

Revisiting Ambedkar's Radical Democratic Legacy on the 74th Anniversary of the Adoption of Constitution of India

by Dipankar Bhattacharya

(General Secretary, CPI (ML) Liberation)

Democracy in India is facing a growing assault. "It is being killed by a 1000 cuts", as Professor Tarunabh Khaitan who teaches Public Law in the London School of Economics said in a recent interview to journalist Karan Thapar. The Constitution of India, which the Drafting Committee Chairman Dr. B.R. Ambedkar had famously described as a top dressing of democracy on an undemocratic soil, is bearing the brunt of this attack. The RSS which had rejected the Constitution right at the time of its adoption as an un-Indian document has mounted a renewed offensive attacking the Constitution from all corners. Thought bubbles calling for a new Constitution for India after seventy-five years of Independence are already afloat. The principal economic advisor of the PM, Bibek Deb Roy floated one such balloon through a newspaper article even as India was observing the seventy-fifth anniversary of independence.

Yet the Modi government has been busy invoking and manipulating the Constitution to claim constitutional legitimacy for all its conduct. It was this government which in 2015 started observing 26 November as the Constitution Day in memory of the adoption of the Constitution on 26 November 1949. It keeps reminding us that the epithets 'socialist' and 'secular' were inserted in the Preamble through a subsequent amendment and continues to propagate and pit the original version against the current version. After shifting Parliament to the new building, it promptly named the earlier building as the Constitution Bhawan. And in his latest RSS foundation day address, Mohan Bhagwat asked his audience to read Ambedkar's addresses at the Constituent Assembly. Indeed, now that the Constitution of India is facing this combination of a renewed attack reminiscent of the rightwing conservative reaction during its formative phase and early years and simultaneous attempts to appropriate and misrepresent it, it is instructive to revisit Ambedkar's enunciation and explanation of the fundamental constitutional principles and perspective.

Apart from Ambedkar's historic address of 4 November 1948 while presenting the draft constitution before the Constituent Assembly and the one delivered a year later on 25 November 1949 at the time of adoption of the final text of the Constitution we should also revisit "States and Minorities", the memorandum that Ambedkar had prepared for submission to the Constituent Assembly on behalf of the All India Scheduled Castes Federation. The latter gives us a blueprint of the kind of constitution that Ambedkar actually wanted and which informed his vision while discharging his role as chairman of the drafting committee of the Constituent Assembly. Ambedkar was pleasantly surprised to have been elected the chairman of the drafting committee and

he shouldered that heavy responsibility by presenting the draft at the seventh session of the Constituent Assembly (4 November, 1948 – 8 January, 1949) and finalising it by the eleventh and concluding session (14-26 November, 1949).

In his 4 November, 1948 address presenting the draft constitution, Ambedkar discussed the special features of the Indian constitution and answered the criticisms then being levelled against it. He began with a discussion on the form of government preferred and prescribed in the draft – parliamentary democracy as opposed to a presidential system. Ambedkar argued that a democratic executive must satisfy two conditions – stability and responsibility, adding that "unfortunately it has not been possible to devise a system which can ensure both in equal degree." He then told us that the draft considered responsibility (accountability) more important than stability in the Indian context and hence the conscious preference for a parliamentary system. The executive in a parliamentary system, Ambedkar emphasised, is subject to both daily and periodic accountability – daily accountability to Parliament and other

institutions through parliamentary procedures and other norms of democratic functioning and periodic accountability to the people through elections. If an executive loses majority support between two elections, it has to quit office and face the people. This defining feature of the Indian Constitution, this fundamental premise of Indian democracy as explained by Ambedkar in his address, is now being daily overturned through the relentless centralisation of power in the hands of the PMO and now through the move towards 'one nation, one election' which will effectively convert India's parliamentary democracy to a US-style presidential system. Ambedkar also discusses the specific features of Indian federalism. He calls India a dual polity with a flexible federal system where the idea is to combine federalism with certain unitary features like a single all-India citizenship, a single judiciary and an all-India civilian bureaucracy. The growing centralisation of power and the systematic undermining of the federal system, of the separation of powers and the system and spirit of daily accountability of the executive to Parliament and to the public mark the 1,000 cuts Professor Khaitan mentioned in his interview which are killing the Constitution.

Ambedkar then goes on to rebut the criticism about the alleged lack of 'originality' and 'Indianness' of the Constitution. Every written modern democratic constitution, he asserted, should reflect common or universal features and the efficacy of the Indian constitution should be assessed in terms of adapting those basic democratic features to the diversity and particularities of the Indian context. There

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Revisiting Ambedkar's Radical Democratic Legacy on the 74th Anniversary of the Adoption of Constitution of India

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were strong opinions that the Constitution should uphold the democratic heritage of the ancient Indian polity and base itself on India's so-called self-sufficient village republics. Ambedkar refuses to romanticise the so-called 'village republics' and boldly declares that he is "glad that the Draft Constitution has discarded the village and adopted the individual as its unit." He also responds to the allegation that the Constitution had borrowed heavily from the 1935 Government of India Act in matters of administrative details. While acknowledging the scope for future amendments and administrative evolution, he emphasised the role of developing an administration compatible with the Constitution and ensuring that the legislature could not pervert the administration and make it inconsistent with and opposed to the spirit of the Constitution. It is in this context that Ambedkar highlights the need to cultivate constitutional morality as the guiding spirit and reminds us so prophetically that democracy in India is a top-dressing on an essentially undemocratic Indian soil.

The inference that inevitably follows from Ambedkar's warning is the need to democratise the Indian soil, deepen and firmly uphold the spirit of constitutional morality in every sphere and not allow the legislature to ride roughshod over the system of administrative checks and balances. But today we are faced precisely with the danger of executive tyranny subjugating the institutional system of monitoring and accountability. Laws are being made and even judgements are being delivered in the name of satisfying an imaginary 'collective conscience' and 'majority opinion' in brazen violation of what Ambedkar considered the litmus test of 'constitutional morality'. In the same address Ambedkar underlined the importance of the rights and safeguards for minorities and reminded the majority of the need to 'realize its duty not to discriminate against minorities'. Whether and how long the minorities need special rights and safeguards depends on when 'the majority loses the habit of discriminating against the minority'. For Ambedkar, stopping discrimination against the minority was the point of departure, but today the discourse has been turned on its head – it is now all about satisfying the majority that the minorities are not being 'appeased'! Instead of the reality of discrimination against the minorities, the focus has been shifted to the fiction of 'minority appeasement'. This is nothing but unmitigated majoritarianism going berserk, which is bent upon crushing the minorities in the society, targeting the opposition in the political arena and silencing every dissenting voice in the academic, media and the wider cultural world.

The eleven sessions of the Constituent Assembly consumed 165 days in all out of which the last 114 days were spent in considering and finalising the draft constitution. Considering the volume of the Constitution – it was eventually adopted with 395 Articles and eight schedules after considering no less than 2,473 amendments – the finalisation of the Constitution happened fairly quickly. Yet Ambedkar had to respond to the criticism of the drafting committee having taken too long in discharging its functions. He made it clear that he had joined the Constituent Assembly with 'no greater aspiration than to safeguard the interests of the Scheduled Castes' and was pleasantly surprised to be eventually entrusted with the key responsibility of chairing the Drafting Committee to write the Constitution itself. Like his November 4, 1948 address explaining the main features of the Draft Constitution at the time of its placement, Ambedkar took the opportunity to use his concluding address on the eve of the adoption of the Constitution to respond to major criticisms and explain some core principles guiding the constitution.

In his November 4, 1948 address Ambedkar had referred to the rightwing conservative and reactionary criticism. Without naming the Hindutva brigade's constant invocation of the Manusmriti he had addressed their charge of neglecting the framework of ancient India and defended the idea of taking the free individual as the basic unit of the constitutional republic. Early on in his public life Ambedkar had consigned the Manusmriti to flames in the course of the Mahad Satyagrah

on December 25, 1927. There was no way he could use this code of caste oppression and patriarchal violence as the guiding spirit of the Constitution of modern India. In his concluding address of November 25, 1949 Ambedkar dealt with criticisms coming from other quarters including Communists and Socialists. Ambedkar said the communist criticism revolved around the class nature of parliamentary democracy while the Socialists advocated nationalisation or socialisation of private wealth without any compensation. It is instructive to note that Ambedkar did not reject the communist and socialist ideas per se, he only referred to the balance of forces within the Constituent Assembly to defend the Constitution as the opinion of the drafting committee and the constituent assembly.

It is instructive to read Ambedkar's exact response in full: 'I do not say that the principle of parliamentary democracy is the only ideal form of political democracy. I do not say that the principle of no acquisition of private property without compensation is so sacrosanct that there can be no departure from it. I do not say that Fundamental Rights can never be absolute and the limitations set upon them can never be lifted. What I do say is that the principles embodied in the Constitution are the views of the present generation or if you think this to be an over-statement, I say they are the views of the members of the Constituent Assembly. Why blame the Drafting Committee for embodying them in the Constitution? I say why blame even the Members of the Constituent Assembly? Jefferson, the great American statesman who played so great a part in the making of the American constitution, has expressed some very weighty views which makers of Constitution, can never afford to ignore. In one place he has said: "We may consider each generation as a distinct nation, with a right, by the will of the majority, to bind themselves, but none to bind the succeeding generation, more than the inhabitants of another country."'

This clearly means Ambedkar did not ideologically reject these debates but left these possibilities open for the political wisdom and choice of a future generation. Indeed, if we read the memorandum "States and Minorities" which Ambedkar had prepared on behalf of the All India Scheduled Castes Federation, we get a clearer picture of Ambedkar's own political preferences. In this memorandum Ambedkar describes India as United States of India, and promises for all its citizens a set of fundamental rights with comprehensive judicial protection against executive tyranny, unequal treatment, discrimination and economic exploitation. It promised the minorities effective remedies against social and official tyranny and social boycott and provided scheduled castes with due safeguards to ensure proper representation in all spheres. The memorandum wants the state to organise the main spheres of economic life including agriculture on socialist lines through comprehensive nationalisation and collectivisation, but it wants this to happen within the framework of parliamentary democracy. To lend stability to state socialism it wanted the Constitution to guarantee it in a way that every government would have to abide by it. This explicit combination of state socialism and parliamentary democracy could not be enshrined in the eventual text of the Constitution, but a closer look at the fundamental rights and directive principles of state policy clearly indicates such a direction.

We should also recall that the All India Scheduled Caste Federation was preceded by Ambedkar's experience with the Independent Labour Party. Formed in 1936, the ILP fought simultaneously against caste and capital. In 1937, ILP won 14 of the 17 seats it contested in the Bombay Legislative Assembly. This was when Ambedkar wrote his famous monograph on Annihilation of Caste, organised a 20,000 strong march of tenants from the Konkan region to Bombay with the support of the Congress Socialist Party and joined hands with the communists to organise Bombay textile workers against the Industrial Disputes Bill. From 1942 to 1946 Ambedkar also served as de facto Labour Minister in the Viceroy's Executive Council and pioneered the beginning of labour legislations in terms of an eight-hour

working day and collective bargaining rights. Today when the government is pushing for indiscriminate privatisation and unbridled corporate power while rendering labour increasingly insecure and devoid of rights, it is important to revisit Ambedkar's radical legacy of socialist economics and fighting worker-peasant unity.

In this address Ambedkar beckons us not to be content with just 'political democracy' but to strive for 'social democracy'. Social democracy or democracy in society means recognition of liberty, equality and fraternity as core principles of life. Ambedkar tells us to look at liberty, equality and fraternity not as three separate items in a trinity, but as a union where one cannot be divorced from another. Divorcing one from the other defeats the very purpose of democracy, affirms Ambedkar. Without equality, Ambedkar warns us, liberty would produce the supremacy of the few over the many, whereas equality without liberty, he argues, would kill individual initiative. And fraternity would ensure that liberty and equality will become a natural course of things and will not have to be enforced by a constable. But Ambedkar reminds us that the Indian social reality is far removed from this ideal state of affairs. With the adoption of the Constitution India entered a life of contradictions – while the Constitution will ensure the political or electoral equality of one person one vote, India remains mired in massive economic and social inequality. If this contradiction is not resolved at the earliest, it will blow up the structure of political democracy, warned Ambedkar.

Ambedkar then goes on to tell us how there can be no fraternity in a caste-divided society. Caste is a system of graded inequality and as such it is an impediment to India becoming a nation. He tells us why the drafting committee chose the expression 'the people of India' over 'the Indian nation' – declaring caste-ridden India a nation would be 'cherishing a great delusion'. Ambedkar compares the Indian situation with the racial divide in America and tells us that caste marks an even greater obstacle to the development of real fraternity without which India could not possibly emerge as a cohesive nation. The anti-colonial struggle surely created the environment and laid the foundation, but the freedom movement remained predominantly about winning political independence and not gaining social equality. With the BJP trying to redefine Indian nationalism on an aggressive Hindu supremacist basis, the fault-lines have only widened in recent years. Here again we are reminded of another prophetic warning Ambedkar had issued in the early 1940s while discussing the Pakistan question: Hindu Raj will be the greatest calamity to befall on India and must be avoided at all costs. The Partition could not be avoided, but the Constitution ensured that India managed to avert that calamity despite the trauma of Partition by proclaiming a social compact based on comprehensive justice, liberty, equality and fraternity for all citizens without any discrimination on the basis of caste, creed, language and culture. His emphasis on complementing political democracy with social democracy by establishing liberty, equality and fraternity as principles of social life and on achieving national unity through annihilation of caste has become all the more pertinent in the face of the Hindutva bulldozer of the Sangh-BJP establishment. The fraternity or solidarity that Ambedkar emphasised presumed liberty and equality as its inseparable companions and is therefore diametrically opposite to the 'samrasta' or 'harmony' that the RSS now advocates under the overarching umbrella of a regimented Hindu identity. For Ambedkar, national unity could not be achieved as a conglomeration of castes, he wanted liberty, equality and fraternity to prevail in society by annihilating the caste-based order of social slavery and injustice.

Ambedkar was keenly aware of the threats to India's fledgling constitutional democracy. He wanted the Constitution to be the supreme arbiter in governing independent India's political and social life, he wanted the people to stick to constitutional modes of protest and reject what he called the grammar of anarchy. The underlying assumption here was of course that the Constitution would be implemented by people who could be trusted

with it. At the outset of his concluding address he had said, "however good a Constitution may be, it is sure to turn out bad because those who are called to work it, happen to be a bad lot. However bad a Constitution may be, it may turn out to be good if those who are called to work it, happen to be a good lot. ... It is, therefore, futile to pass any judgment upon the Constitution without reference to the part which the people and their parties are likely to play." He therefore placed utmost reliance on the vigilance of the people, reminding them of John Stuart Mill's advice not "to lay their liberties at the feet of even a great man, or to trust him with powers which enable him to subvert their institutions". He knew that "in India, Bhakti or hero-worship, plays a part in its politics unequalled in magnitude by the part it plays in the politics of any other country in the world" and he had no doubt that "in politics, Bhakti or hero-worship is a sure road to degradation and to eventual dictatorship".

For Ambedkar, the adoption of the Constitution marked the advent of responsible and accountable governance. The concluding remarks of his final address before the Constituent Assembly summed it up in the following words: "By independence, we have lost the excuse of blaming the British for anything going wrong. If hereafter things go wrong, we will have nobody to blame except ourselves. There is great danger of things going wrong. Times are fast changing. People including our own are being moved by new ideologies. They are getting tired of Government by the people. They are prepared to have Governments for the people and are indifferent whether it is Government of the people and by the people. If we wish to preserve the Constitution in which we have sought to enshrine the principle of Government of the people, for the people and by the people, let us resolve not to be tardy in the recognition of the evils that lie across our path and which induce people to prefer Government for the people to Government by the people, nor to be weak in our initiative to remove them. That is the only way to serve the country. I know of no better." The ideology that threatens the Constitution in today's India is the good old fascist ideology which had been waiting in the wings for so long and is now desperate to dump and kill the very Constitution which allowed it to come to power.

Ambedkar lived for only seven years after the adoption of the Constitution. It did not take long for Ambedkar to get into a debate with the people who were entrusted with the responsibility of administering the Constitution. The Hindu Code Bill brought him in conflict with the conservative political majority, and unhappy with Nehru's pragmatic incremental approach deferring and diluting Ambedkar's radical reform agenda, he resigned from the cabinet and functioned as an independent Rajya Sabha MP from 1952 till his death on 6 December 1956. By September 2, 1953 we could see Ambedkar tell the Rajya Sabha, "Sir, my friends tell me that I have made the Constitution. But I am quite prepared to say that I shall be the first person to burn it out. I do not want it. It does not suit anybody. But whatever that may be, if our people want to carry on, they must not forget that there are majorities and there are minorities, and they simply cannot ignore the minorities by saying, 'Oh, no. To recognise you is to harm democracy.' I should say that the greatest harm will come by injuring the minorities." The anger of Ambedkar then was directed at the well-entrenched conservative and reactionary social elite of India. A few weeks before his demise, Ambedkar used his constitutional right to choose his religion to embrace Buddhism with hundreds of thousands of his followers. Today Ambedkar the radical democrat and champion of social equality would have found himself languishing in prison under UAPA in a fabricated Bhima-Koregaon type case. And yet the fascists also have the audacity to try and appropriate Ambedkar. Defenders of democracy and social justice will have to uphold the radical legacy of Ambedkar and turn it into a powerful weapon to defeat this fascist conspiracy. To use Ambedkar's own words, we must not be tardy in recognising the evils that lie across our path or weak in our initiative to remove them. (With thanks)

Lessons from the Silkyara-Barkot Tunnel Tragedy

On 12 November 2023, at 5.30 am, 41 labourers were trapped in the tunnel when a part of the under-construction tunnel connecting Silkyara and Barkot of the Uttarkashi -Yamotri Marg collapsed. Efforts to get these labourers out of the tunnel and the work of supplying water, food, and oxygen to the labourers through a four-inch pipe have started from the first day. The trapped labourers belong to the states of Bihar, Jharkhand, Uttar Pradesh, West Bengal, Odisha, Uttarakhand, and Himachal Pradesh.

The tunnel connecting Silkyara and Barkot is 4.5 km long and is a part of the Char-Dham all weather road. Two portions of this tunnel, 2.3 km from Silkyara side, and 1.75 km from Barkot side, have been completed. A portion of the tunnel between 205 meters and 260 meters from the Silkyara side collapsed on November 12, on the day of Diwali. How the constructed part of the tunnel collapsed requires serious consideration? According to the labourers working in the tunnel, some debris fell from the roof of the tunnel when they were removing a mesh girder two to three days before the collapse. Apart from this, a piece of concrete also fell from the roof of the tunnel on the night of November 11. They had informed their seniors about it. However, this tragic incident happened before any action was taken. It is also important to mention here that the part of the roof of the tunnel that collapsed on November 12 had also collapsed earlier in 2019. A part of this tunnel was also damaged in the month of March this year. At that time, debris also started falling from the roof of the tunnel along with water but much less debris had fallen compared to the present incident and no labourers were trapped in it.

This is not the first incident in the course of the development works of Uttarakhand when the labourers or the people of Uttarakhand have faced difficulties and their lives have come to an end. On August 2, 2004, during the construction of the Tehri Hydro Project, a tunnel collapsed, trapping 80 labourers, 29 of whom(those) lost their lives. On 7 February 2021, over 200 labourers died after being trapped in a tunnel of the Tapovan Vishnugadh Hydro Project due to a flash flood. On 7 November 2023, 44 labourers were engulfed in fire due to the fire of chemicals stored in the tunnel under the construction of Rishikesh-Karnprayag railway line; they were rescued after dousing the fire on the spot.

In January this year, cracks appeared in hundreds of houses and buildings in Joshimath city and some houses and buildings began to sink into the ground. On 23 January 2023, Joshimath was declared a sinking zone. According to the local people, the main reason for the sinking of houses and buildings of Joshimath is the 12 km long tunnel being built for the Tapovan Vishnugadh Hydro Power Project of the National Thermal Power Corporation, which has caused the ground under the houses and buildings of Joshimath to sink.

The tunnel in which 41 labourers are trapped is a part of Char-Dham Marg will reduce the 25 km distance



between Silkyara and Barkot to just 4.5 km and will take only 5 minutes instead of an hour to cover this distance. The four shrines of Kedarnath, Badrinath, Gangotri, and Yamotri are to be connected in all seasons through Char-Dham Marg. Uttarakhand being a hilly state, all these religious places remain closed for 6 months due to snowfall in winters. A four-lane road is being built to reach these religious places in every season of the year. This road is being made four-lane and its total length is about 900 kms. The Char-Dham Marg passes through an environmentally sensitive area. Before constructing this road, it was necessary to carry out an environmental impact assessment of its entire area, but to build this road, it has been divided into 53 small parts and the road construction work has started. This has been done because the construction of a road more than 100 kms long requires an environmental impact assessment from the Ministry of Environment, Forest and Climate Change which decides whether the construction area is suitable for that construction or not. Apart from this, the width of this road is also being kept at 12 meters for which land up to 24 meters width will be required. More logging in the mountainous area

causes more possibility of landslides.

The state of Uttarakhand is naturally very beautiful and it is also rich in natural resources. The union and state governments are busy in building wide roads, tunnels, and hydropower projects here, disregarding environmental regulations to take the maximum benefits of its natural beauty and resources. Numerous construction activities going on in Uttarakhand are more than the bearing capacity of the mountains here. Mountains are blasted with explosives to build roads, tunnels, etc. which is causing the mountains to lose their balance and slide down.

There is no information about whether an environmental impact assessment of the area has been conducted before the construction of the Silkyara-Barkot tunnel. According to experts, an escape tunnel is supposed to be constructed for rescue during tunneling, which is used during emergency situations, but there is no evidence of an escape tunnel in the Silkyara-Barkot tunnel.

Now all these activities for providing food, water, oxygen to the trapped labourers could be completed through the escape tunnel. In addition to spending 853 crore rupees to reduce the journey by just one hour, the natural resources of the area such as forest, land, mountains, air, water etc. are also being damaged on a large scale. It is also difficult to estimate how much mental crisis the labourers working in this tunnel who have come from distant places to earn their livelihood and their families are going through. This incident took place on the day of Diwali, when the whole country was celebrating the festival, the trapped labourers and their families were bearing huge grief and worry.

The state of Uttarakhand is nestled in the Himalayan mountains. The mountains here are still emerging which are very fragile. In the context of this tunnel, it is being said that the part of the tunnel that has fallen has a layer of sand and on the places where the rescue pipes are stuck, there are hard rocks. The state of Uttarakhand also falls in an earthquake seismic and landslide prone region. Uttarakhand's Uttarkashi district itself experienced an earthquake of 6.8 magnitude in 1991 in which hundreds of people were killed. Hundreds of people also died in

the earthquake in Chamoli in 1999.

According to a report by the Geological Survey of India, 39,000 square kilometers area (72 per cent) of Uttarakhand is prone to landslides. According to an ISRO report, 11,219 landslides have occurred in Uttarakhand from 1988 to 2022. Any major project in such areas which are sensitive in all respects can bring disaster. The union government is also citing the country's security to build four-lane roads in Uttarakhand. According to the union government, the security forces can quickly reach the border and protect the country through four-lane roads, but here too, one has to think if the roads are no longer there due to landslides, how will the security forces reach the borders of the country. Trucks loaded with soldiers can also get stuck in tunnels in case of tunnel collapse.

In order to save the existence of all the hilly states of the country including Uttarakhand, the union and hilly state governments should ensure that the development projects in a hilly state are in accordance with the geographical and geological conditions there. In case of landslides, sinking of land, and tunnel collapses, people have to bear huge mental, physical, and financial losses.

The development in hilly areas should be done in such a way that it is long-lasting. Therefore, the state and union governments should seek the opinion of geologists, environmental experts, and local people before undertaking large-scale projects in such sensitive areas. There is an urgent need to conduct a thorough scientific investigations of the tunnels being constructed on the Char-Dham road so that such incidents do not occur in the future. Since the Char-Dham Marg passes through a very sensitive area, its construction should be done only after scientific, geological and geographical investigation of every part of it. Along with the protection of the environment, the safety of the labourers working in the projects should be ensured. Economic development is very important for any country, but it must be for the betterment of human lives.



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Goodie Takhar, PhD

Constitution Day of India, November 26

November 26 is observed as Constitution Day of India. The Constitution of India was finally enacted and adopted and given to ourselves on November 26, 1949. Government of India under the leadership of PM Narendra Modi declared the day as Constitution Day of India, rightly so, in 2014. Before the constitution was finally passed by the Constituent Assembly, Chief Architect of the Constitution as Chairman of the Drafting Committee, Dr. B.R. Ambedkar made a thought provoking speech in the Constituent Assembly on November, 25. That speech is as relevant today as it was before. I thought of sharing the speech with the discerning readers of the Ambedkar Times to observe the Constitution Day. The text of the speech is available in my recently released book: Some Random

thoughts on Babasaheb Ambedkar and His Legacy – The Bits and Pieces which is available online with Amazon and Flipkart.

Text of Babasaheb B.R. Ambedkar's speech in the Constituent Assembly delivered on November 25, 1949 before the Constitution was finally passed

Sir, looking back on the work of the Constituent Assembly it will now be two years, eleven months and seventeen days since it first met on the 9th of December 1946. During this period the Constituent Assembly has altogether held eleven sessions. Out of these eleven sessions the first six were spent in passing the Objectives Resolution and the consideration of the Reports of Committees on Fundamental Rights, on Union Constitution, on Union Powers, on Provincial Constitution, on Minorities and on the Scheduled Areas and Scheduled Tribes. The seventh, eighth, ninth, tenth and the eleventh sessions were devoted to the consideration of the Draft Constitution. These eleven sessions of the Constituent Assembly have consumed 165 days. Out of these, the Assembly spent 114 days for the consideration of the Draft Constitution.

Coming to the Drafting Committee, it was elected by the Con-

stituent Assembly on 29th August 1947. It held its first meeting on 30th August. Since August 30th it sat for 141 days during which it was engaged in the preparation of the Draft Constitution. The Draft Constitution as prepared by the Constitutional Adviser as a text for the Draft Committee to work upon, consisted of 243 articles and 13 Schedules. The first Draft Constitution as presented by the Drafting Committee to the Constituent Assembly contained 315 articles and 8 Schedules. At the end of the consideration stage, the number of articles in the Draft Constitution increased to 386. In its final form, the Draft Constitution contains 395 articles and 8 Schedules. The total number of amendments to the Draft Constitution tabled was approximately 7,635. Of them, the total num-

ber of amendments actually moved in the House was 2,473.

I mention these facts because at one stage it was being said that the Assembly had taken too long a time to finish its work, that it was going on leisurely and wasting public money. It was said to be a case of Nero fiddling while Rome was burning. Is there any justification for this complaint? Let us note the time consumed by Constituent Assemblies in other countries appointed for framing their Constitutions. To take a few illustrations, the American Convention met on May 25th, 1787 and completed its work on September 17, 1787 i.e., within four months. The Constitutional Convention of Canada met on the 10th October 1864 and the Constitution was passed into law in March 1867 involving a period of two years and five months. The Australian Constitutional Convention assembled in March 1891 and the Constitution became law on the 9th July 1900, consuming a period of nine years. The South African Convention met in October, 1908 and the Constitution became law on the 20th September 1909 involving one year's labour. It is true that we have taken more time than what the American or South African Conventions did. But we have not taken more time than the

Canadian Convention and much less than the Australian Convention. In making comparisons on the basis of time consumed, two things must be remembered. One is that the Constitutions of America, Canada, South Africa and Australia are much smaller than ours. Our Constitution as I said contains 395 articles while the American has just seven articles, the first four of which are divided into sections which total up to 21, the Canadian has 147, Australian 128 and South African 153 sections. The second thing to be remembered is that the makers of the Constitutions of America, Canada, Australia and South Africa did not have to face the problem of amendments. They were passed as moved. On the other hand, this Constituent Assembly had to deal with as many as 2,473

amendments. Having regard to these facts the charge of dilatoriness seems to me quite unfounded and this Assembly may well congratulate itself for having accomplished so formidable a task in so short a time.

Turning to the quality of the work done by the Drafting Committee, Mr. Naziruddin Ahmed felt it his duty to condemn it outright. In his opinion, the work done by the Drafting Committee is not only not worthy of commendation, but is positively below par. Everybody has a right to have his opinion about the work done by the Drafting Committee and Mr. Naziruddin is welcome to have his own. Mr. Naziruddin Ahmed thinks he is a man of greater talents than any member of the Drafting Committee. The Drafting Committee would have welcomed him in their midst if the Assembly had thought him worthy of being appointed to it. If he had no place in the making of the Constitution it is certainly not the fault of the Drafting Committee.

Mr. Naziruddin Ahmed has coined a new name for the Drafting Committee evidently to show his contempt for it. He calls it a Drifting committee. Mr. Naziruddin must no doubt be pleased with his hit. But he evidently does not know that there is a difference between drift without mas-

tery and drift with mastery. If the Drafting Committee was drifting, it was never without mastery over the situation. It was not merely angling with the off chance of catching a fish. It was searching in known waters to find the fish it was after. To be in search of something better is not the same as drifting. Although Mr. Naziruddin Ahmed did not mean it as



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Thoughts on Babasaheb Ambedkar and His Legacy – The Bits and Pieces which is available online with Amazon and Flipkart.

Text of Babasaheb B.R. Ambedkar's speech in the Constituent Assembly delivered on November 25, 1949 before the Constitution was finally passed

Sir, looking back on the work of the Constituent Assembly it will now be two years, eleven months and seventeen days since it first met on the 9th of December 1946. During this period the Constituent Assembly has altogether held eleven sessions. Out of these eleven sessions the first six were spent in passing the Objectives Resolution and the consideration of the Reports of Committees on Fundamental Rights, on Union Constitution, on Union Powers, on Provincial Constitution, on Minorities and on the Scheduled Areas and Scheduled Tribes. The seventh, eighth, ninth, tenth and the eleventh sessions were devoted to the consideration of the Draft Constitution. These eleven sessions of the Constituent Assembly have consumed 165 days. Out of these, the Assembly spent 114 days for the consideration of the Draft Constitution.

Coming to the Drafting Committee, it was elected by the Con-

stituent Assembly on 29th August 1947. It held its first meeting on 30th August. Since August 30th it sat for 141 days during which it was engaged in the preparation of the Draft Constitution. The Draft Constitution as prepared by the Constitutional Adviser as a text for the Draft Committee to work upon, consisted of 243 articles and 13 Schedules. The first Draft Constitution as presented by the Drafting Committee to the Constituent Assembly contained 315 articles and 8 Schedules. At the end of the consideration stage, the number of articles in the Draft Constitution increased to 386. In its final form, the Draft Constitution contains 395 articles and 8 Schedules. The total number of amendments to the Draft Constitution tabled was approximately 7,635. Of them, the total num-

ber of amendments actually moved in the House was 2,473.

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a compliment to the Drafting committee. I take it as a compliment to the Drafting Committee. The Drafting Committee would have been guilty of gross dereliction of duty and of a false sense of dignity if it had not shown the honesty and the courage to withdraw the amendments which it thought faulty and substitute what it thought was better. If it is a mistake, I am glad the Drafting Committee did not fight shy of admitting such mistakes and coming forward to correct them.

I am glad to find that with the exception of a solitary member, there is a general consensus of appreciation from the members of the Constituent Assembly of the work done by the Drafting Committee. I am sure the Drafting Committee feels happy to find this spontaneous recognition of its labours expressed in such generous terms. As to the compliments that have been showered upon me both by the members of the Assembly as well as by my colleagues of the Drafting Committee I feel so overwhelmed that I cannot find adequate words to express fully my gratitude to them. I came into the Constituent Assembly with no greater aspiration than to safeguard the interests of the Scheduled Castes. I had not the remotest idea

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that I would be called upon to undertake more responsible functions. I was therefore greatly surprised when the Assembly elected me to the Drafting Committee. I was more than surprised when the Drafting Committee elected me to be its Chairman. There were in the Drafting Committee men bigger, better and more competent than myself such as my friend Sir Alladi Krishnaswami Ayyar. I am grateful to the Constituent Assembly and the Drafting Committee for reposing in me so much trust and confidence and to have chosen me as their instrument and given me this opportunity of serving the country. (Cheers)

The credit that is given to me does not really belong to me. It belongs partly to Sir B.N. Rau, the Constitutional Adviser to the Constituent Assembly who prepared a rough draft of the Constitution for the consideration of the Drafting Committee. A part of the credit must go to the members of the Drafting Committee who, as I have said, have sat for 141 days and without whose ingenuity of devise new formulae and capacity to tolerate and to accommodate different points of view, the task of framing the Constitution could not have come to so successful a conclusion. Much greater share of the credit must go to Mr. S.N. Mukherjee, the Chief Draftsman of the Constitution. His ability to put the most intricate proposals in the simplest and clearest legal form can rarely be equaled, nor his capacity for hard work. He has been an acquisition to the Assembly. Without his help, this Assembly would have taken many more years to finalise the Constitution. I must not omit to mention the members of the staff working under Mr. Mukherjee. For, I know how hard they have worked and how long they have toiled sometimes even beyond midnight. I want to thank them all for their effort and their co-operation. (Cheers)

The task of the Drafting Committee would have been a very difficult one if this Constituent Assembly has been merely a motley crowd, a tessellated pavement without cement, a black stone here and a white stone there is which each member or each group was a law unto itself. There would have been nothing but chaos. This possibility of chaos was reduced to nil by the existence of the Congress Party inside the Assembly which brought into its proceedings a sense of order and discipline. It is because of the discipline of the Congress Party that the Drafting Committee was able to pilot the Constitution in the Assembly with the sure knowledge as to the fate of each article and each amendment. The Congress Party is, therefore, entitled to all the credit for the smooth sailing of the Draft Constitution in the Assembly.

The proceedings of this Constituent Assembly would have been very dull if all members had yielded to the rule of party discipline. Party discipline, in all its rigidity, would have converted this Assembly into a gathering of yes' men. Fortunately, there were rebels. They were Mr. Kamath, Dr. P.S. Deshmukh, Mr. Sidhva, Prof. K.T. Shah

and Pandit Hirday Nath Kunzru. The points they raised were mostly ideological. That I was not prepared to accept their suggestions does not diminish the value of their suggestions nor lessen the service they have rendered to the Assembly in enlivening its proceedings. I am grateful to them. But for them, I would not have had the opportunity which I got for expounding the principles underlying the Constitution which was more important than the mere mechanical work of passing the Constitution.

Finally, I must thank you Mr. President for the way in which you have conducted the proceedings of this Assembly. The courtesy and the consideration which you have shown to the Members of the Assembly can never be forgotten by those who have taken part in the proceedings of this Assembly. There were occasions when the amendments of the Drafting Committee were sought to be barred on grounds purely technical in their nature. Those were very anxious moments for me. I am, therefore, especially grateful to you for not permitting legalism to defeat the work of Constitution-making.

As much defense as could be offered to the constitution has been offered by my friends Sir Alladi Krishnaswami Ayyar and Mr. T.T. Krishnamachari. I shall not therefore enter into the merits of the Constitution. Because I feel, however good a Constitution may be, it is sure to turn out bad because those who are called to work it, happen to be a bad lot. However bad a Constitution may be, it may turn out to be good if those who are called to work it, happen to be a good lot. The working of a Constitution does not depend wholly upon the nature of the Constitution. The Constitution can provide only the organs of State such as the Legislature, the Executive and the Judiciary. The factors on which the working of those organs of the State depends are the people and the political parties they will set up as their instruments to carry out their wishes and their politics. Who can say how the people of India and their purposes or will they prefer revolutionary methods of achieving them? If they adopt the revolutionary methods, however good the Constitution may be, it requires no prophet to say that it will fail. It is, therefore, futile to pass any judgment upon the Constitution without reference to the part which the people and their parties are likely to play.

The condemnation of the Constitution largely comes from two quarters, the Communist Party and the Socialist Party. Why do they condemn the Constitution? Is it because it is really a bad Constitution? I venture to say no'. The Communist Party want a Constitution based upon the principle of the Dictatorship of the Proletariat. They condemn the Constitution because it is based upon parliamentary democracy. The Socialists want two things. The first thing they want is that if they come in power, the Constitution must give them the freedom to nationalize or socialize all private property without payment of compensation.

The second thing that the Socialists want is that the Fundamental Rights mentioned in the Constitution must be absolute and without any limitations so that if their Party fails to come into power, they would have the unfettered freedom not merely to criticize, but also to overthrow the State.

These are the main grounds on which the Constitution is being condemned. I do not say that the principle of parliamentary democracy is the only ideal form of political democracy. I do not say that the principle of no acquisition of private property without compensation is so sacrosanct that there can be no departure from it. I do not say that Fundamental Rights can never be absolute and the limitations set upon them can never be lifted. What I do say is that the principles embodied in the Constitution are the views of the present generation or if you think this to be an over-statement, I say they are the views of the members of the Constituent Assembly. Why blame the Drafting Committee for embodying them in the Constitution? I say why blame even the Members of the Constituent Assembly? Jefferson, the great American statesman who played so great a part in the making of the American constitution, has expressed some very weighty views which makers of Constitution, can never afford to ignore. In one place he has said:-

"We may consider each generation as a distinct nation, with a right, by the will of the majority, to bind themselves, but none to bind the succeeding generation, more than the inhabitants of another country."

In another place, he has said:

"The idea that institutions established for the use of the nation cannot be touched or modified, even to make them answer their end, because of rights gratuitously supposed in those employed to manage them in the trust for the public, may perhaps be a salutary provision against the abuses of a monarch, but is most absurd against the nation itself. Yet our lawyers and priests generally inculcate this doctrine, and suppose that preceding generations held the earth more freely than we do; had a right to impose laws on us, unalterable by ourselves, and that we, in the like manner, can make laws and impose burdens on future generations, which they will have no right to alter; in fine, that the earth belongs to the dead and not the living;"

I admit that what Jefferson has said is not merely true, but is absolutely true. There can be no question about it. Had the Constituent Assembly departed from this principle laid down by Jefferson it would certainly be liable to blame, even to condemnation. But I ask, has it? Quite the contrary. One has only to examine the provision relating to the amendment of the Constitution. The Assembly has not only refrained from putting a seal of finality and infallibility upon this Constitution as in Canada or by making the amendment of the Constitution subject to the fulfillment of extraordinary terms and conditions as in America or Australia, but has provided a most facile procedure for amending the

Constitution. I challenge any of the critics of the Constitution to prove that any Constituent Assembly anywhere in the world has, in the circumstances in which this country finds itself, provided such a facile procedure for the amendment of the Constitution. If those who are dissatisfied with the Constitution have only to obtain a 2/3 majority and if they cannot obtain even a two-thirds majority in the parliament elected on adult franchise in their favour, their dissatisfaction with the Constitution cannot be deemed to be shared by the general public.

There is only one point of constitutional import to which I propose to make a reference. A serious complaint is made on the ground that there is too much of centralization and that the States have been reduced to Municipalities. It is clear that this view is not only an exaggeration, but is also founded on a misunderstanding of what exactly the Constitution contrives to do. As to the relation between the Centre and the States, it is necessary to bear in mind the fundamental principle on which it rests. The basic principle of Federalism is that the Legislative and Executive authority is partitioned between the Centre and the States not by any law to be made by the Centre but by the Constitution itself. This is what Constitution does. The States under our Constitution are in no way dependent upon the Centre for their legislative or executive authority. The Centre and the States are co-equal in this matter. It is difficult to see how such a Constitution can be called centralism. It may be that the Constitution assigns to the Centre too large a field for the operation of its legislative and executive authority than is to be found in any other federal Constitution. It may be that the residuary powers are given to the Centre and not to the States. But these features do not form the essence of federalism. The chief mark of federalism as I said lies in the partition of the legislative and executive authority between the Centre and the Units by the Constitution. This is the principle embodied in our constitution. There can be no mistake about it. It is, therefore, wrong to say that the States have been placed under the Centre. Centre cannot by its own will alter the boundary of that partition. **Nor can the Judiciary. For as has been well said:**

"Courts may modify, they cannot replace. They can revise earlier interpretations as new arguments, new points of view are presented, they can shift the dividing line in marginal cases, but there are barriers they cannot pass, definite assignments of power they cannot reallocate. They can give a broadening construction of existing powers, but they cannot assign to one authority powers explicitly granted to another."

The first charge of centralization defeating federalism must therefore fall.

The second charge is that the Centre has been given the power to override the States. This charge must be admitted. But before condemning the Constitution for containing such

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overriding powers, certain considerations must be borne in mind. The first is that these overriding powers do not form the normal feature of the constitution. Their use and operation are expressly confined to emergencies only. The second consideration is: Could we avoid giving overriding powers to the Centre when an emergency has arisen? Those who do not admit the justification for such overriding powers to the Centre even in an emergency do not seem to have a clear idea of the problem which lies at the root of the matter. The problem is so clearly set out by a writer in that well-known magazine "The Round Table" in its issue of December 1935 that I offer no apology for quoting the following extract from it. **Says the writer :**

"Political systems are a complex of rights and duties resting ultimately on the question, to whom, or to what authority, does the citizen owe allegiance. In normal affairs the question is not present, for the law works smoothly, and a man, goes about his business obeying one authority in this set of matters and another authority in that. But in a moment of crisis, a conflict of claims may arise, and it is then apparent that ultimate allegiance cannot be divided. The issue of allegiance cannot be determined in the last resort by a juristic interpretation of statutes. The law must conform to the facts or so much the worse for the law. When all formalism is stripped away, the bare question is, what authority commands the residual loyalty of the citizen. Is it the Centre or the Constituent State?" The solution of this problem depends upon one's answer to this question which is the crux of the problem. There can be no doubt that in the opinion of the vast majority of the people, the residual loyalty of the citizen in an emergency must be to the Centre and not to the Constituent States. For it is only the Centre which can work for a common end and for the general interests of the country as a whole. Herein lies the justification for giving to all Centre certain overriding powers to be used in an emergency. And after all what is the obligation imposed upon the Constituent States by these emergency powers? No more than this – that in an emergency, they should take into consideration alongside their own local interests, the opinions and interests of the nation as a whole. Only those who have not understood the problem can complain against it.

Here I could have ended. But my mind is so full of the future of our country that I feel I ought to take this occasion to give expression to some of my reflections thereon. On 26th January 1950, India will be an independent country (Cheers). What would happen to her independence? Will she maintain her independence or will she lose it again? This is the first thought that comes to my mind. It is not that India was never an independent country. The point is that she once lost the independence she had. Will she lose it a second time? It is this thought which makes me most anxious for the future. What perturbs me greatly is the fact that not only India has once before lost

her independence, but she lost it by the infidelity and treachery of some of her own people. In the invasion of Sind by Mahommed-Bin-Kasim, the military commanders of King Dahar accepted bribes from the agents of Mahommed-Bin-Kasim and refused to fight on the side of their King. It was Jaichand who invited Mahommed Gohri to invade India and fight against Prithvi Raj and promised him the help of himself and the Solanki Kings. When Shivaji was fighting for the liberation of Hindus, the other Maratha noblemen and the Rajput Kings were fighting the battle on the side of Moghul Emperors. When the British were trying to destroy the Sikh Rulers, Gulab Singh, their principal commander sat silent and did not help to save the Sikh Kingdom. In 1857, when a large part of India had declared a war of independence against the British, the Sikhs stood and watched the event as silent spectators. Will history repeat itself? It is this thought which fills me with anxiety. This anxiety is deepened by the realization of the fact that in addition to our old enemies in the form of castes and creeds we are going to have many political parties with diverse and opposing political creeds. Will Indians place the country above their creed or will they place creed above country? I do not know. But this much is certain that if the parties place creed above country, our independence will be put in jeopardy a second time and probably be lost forever. This eventuality we must all resolutely guard against. We must be determined to defend our independence with the last drop of our blood.(Cheers)

On the 26th of January 1950, India would be a democratic country in the sense that India from that day would have a government of the people, by the people and for the people. The same thought comes to my mind. What would happen to her democratic Constitution? Will she be able to maintain it or will she lose it again. This is the second thought that comes to my mind and makes me as anxious as the first.

It is not that India did not know what is Democracy. There was a time when India was studded with republics, and even where there were monarchies, they were either elected or limited. They were never absolute. It is not that India did not know Parliaments or Parliamentary Procedure. A study of the Buddhist Bhikshu Sanghas discloses that not only there were Parliaments-for the Sanghas were nothing but Parliaments – but the Sanghas knew and observed all the rules of Parliamentary Procedure known to modern times. They had rules regarding seating arrangements, rules regarding Motions, Resolutions, Quorum, Whip, Counting of Votes, Voting by Ballot, Censure Motion, Regularization, Res Judicata, etc. Although these rules of Parliamentary Procedure were applied by the Buddha to the meetings of the Sanghas, he must have borrowed them from the rules of the Political Assemblies functioning in the country in his time.

This democratic system India lost. Will she lose it a second time? I

do not know. But it is quite possible in a country like India – where democracy from its long disuse must be regarded as something quite new – there is danger of democracy giving place to dictatorship. It is quite possible for this new born democracy to retain its form but give place to dictatorship in fact. If there is a landslide, the danger of the second possibility becoming actuality is much greater.

If we wish to maintain democracy not merely in form, but also in fact, what must we do? The first thing in my judgment we must do is to hold fast to constitutional methods of achieving our social and economic objectives. It means we must abandon the bloody methods of revolution. It means that we must abandon the method of civil disobedience, non-cooperation and satyagraha. When there was no way left for constitutional methods for achieving economic and social objectives, there was a great deal of justification for unconstitutional methods. But where constitutional methods are open, there can be no justification for these unconstitutional methods. These methods are nothing but the Grammar of Anarchy and the sooner they are abandoned, the better for us.

The second thing we must do is to observe the caution which John Stuart Mill has given to all who are interested in the maintenance of democracy, namely, not "to lay their liberties at the feet of even a great man, or to trust him with power which enable him to subvert their institutions". There is nothing wrong in being grateful to great men who have rendered life-long services to the country. But there are limits to gratefulness. As has been well said by the Irish Patriot Daniel O'Connell, no man can be grateful at the cost of his honour, no woman can be grateful at the cost of her chastity and no nation can be grateful at the cost of its liberty. This caution is far more necessary in the case of India than in the case of any other country. For in India, Bhakti or what may be called the path of devotion or hero-worship, plays a part in its politics unequalled in magnitude by the part it plays in the politics of any other country in the world. Bhakti in religion may be a road to the salvation of the soul. But in politics, Bhakti or hero-worship is a sure road to degradation and to eventual dictatorship.

The third thing we must do is not to be content with mere political democracy. We must make our political democracy a social democracy as well. Political democracy cannot last unless there lies at the base of it social democracy. What does social democracy mean? It means a way of life which recognizes liberty, equality and fraternity as the principles of life. These principles of liberty, equality and fraternity are not to be treated as separate items in a trinity. They form a union of trinity in the sense that to divorce one from the other is to defeat the very purpose of democracy. Liberty cannot be divorced from equality; equality cannot be divorced from liberty. Nor can liberty and equality be divorced from fraternity. Without

equality, liberty would produce the supremacy of the few over the many. Equality without liberty would kill individual initiative. Without fraternity, liberty and equality could not become a natural course of things. It would require a constable to enforce them. We must begin by acknowledging the fact that there is complete absence of two things in Indian Society. One of these is equality. On the social plane, we have in India a society based on the principle of graded inequality which we have a society in which there are some who have immense wealth as against many who live in abject poverty. On the 26th of January 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In politics we will be recognizing the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up.

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. How difficult it is, can be realized from the story related by James Bryce in his volume on American Commonwealth about the United States of America.

The story is- I propose to recount it in the words of Bryce himself- that-

"Some years ago the American Protestant Episcopal Church was occupied at its triennial Convention in revising its liturgy. It was thought desirable to introduce among the short sentence prayers a prayer for the whole people, and an eminent New England divine proposed the words 'O Lord, bless our nation'. Accepted one afternoon, on the spur of the moment, the sentence was brought up next day for reconsideration, when so many objections were raised by the laity to the word 'nation' as importing too definite a recognition of national unity, that it was dropped, and instead there were adopted the words 'O Lord, bless these United States.'"

There was so little solidarity in the U.S.A. at the time when this incident occurred that the people of America did not think that they were a nation. If the people of the United States could not feel that they were a nation, how difficult it is for Indians to think that they are a nation. I remember the days when politically-minded Indians, resented the expression "the people of India". They preferred the

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Not just Dalit leader, Ambedkar belongs to entire nation, says CJI

New Delhi- Noting that BR Ambedkar was not just a leader of the Dalit community, Chief Justice of India DY Chandrachud has said he identified himself as a part of the nation's main-stream and belonged to the entire nation.

"Dr Ambedkar belongs to everyone. He is not a leader of (just) untouchable... he represent the entire nation. His efforts to mobilise people for social justice.. Social justice is not a project of the marginalised alone," the CJI said, adding there were profound reasons why he was being discussed and his statue has been



unveiled on the Supreme Court premises.

Addressing a working session to commemorate 100 years of Ambedkar's enrolment as an advocate, the CJI said, "He identified himself as part of mainstream and attempted to reform it. The statue represents the abiding sense of equality with liberty and fraternity." Highlighting his tireless efforts to mobilise people for social justice, the CJI said Ambedkar's statue in the Supreme Court symbolised a steadfast commitment to equality, liberty and fraternity.

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expression "the Indian nation." I am of opinion that in believing that we are a nation, we are cherishing a great delusion. How can people divided into several thousands of castes be a nation? The sooner we realize that we are not as yet a nation in the social and psychological sense of the world, the better for us. For then only we shall realize the necessity of becoming a nation and seriously think of ways and means of realizing the goal. The realization of this goal is going to be very difficult – far more difficult than it has been in the United States. The United States has no caste problem. In India there are castes. The castes are anti-national. In the first place because they bring about separation in social life. They are anti-national also because they generate jealousy and antipathy between caste and caste. But we must

overcome all these difficulties if we wish to become a nation in reality. For fraternity can be a fact only when there is a nation. Without fraternity, equality and liberty will be no deeper than coats of paint.

These are my reflections about the tasks that lie ahead of us. They may not be very pleasant to some. But there can be no gainsaying that political power in this country has too long been the monopoly of a few and the many are only beasts of burden, but also beasts of prey. This monopoly has not merely deprived them of their chance of betterment; it has sapped them of what may be called the significance of life. These down-trodden classes are tired of being governed. They are impatient to govern themselves. This urge for self-realization in the down-trodden classes must not be allowed to devolve into a class struggle

or class war. It would lead to a division of the House. That would indeed be a day of disaster. For, as has been well said by Abraham Lincoln, a House divided against itself cannot stand very long. Therefore, the sooner room is made for the realization of their aspiration, the better for the few, the better for the country, the better for the maintenance for its independence and the better for the continuance of its democratic structure. This can only be done by the establishment of equality and fraternity in all spheres of life. That is why I have laid so much stresses on them.

I do not wish to weary the House any further. Independence is no doubt a matter of joy. But let us not forget that this independence has thrown on us great responsibilities. By independence, we have lost the excuse of blaming the British for anything

going wrong. If hereafter things go wrong, we will have nobody to blame except ourselves. There is great danger of things going wrong. Times are fast changing. People including our own are being moved by new ideologies. They are getting tired of Government by the people. They are prepared to have Governments for the people and are indifferent whether it is Government of the people and by the people. If we wish to preserve the Constitution in which we have sought to enshrine the principle of Government of the people, for the people and by the people, let us resolve not to be tardy in the recognition of the evils that lie across our path and which induce people to prefer Government for the people to Government by the people, nor to be weak in our initiative to remove them. That is the only way to serve the country. I know of no better.



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