



# Ambedkar Times *Weekly*

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## REMEMBERING C.L. CHUMBER ON HIS 5TH ANNIVERSARY



**We** deeply remember Mr C.L. Chumber on his 5th anniversary. His valuable contribution towards highlighting the importance of the Ad Dharm Movement for developing Dalit consciousness in Punjab has generated a lot of interest not only in Punjab but in other parts of the country as well as among the diaspora. Mr. C. L. Chumber was one of the few Dalit activists who consistently worked for popularizing the legacy of Ad Dharm movement. He highlighted the contributions of Great Freedom Fighter Babu Mangu Ram Mugowalia towards the formation of Ad Dharm and the legacy of this historic Dalit movement in North-Western India. He launched Punjabi Monthly journal "Kaumi Udarian" (National Flights) to keep the legacy of the movement alive.

In 1985 he brought a well-documented "Babu Mangu Ram Muggowalia Souvenir" on the formation and achievements of the Ad Dharm movement and the sterling contribution of Babu Mangu Ram Mugowalia in awakening of self-respect among the Moolnivasees of the region. The title 'Mugowalia' after Mangu Ram Mugowalia, in fact was appended by Mr. C.L. Chumber. His legacy is being kept alive in the pages of two weeklies (Ambedkar Times in English and Desh Doaba in Panjabi) published from Sacramento (California) USA. Ambedkar Times www.ambedkartimes.com and "Desh Doaba" www.deshdoaba.com weekly newspapers pay floral tribute to Mr. C.L. Chumber Sahib on his 5th Anniversary.

- Prem K. Chumber

Editor-In-Chief:

Ambedkar Times & Desh Doaba

## Commonwealth Journalists Association Urges India to Protect Scribes, Honour Int'l Commitments

The Commonwealth Journalists Association (CJA) on Monday urged the Indian government to honour its international commitments to the Commonwealth and the United Nations and ensure that the media is free to play its constitutional role as a guardian of the public interest and in holding elected governments to account. The CJA, a 43-year-old organisation advocating press freedom, called on the relevant authorities to withdraw the First Information Reports (FIRs) issued against leading editors and journalists for their coverage of the farmers' protest in Delhi on January 26. The CJA is particularly alarmed at the use of laws pertaining to sedition and criminal conspiracy against journalists who were simply doing their job, reporting events as they happened. Many of these laws are of colonial origin and in urgent need of reform, reads the CJA statement.

The CJA urges the government to act firmly to protect those journalists who face harassment online and offline, death threats, violence and even assassination in the course of their work and to end the impunity enjoyed by their attackers. India's reputation as the

world's largest democracy is increasingly at risk as cases of arbitrary arrests and prosecutions multiply, it adds. The statement is the latest from journalists' groups after farmers' protests in Delhi turned violent on the Republic Day when protesters broke into the Red Fort complex resulting in one death and hundreds of injuries.



Journalists are among those arrested or facing charges in relation to the protests against the government's proposed agricultural reforms. Congress MP Shashi Tharoor and the six journalists — Mrinal Pande, Rajdeep Sardesai, Vinod Jose, Zafar Agha, Paresh Nath and Anant Nath — have been booked by police, including in BJP-ruled states such as Uttar Pradesh and

Madhya Pradesh, over their allegedly misleading tweets on the violence during the farmers' tractor rally in Delhi on Republic Day. Freelance journalist Mandeep Punia and Dharmender Singh (with Online News India) were detained by Delhi Police Sunday evening for allegedly misbehaving with personnel on duty. While Singh was later released, the police arrested Punia on Sunday.

Source Courtesy: News 18

## British Labour MP Says Indian Farmers' Issue To Be Debated In UK Parliament

This new solidarity from international quarters comes after pop singer Rihanna and environment activist Greta Thunberg raised concerns over the farmers' protest in Delhi.

Labour Party MP Claudia Webbe on Wednesday said they will be taking up the issue of Indian farmers' protest for a debate in the UK parliament, as an online petition they had started gained more than 100,000 signatures, which qualifies the petition to be taken up for a debate in Parliament.

"Boom. We're taking this to the parliament. The petition has reached 100,000 & qualifies for a debate in Parliament," Webbe wrote on Twitter, sharing a screenshot of the online petition.

The petition was named "Urge the Indian government to ensure safety of protestors & press freedom."

It states, "The government must make a public statement of the #kissanprotests & press freedoms. India is the world's largest democracy & democratic engagement and freedom of the press are fundamental rights and a positive step towards creating an India that works for all."

It reportedly gained 1,00,715 signatures. Below the number of signatories, the petition states, "Parliament will consider this for a debate. Parliament considers all petitions that get more than 100,000 signatures for a debate. Waiting for

less than a day for a debate date. The government responds to all petitions that get more than 10,000 signatures."

The petition before the UK parliament was created by one Gurcharan Singh and had gained 1,03,350 signatures till Wednesday afternoon. The petition was created on December 17, 2020, at the UK parliament's official site for petitions.



Earlier, on February 2, Rihanna asked why no one was talking about the Indian farmers' protests. She shared on Twitter a news report that detailed the Indian government's measures about restricting internet connections and other prohibitory measures

at the protest site in New Delhi. On February 3, sharing the same news report, internationally renowned climate activist Greta Thunberg wrote on Twitter, "We stand in solidarity with the #FarmersProtest in India."

Reacting sharply to their tweets, the Ministry of External Affairs (MEA) on Wednesday said, "the Indian Parliament after full debate and discussion has passed the reformist agri legislation." "The temptation of sensationalist social media hashtags and comments, especially when resorted to by celebrities and others, is neither accurate nor responsible," the Ministry of External Affairs said in a curt statement.

Source Courtesy: Outlook

# Myanmar Coup: Aung San Suu Kyi detained as military seizes power

Myanmar's military has declared a state of emergency after arresting the country's leader, Aung San Suu Kyi, and several of her allies in an early morning raid.

Myanmar's military seized control of the country on Monday and detained leading politicians, including Nobel Laureate Aung San Suu Kyi.

The army declared a state of emergency for one year, accusing authorities of failing to resolve allegations of fraud in November's election.

Commander-in-Chief Senior General Min Aung Hlaing said new

it was authentic and reflected Suu Kyi's wishes.

## Tensions high since disputed vote

Tensions have been running high between the civilian government and army officials since November.

Military-backed opposition parties had demanded a rerun of the election.

Myanmar, formerly known as Burma, was ruled by the military for almost five decades until democratic reforms began in 2011.

The Reuters news agency reported that mobile internet data con-

administration and China's infrastructure ambition. Backlash against the Tatmadaw will be intense," he added, referring to the army by its Burmese name.

Hunter Marston, a political analyst and an expert on Southeast Asian affairs, said the coup "signals a return to long-term military rule."

"The coup has irreparably damaged the very limited trust that was built between the civilian government and the military. It also shows that it will require several years or perhaps decades to rebuild the rela-

tion ... essentially torn up over electoral fraud allegations that have not been proved," the NGO's deputy Asia director Phil Robertson told DW.

"People are not prepared to go back to military rule. And I think that there's going to be a strong reaction from the international community to really put Myanmar back into pariah status, including facing economic sanctions."

## Who is Aung San Suu Kyi?

Suu Kyi played a key role in the 1988 protests against the military junta, spending nearly 15 years under



elections would be held, but he gave no time frame.

He pledged to practice "the genuine discipline-flourishing multi-party democratic system" in a fair manner.

World powers, including the United States, have condemned the coup and called for elected leaders to be released.

Soldiers have been deployed in the capital city, Naypyitaw, as well as in the commercial hub of Yangon and other cities.

Suu Kyi's party, the National League for Democracy — which won 83% of the vote two months ago— released a statement in her name.

"The actions of the military are actions to put the country back under a dictatorship," the statement quoted her as saying.

"I urge people not to accept this, to respond and wholeheartedly to protest against the coup by the military."

Party chairman Win Htein said

nections and some phone services have been disrupted.

State broadcaster MRTV said its radio and television operations were off the air due to technical problems.

"Due to current communication difficulties we'd like to respectfully inform you that the regular programmes of MRTV and Myanmar Radio cannot be broadcast," the company said on Facebook.

Since gaining independence from Britain in 1948, Myanmar has seen two previous coups — in 1962 and 1988.

Romain Caillaud, an associate fellow with the Myanmar Studies Program at the Institute of Southeast Asian Studies in Singapore, told DW that the military's actions overnight marked "a huge setback" 10 years after the start of the transition to democracy.

"The consequences will be dire," he said. "This is a different world from 1988, with globalization, social media, COVID-19, a new US

relationship."

## US, UN hit out at military coup

Washington has said it "opposes any attempt to alter the outcome of recent elections or impede Myanmar's democratic transition."

The US is "alarmed by reports that the Burmese military has taken steps to undermine the country's democratic transition," White House press secretary Jen Psaki said, using the country's former name.

US Secretary of State Antony Blinken called on the army to "reverse these actions immediately," and a spokesman for UN Secretary-General Antonio Guterres called the developments "a serious to democratic reforms in Myanmar."

Australia has urged Myanmar's military to release all the detained leaders, adding that the army was "once again seeking to seize control." Human Rights Watch said the coup was "a real disaster for human rights and democracy in Myanmar."

"What we've seen is an elec-

house arrest in the period from 1989 to 2010.

She is the daughter of General Aung San, who fought for independence from British colonial rule.

The Nobel laureate was once seen as a human rights champion on the international stage. She won the Nobel Peace Prize in 1991, with the jury hailing her as "an outstanding example of the power of powerless."

But in recent years, her reputation has been overshadowed by the country's treatment of its mostly Muslim Rohingya minority.

In 2017, hundreds of thousands of Rohingya fled to neighboring Bangladesh due to a military crackdown after a series of deadly attacks on police stations in the state of Rakhine.

Her former supporters say she turned a blind eye to rape, murder and possible genocide by refusing to condemn the military or acknowledge accounts of atrocities.

Source Courtesy: DW,  
February 1, 2021



# Sue Frost

Sacramento County Supervisor. District 4



**Sue Frost**

## New Say-at-Home Order

Like me, I am sure many of you are eagerly awaiting the day that I have something to write about other than the COVID-19 pandemic. Something happened this past month that makes me feel the need to highlight the inconsistency in practices and what we should keep in mind should we ever find our-



selves back in a pandemic situation. We all know the story so far. In March of last year, we went into a full stay-at-home order. Then, counties were placed on watch lists, and then the blueprint for a safer economy determined which tier of reopening we could enter. Then, in response to concerns that ICU capacities were dwindling, the state grouped counties and regions and declared that any region with less than 15% ICU capacity would go into a full shutdown for a minimum of three weeks.

The Greater Sacramento Region, consisting of 13 different counties, was ordered into the regional stay-at-home order on December 9th. We were anticipating remaining in the shutdown far beyond the minimum three-week requirement. On the morning of January 12th, our Public Health officials were briefing the Board of Supervisors on the status of the County's response to the pandemic. That briefing included that the regional ICU capacity remained at 9.4%, far below what was needed to reopen. Then, miraculously, our Public Health officials received a call from the state that the Sacramento region would be exiting the stay-at-home order and returning to the purple tier of reopening, effective immediately.

I was elated to hear the news. It is no secret that I have been a strong advocate for safely reopening our economy. I have advocated for the zip code based system so that Sacramento County does not see all of its customers flock to businesses in Roseville and El Dorado Hills when they open first. I have consistently asked for contact tracing data that justifies the closing of various businesses without success. Much of my frustration and the frustration I hear from local business owners comes from the perspective that the state just seems to be making up the rules as they go along. This recent move to reopen the Greater Sacramento region, while a positive move, shows just how subjective the rules continue to be. The reason the Greater Sacramento region was able to return to the purple tier was based on a four-week projection that our ICU capacity would reach approximately 19%. As far as I know, reopening based on a projection of ICU capacity was never a metric we were told could be used to reopen.

Again, I am thrilled that we are taking positive steps in the direction of reopening our businesses. Our case rate appears to be hitting a plateau, and, obviously, our ICUs are starting to free up more space. The data around COVID-19 cases and deaths is essential, and it should be used to guide how we react to the pandemic. I can also accept that we continue to learn more about the virus and our own capacities to control it every day. That is why I am so opposed to knee-jerk reactions of the state every time they realize their plans aren't working. For more than a month, businesses that had been acting in good faith to comply with public health guidance invested their time and money and brought back the employees they care about were told to shut down completely, again. The time for the state to flex emergency powers to appear in control is over. We now need to focus on keeping businesses safely open and getting the vaccine to as many people as are willing to take it. The sooner we get back to normal, the sooner we can get back to fixing the 99 other problems we already had on our plate before the pandemic hit.

For a complete list of all my past newsletters, which each contain a commentary like this one, click here.

## Health Communities Resolution

Last week, the Sacramento County Board of Supervisors voted on the "Health Communities Resolution" at my request. In my opinion this should have been non-controversial, but to my surprise I was the only Supervisor to support it (and in fact, was bizarrely told it was race baiting). I would like to share with you the three basic principles this resolution sought to support, and would welcome you to reply to this email with your thoughts. Below is from the actual text of the resolution.

"1. That our county is best served by an ability to respond locally to the COVID-19 virus in accordance with our local data and circumstances, as specified, for instance, in the attestation filed with the California Department of



Public Health."

"2. That our county is geographically diverse and ill-suited for the county-wide restrictions imposed by the Blueprint, and the State should enable our COVID-19 response to be tailored to geographically separate areas, such as different zip codes, as circumstances and case levels warrant."

"3. That school districts in our jurisdiction are urged to safely open all schools as soon as possible and provide in-person instruction to the greatest ex-

tent possible without further delay."

To read the full text of the resolution, you can download a PDF here: <http://www2.agendanet.sacounty.net/./Resolution%20...>

## Public Invited to Sac County Budget Workshop

Members of the public are invited to a Sacramento County Budget Workshop Thursday, Feb. 4, beginning at 3 p.m. and ending at 8 p.m. or when public comment ends—whichever happens first. The workshop will be virtual and can be viewed on the Metro Cable 14 website and via BlueJeans. Those who don't have internet access can join by phone by dialing (415) 466-7000 and entering the meeting ID 1458615#. Please note this phone line will not be used for public comment.

Staff from the Sacramento



County Budget and Debt Management Office will kick off the workshop with a presentation about the budget basics, budget content and format, the process of preparing the budget, and the County's current budget and fiscal condition.

After an approximately one and a half-hour presentation regarding the County's budget and budget process, viewers may call (916) 875-2500 with questions and/or input about budget priorities. Please note that callers may be on hold for an extended period of time and should plan accordingly.

For those who cannot watch the workshop live, the video will be available on the County's YouTube account. Sacramento County residents may also share their comments regarding budget priorities via email at [Budget2021@sac-county.net](mailto:Budget2021@sac-county.net). The email will be available through Thursday, Feb. 11, and all responses will be forwarded to the Board of Supervisors.

"The Board expressed interest in a presentation for Sacramento County residents to better understand the County's budget process and to weigh in on their budget priorities, and that is the intent of this workshop," said Acting County Executive Ann Edwards. "The budget process is a complex one, and our goal is to shed light on this process in a way that is clear and transparent."

There will be other opportunities for public comment on the budget at Board meetings throughout the fiscal year, including a budget policies item in late February, a Board budget workshop in April, and at the Budget Hearings in June. Sign up for Board meeting alerts via email and/or text message.

## Addressing Community and Childhood Trauma

In November 2018, Sacramento County was awarded a \$100,000 strategic giving grant from Health Net of California. The purpose of this grant was to design training for use throughout Sacramento County departments and community agencies that address the impact of community childhood trauma and establish a standardized common language and definition of trauma.

With the help of grant funds and the leadership of Supervisor Phil Serna, Sacramento County created a multidisciplinary lead team composed of representatives from the following County departments and community agencies: Probation; Child, Family & Adult Services; Behavioral Health; Public Health; Human Assistance; Office of Education; WellSpace Health; La Familia; and Health Net.

The team researched the understanding of individuals currently employed by community providers and County departments on the impact of childhood trauma and trauma-informed care.

"It is critical that our dedicated social service professionals have the tools necessary to help vulnerable populations, especially our community's kids," said First District Supervisor, Phil Serna. "Understanding the consequences from trauma gives our service providers insight to people's lived experience so that assistance and interventions can be tailored accordingly."

In consultation with Frank J Kros, M.S.W., J.D., of Kros Learning Group, the team applied the information gathered to develop standardized training for use countywide. This universal curriculum, designed by Kros for adult learners, takes into account all disciplines in the helping professions, all levels of staff, and best research.

Though this is a complex topic, Kros developed the curriculum with simplicity in mind in order to reach a broad target audience. The curriculum addresses three main learning objectives: What is Trauma?



## Why Does Trauma Matter? What Can We Do?

Throughout November 2020, Kros trained and certified 41 individuals embedded in County departments and community agencies to provide the Universal Trauma Informed Care education to their workforce and community-based partners. Rollout of the training throughout County departments and community agencies is expected in early 2021.

# Bane of Democracy

Last week we celebrated or observed the 72nd Republic Day on January 26 both with traditional gaiety on the Rajpath and unfortunate violent happenings at and around our symbol of freedom The Lal Kila (Red Fort) in the wake of the ongoing farmer's protest against the agricultural laws. The day of self introspection has come if we want to save and preserve our Republic and Independence. Let us do that; the sooner the better.

Frankly, I don't find anybody at hand to guide us in this regard except the visionary Babasaheb Ambedkar whom I repeatedly quote in such assertions. I don't have any option. The Lal Kila incidents and the increasing unrest all around is a matter of worry and concern. The emerging situation before it becomes the 'Bane of Democracy' should be arrested and I quote Ambedkar in this regard who showed us the way to ward off the

fulness. 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

parliamentary democracy to set the thinking in right perspective. He said, "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 Democracy is. 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. This democratic system India lost. Will she lose it a second time? I do

for the bright future of India. A golden opportunity... to fulfill the dreams of freedom fighters. There should be discussions and presentation of different views for meaningful results."

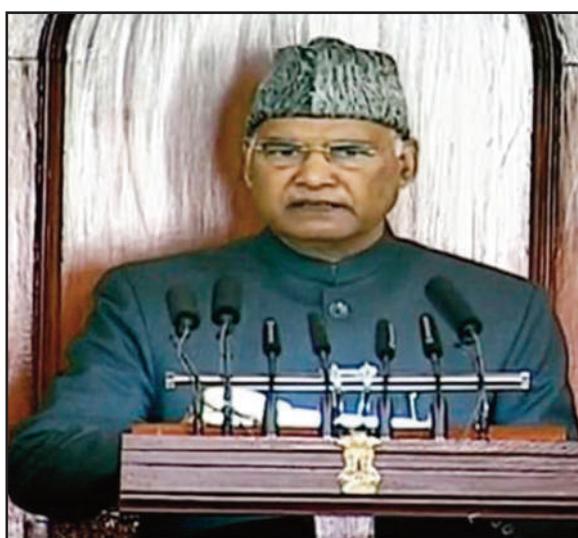
Let us listen from the horse's mouth. Ambedkar spoke at DAV College Jalandhar on October 28, 1951 on the theme of parliamentary democracy and I quote him for the benefit of my readers. He said, *inter alia,* "Personally speaking, I am very attached to the Parliamentary system of Government. We must understand what it means and we must preserve



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Dr. B.R. Ambedkar, the First law minister of India seen with Principal Lala Gian Chand and Staff Members of DAV College, Jalandhar. He addressed the Students parliaments on the topic "Future of Parliamentary democracy" on 28th October, 1951 in the College hall.



lingering danger to our democratic edifice. He said in his last speech in the Constituent Assembly on November 25, 1949 at the time of final enactment and adoption of the constitution, "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 grate-

unless there lies at the base of it social democracy."

If we fail to heed to these warnings, we will do so at our own peril

Now I come to the next point. With the new constitution, we opted for the parliamentary system of government. Obviously, in the parliamentary system of government 'the people' are supreme through their elected representatives sitting in the Parliament. The government is run in the name of Mahamahim Rastrapati i.e. the President of India, constitutional head of the State. The real executive powers rest with the Cabinet headed by the Prime Minister popularly elected by the people of India. The third organ of the state, Judiciary is supposed to be free and fair and independent. The necessary 'checks and balances' have been created in accordance with the 'Division of Powers' clearly stipulated in the constitution. In more than 7 decades, the process of our constitutional and democratic setup has seen many ups and downs. By and large, we remained on track in spite of the fact that in all these years we could not evolve political culture based on 'ideology and agenda', unfortunately. Of late, it seems, we are losing the ground and direction in this regard which may prove to be costly and detrimental to our parliamentary democracy. Let me remind you of the assertions made by Ambedkar on our

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."

These assertions of Ambedkar are 'food for thought' to save our democracy. An immediate provocation to write about the dwindling spirit of parliamentary democracy came from the oppositions 'collective boycott of the President's customary Address to the joint session of the Parliament on January 29, 2021. We all know that President's Address pertains to the agenda and policies of the government of the day then what is the need to undermine the tradition, convention and spirit of the constitution while professing norms of a parliamentary democracy. It is a willful and avoidable negation of the constitution which is harmful to our basic edifice. Yes, opposition may raise questions and say their part of the story in the pursuing debate on motion of thanks. Nobody can or should stop them. PM Narendra Modi rightly urged the opposition and all MPs to debate issues of national importance in Parliament and said "The first session of this decade is commencing today. This decade is very important

in constitution. What is meant by Parliamentary Government? There is a book on the English Constitution written by Walter Begot; it is indeed a classic treatise. It was later expanded by other authorities on constitutional government like Laski and others. He has put the conception of the Parliamentary Government in one sentence. He says Parliamentary Government means government by discussion and not by fisticuffs. You will always find in the British system of Government that they hardly ever resort to fisticuffs when taking any decision. The decision is always taken after discussion. Nobody introduces the element of disturbance in the British parliament. Look at French Politics. Decisions are arrived at more than often by knocking knockout blows. He lamented that we in India are yet to learn this and said, "You will find that this system is hardly adequate to those not born in that system. It is an alien institution to them. We must learn, understand and make it a success." In the same speech Babasaheb Ambedkar further said there were two important pillars of parliamentary democracy and asserted, "The Parliamentary system of Government is much more than government by discussion. There are two pillars on which the Parliamentary system of Government rests. These are the fulcrums on which the mechanism works. Those two pillars are an

(Contd. on next page)

# Impact of Social Media on the Youth



**Vijay Garg**  
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**S**ocial media refers to all applications and websites or blogs that enable people around the globe to interconnect via the internet, chat, and share content, video call among many other functionalities it offers to its users. For a person to be a member of any social media, he or she has to first sign up and then sign in to access content and be able to share and chat with other users of that social media platform. Some of the common and widely used social media platforms include Facebook, Twitter, WhatsApp, Snapchat many among others.

Over the past two decades, social media have gained so much growth and fame worldwide to an extent that many researchers are now interested in learning more about these social platforms and their effects on the community. Despite the fact that almost everyone in the community is connected to at least one social media platform, the youth and teenagers are the leading and most fanatic of these social platforms to the point that they even social network while in class or even church. It is to this light that researchers have found that these social sites impact the lives of our youth in a society a great deal in terms of morals, behavior and even education-wise.

The use of social media has both negative and positive impacts on our youths today. In this paper, I aim to bring to light the impacts of social media specifically to the youth of this generation. These impacts are both positive and negative. The positive impacts of social media on the youth today include making them up date on the events happening around the globe and also enables them network and stay con-

ected with their fellow youths and friends without physical meetings. It bridges the gap between friends since a person say in Africa can network and interact with his or her friend in the United States. This in turn helps in strengthening relationships say amongst classmates in high school or college, who after finishing school, moved to different locations around the world. Additionally, youths

by various scientists show that social isolation can cause a number of effects such as physical, emotional, mental and psychological issues in these youths. This can in turn lead to depression, anxiety and many other problems. It also leads to misspelling of words and misuse of words and tenses through the use of short forms and abbreviations. This has a high negative impact more so on students



pend on their parents and families for upkeep. The long hours wasted online on social media can be channeled to productive activities that can enable one earn a living or even acquire an education for instance through online tutorials and make good use of online research materials. Social media also provides a good platform where cyber theft and bullying is done and this increases the chances and incidences of identity theft. This has a number of risks to the youths as their personal information can get stolen since it is stored in some locations they do not know about or whose security is in not known or is questionable. Social platforms also encourage the spread of wrong information and news majorly aimed at tainting other peoples' names or other groups of interest such as political or religious groups. This in turn leads to fights and enmity between the concerned parties and this can lead to divisions amongst tribes or people from different ethnicities and tribes. It can also lead one to join groups of cults and illuminati people, which in turn can also lead to frequent killings of people in society especially loved ones as a sacrifice to these cults. In conclusion, social networking has been proved to have both positive and negative effects on our youths. Individuals should make a conclusion whether to go on using the sites or stop or even moderate on their usage. Parents should guide and advise their children on current matters like the usage of social media and warn them of its negative impacts to them when misused or over-used. The education curriculum also should be revised so that it can include social media studies in its disciplines so as to alert students that they need to be careful in their social media usage.

can create pages and groups in the social media platforms based on their professions, faith among other dimensions of their lives and this leads to more connections being built and more opportunities being opened for their respective disciplines. This can even lead to more employment opportunities being created for the unemployed youths. From the many interviews carried daily, youths say that social media platforms make their lives enjoyable, efficient and easier and has also become their lifestyle. Even though social media sites seem to connect more people and make them stay up to date, it leads to isolation socially according to a BBC News report. It reduces the number of face-to-face interactions amongst the youths because they normally spend most of their time on these online social platforms. An evaluation from a number of studies done

because it affects their language capabilities directly and this lead to poor grades in languages. Also, it exposes young teens say below eighteen years to online predators who get to woo them into sexual acts such as lesbianism and other general sexual misconducts. It also exposes these teens to pornographic content being spread in some the social groups online. This in turn leads to early pregnancies amongst young girls causing them to drop out of school. It also can lead to contraction of sexually transmitted diseases such as HIV and this can lead to early deaths of our young generation. The morals of these teens is also tampered with as they now get access to immoral literature and videos. Spending long hours chatting in social media sites also decreases productivity amongst the youths. This in turn causes the youths not to be self-dependent and instead de-

pend on their parents and families for upkeep. The long hours wasted online on social media can be channeled to productive activities that can enable one earn a living or even acquire an education for instance through online tutorials and make good use of online research materials. Social media also provides a good platform where cyber theft and bullying is done and this increases the chances and incidences of identity theft. This has a number of risks to the youths as their personal information can get stolen since it is stored in some locations they do not know about or whose security is in not known or is questionable. Social platforms also encourage the spread of wrong information and news majorly aimed at tainting other peoples' names or other groups of interest such as political or religious groups. This in turn leads to fights and enmity between the concerned parties and this can lead to divisions amongst tribes or people from different ethnicities and tribes. It can also lead one to join groups of cults and illuminati people, which in turn can also lead to frequent killings of people in society especially loved ones as a sacrifice to these cults. In conclusion, social networking has been proved to have both positive and negative effects on our youths. Individuals should make a conclusion whether to go on using the sites or stop or even moderate on their usage. Parents should guide and advise their children on current matters like the usage of social media and warn them of its negative impacts to them when misused or over-used. The education curriculum also should be revised so that it can include social media studies in its disciplines so as to alert students that they need to be careful in their social media usage.

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." He further said, "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." I think it is enough and I close here. It is time to think, consider and stand up to save our democratic edifice, if wish to make and see India relevant in the years to come.

## Bane of Democracy

(Continue from page 4)  
opposition and free and fair elections"

We are to think as to where we fit in? Of late, opposition is almost decimated. The ruling outfits are succumbing to 'majoritarian 'approach, it seems. The aspect of free and fair elections is completely overpowered by 'money bags and muscle power'. The Election Commission, supposed to be free and fair and also independent, is increasingly seen as partisan by the political parties and practitioners of politics. We must address these issues; the sooner the better. The more I read and understand Ambedkar; the more I am convinced of his intellect and vision in

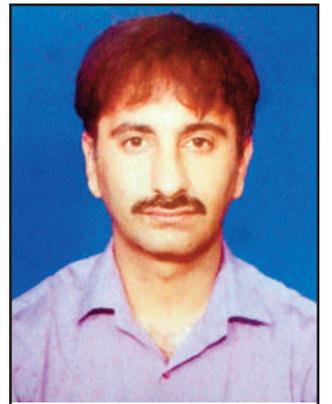
this regard. His interventions and speeches in the Constituent Assembly speak loudly and candidly on the parliamentary democracy and related subjects. Here I quote yet another aspect which clearly set the matter of discussion, opposition, differing approaches etc in their right perspective. Hope our MPs and MLAs read and benefit from these while sitting in the august Houses. Ambedkar said, "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...

... 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."

We may see the grace in Ambedkar's approach in dealings with the differing views of his colleagues in the Constituent Assembly. It requires to be emulated by our leaders in the Parliament and Legislative Assemblies - "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

# THE CONSTITUTION OF THE UNION OF BURMA

## SIR BENEAL NARSING RAU



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The Constitution of Burma, which came into force on January 4, 1948, has many features of great interest to the constitution-maker. In form and content, in magnanimous treatment of special regions and racial groups, and in speed of enactment, it provides an example well worth our attention at the present time.

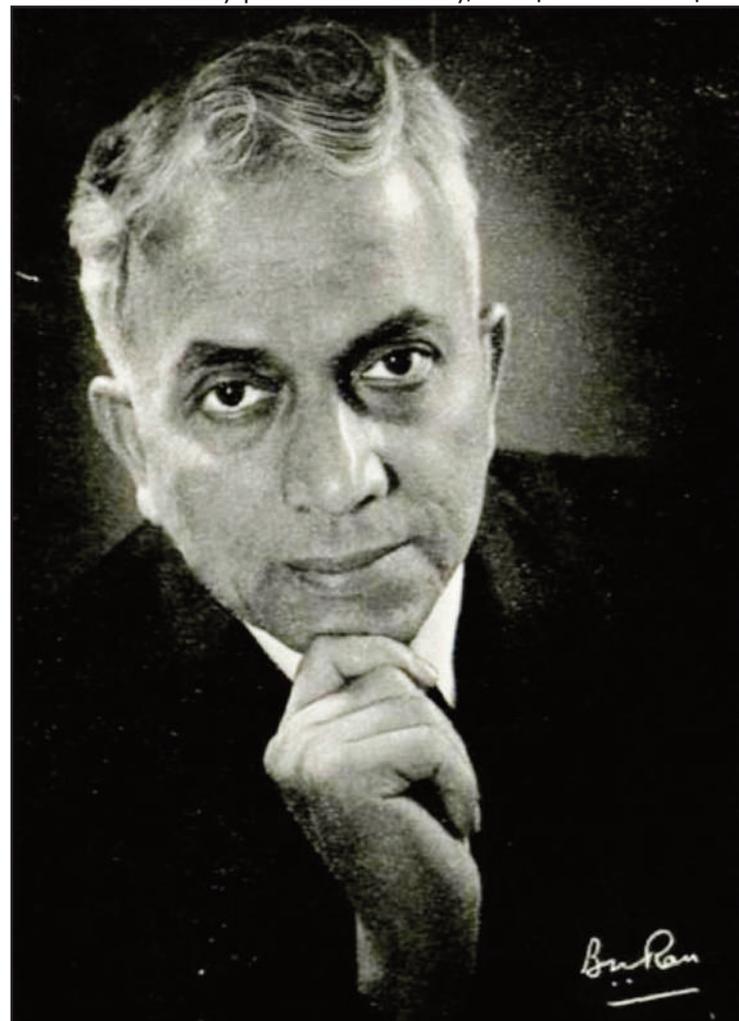
The writer of this article had the honour of being associated closely with the framers of the Constitution at almost every stage. The Constitutional Adviser of Burma came to Delhi in April, 1947, for discussion and collection of materials; a first draft of the new Constitution was then prepared and he took it back with him to Rangoon in May. There it underwent certain modifications and its provisions as so modified were accepted in substance by the Constituent Assembly of Burma. A Drafting Committee was then appointed to give it final shape. The Committee sat for about a fortnight in August and September and completed its work in time for the final draft to be brought before the Constituent Assembly about the middle of September. The Constituent Assembly passed it on September 24, 1947, with a provision that it would come into operation on such date as the Provisional President might announce by proclamation. On December 10, 1947, the Parliament of the United Kingdom passed the Burma Independence Act recognising Burma as an independent country with effect from January 4, 1948. Accordingly, this date was proclaimed for the commencement of the new Constitution. Thus the whole process from start to finish, including the enactment of the Constitution and of auxiliary legislation (such as the Burma Judiciary Act) by the Constituent Assembly and of the Independence statute by the British Parliament occupied no more than about eight months, in spite of the interruption caused by the assassinations of July, 1947

The Constitution is bilingual in form as required by section 217, that is to say, two copies of it have been made, one in Burmese and the other in English, both of them signed "by the President of the Constituent Assembly and kept for record in the office of the Registrar of the Supreme Court. Both are said to be "conclusive evidence" of the provisions of the Constitution, so that neither by itself is the authoritative version and each will have to be interpreted in the light of the other.

Let us proceed to glance briefly at the contents of the new Constitution. The preamble runs: **WE, THE PEOPLE OF BURMA** including the Frontier Areas and the Karenni States, Determined to establish in strength and unity a **SOVEREIGN INDEPENDENT STATE**, To maintain social order on the basis of the eternal principles of **JUSTICE, LIBERTY AND**

**EQUALITY** and To guarantee and secure to all citizens **JUSTICE** social, economic and political, **LIBERTY** of thought, expression, belief, faith, worship, vocation, association and action, **EQUALITY** of status, of opportunity and before the law, **IN OUR CONSTITUENT ASSEMBLY** this Tenth day of Thadingyut waxing, 1309 B.E. (Twenty-fourth day of September, 1947 A.D.), Do **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.**

The phrasing is taken from the Objectives Resolution of the Indian Constituent Assembly passed in January,



1947, while the final words are borrowed from the preamble to the Constitution of Ireland.

Chapter I relates to the form of the new Constitution. Burma is described as a sovereign independent republic to be known as the Union of Burma, with sovereignty residing in the people. Symbolic of this Union is the national flag described in section 215 a rectangle of red with a canton of dark blue displaying a five-pointed large white star with five smaller similar stars between the points. Each of the small stars represents a special region of the Union: there are five such regions, namely, the Shan State, the Kachmi State, the Karenni State, the Chin Division, and the rest of Burma which forms the central region. The large star stands for the entire Union. The Constitution contains special provisions for the administration of each of the peripheral regions as well as of the entire Union.

Chapter II deals with citizenship and fundamental rights. The citizenship provision is somewhat complicated, Burmese blood rather

than birth on Burmese soil being the main test. As regards persons of non-Burmese blood, the conditions for citizenship are:

(1) They must have been born in territory which at the date of their birth was British,

(2) They must have resided in Union territory for a period of at least eight years in the ten years immediately preceding the commencement of the Constitution or immediately preceding January 1, 1942, this latter alternative being for the benefit of those who had to leave Burma during the Japanese occupation,

(3) They must intend to make Burma their permanent abode;

(4) They must signify their election of Burma citizenship in the manner and within the time prescribed by law.

Most of the Indians now in Burma were either born in prepartition India or in Burma and their position needs attention. If the place where they were born was at the time of their birth British territory, e.g., Chittagong or Madras, but not Travancore or Mysore, the first of the above four conditions is satisfied, if they satisfy the other three conditions as well, one of them being that they must elect Burma citizenship within a prescribed time, then, and not otherwise, they become Burma citizens. If they do not elect to become Burma citizens, their nationality remains what it was. But if they do become Burma citizens, the position will be different. They will cease to be British subjects by virtue of section 13 of the British Nationality and Status of Aliens Act. And we may anticipate that they will not be eligible for initial citizenship of the new Indian Union either. For, under the draft Indian Constitution, a person who, before the date of commencement of the new Constitution of India, acquires the citizenship of a foreign state is not an Indian citizen, it follows that if he has elected Burma citizenship, he cannot be an Indian citizen at the inception of the Indian Union, although it may be possible for him to become one later by naturalization. There is a demand among Indians in Burma that even if, for the time being, they elect to be Burma citizens, India should

provide a specially easy mode of naturalization for them, if owing to changed circumstances

they find it necessary later to migrate back to India. This is a matter which the framers of the naturalization law of India will have to bear in mind. Another matter worth notice concerns persons who, though born, say, in Chittagong (of parents and grandparents also born in the same place) and having their permanent abode in Burma at present, do not elect to become Burma citizens. What is their nationality? They will retain their status as British subjects; but, assuming that India and Pakistan remain within the British Commonwealth, will such persons, besides being British subjects, be citizens of India or of Pakistan, their birthplace being now in Pakistan? Under the draft Indian Constitution, they can become citizens of India, provided they acquire a domicile in India before the commencement of the new Constitution, the principle adopted being that in order to qualify for citizenship of the Indian Union at its inception a person must have some kind of territorial connection with the Union, whether by birth or descent or domicile. In the case put above, there is no such connection by birth or descent-the birthplace of the persons concerned and their parents and grandparents being in Pakistan territory -and therefore at least domicile in Indian territory must be established. For this purpose, the draft Indian Constitution provides special facilities in view of the existing difficulties. If the place of birth in the above case was, say, Madras instead of Chittagong and the persons concerned did not elect to become Burma citizens, they would, besides remaining British subjects, be citizens of India by birth.

The fundamental rights in the Burma Constitution follow closely, both in form and content, those recommended by the Advisory Committee of the Indian Constituent Assembly- rights of equality, rights of freedom, rights relating to religion, cultural and educational rights, economic rights, and rights to constitutional remedies. Occasionally the phrasing is more cautious than that of the corresponding recommendation of the Advisory Committee: for example, the right to personal liberty is put in the form "No citizen shall be deprived of his personal liberty save in accordance with law." This follows the provision in the Irish Constitution. It is open to the criticism that it leaves the legislature free to make

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# THE CONSTITUTION OF THE UNION OF BURMA

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any law to curtail personal liberty. But we have to remember that Burma has a very difficult law-and order situation to face and that conditions in the country, as evidenced by the assassinations of July, 1947, are far from normal, they may have to be dealt with by exceptional measures; to fetter the discretion of the legislature in these circumstances may well have seemed to the framers of the Constitution to be unwise.

Freedom of religion is circumscribed by the salutary warning, "The abuse of religion for political purposes is forbidden, and any act which is intended or is likely to promote feelings of hatred, enmity or discord between racial or religious communities or sects is contrary to this Constitution and may be made punishable by law" Among the economic rights guaranteed is that of private property, but it is subject to the following important limitations:

No person shall be permitted to use the right of private property to the detriment of the general public.

Private monopolist organizations, such as cartels, syndicates and trusts formed for the purpose of dictating prices or for monopolizing the market or otherwise calculated to injure the interests of the national economy, are forbidden.

Private property may be limited or expropriated if the public interest so requires but only in accordance with law which shall prescribe in which cases and to what extent the owner shall be compensated.

The right to move the Supreme Court by appropriate proceedings for the enforcement of any of the fundamental rights guaranteed by the Constitution is also guaranteed except in times of war or insurrection.

Chapter III deals with the relations of the state to peasants and workers and contains the interesting provision that the state is the ultimate owner of all land. There is nothing revolutionary in this doctrine, because even in England all land is ultimately held of the Crown. More striking is the provision. "There can be no large land holdings on any basis whatsoever. The maximum size of private land holding shall, as soon as circumstances permit, be determined by law"

Chapter IV contains certain directive principles of state policy which are recommended for the general guidance of the state, but are not enforceable in any court of law. They are in the nature of moral precepts for the state authorities and are open to the facile criticism that the Constitution is not the place for moral precepts. But they have an educative value and most modern constitutions do lay down general principles of this kind. They correspond to the Instrument of Instructions with which we are familiar in the Indian Constitution; only, instead of being addressed to

the Governor General or the Governor, they are addressed to all state authorities, legislative or executive. The directive principles embodied in the Burma Constitution are on the lines indicated in one of the pamphlets prepared for the Indian Constituent Assembly with certain significant additions. Among the main additions are the following:

The State shall ensure disabled ex-Servicemen a decent living and free occupational training. The children of fallen soldiers and children orphaned by war shall be under the special care of the State.

The economic life of the Union shall be planned with the aim of increasing the public wealth, of improving the material conditions of the people and raising their cultural level, of consolidating the independence of the Union and strengthening its defensive capacity.

The State shall direct its policy towards giving material assistance to economic organizations not working for private profit. Preference shall be given to co-operative and similar economic organizations.

The State shall direct its policy towards operation of all public utility undertakings by itself or local bodies or by people's co-operative organizations.

The State shall direct its policy towards exploitation of all natural resources in the Union by itself or local bodies or by peoples' co-operative organizations.

Chapter V deals with the President's office. The head of the Umon is the President, elected by both Chambers of Parliament in joint session by secret ballot. He holds office for five years and is eligible for re-election, but no person may be President for more than two terms in all. He must be a citizen of the Union, who was, or both of whose parents were, born in Union territory He may be impeached for high treason, violation of the Constitution, or gross misconduct. The charge is to be preferred by one of the two Chambers and investigated by the other; the resolution preferring the charge as well as the resolution declaring it proved requires a two-thirds majority; the latter resolution operates to remove the President from office.

The President is intended to be a constitutional head, acting for the most part on the advice of the Union Government, which consists of the Prime Minister and his colleagues. There are, however, certain exceptional matters in which the advice of the Government is not required or is not sufficient. Among these exceptional matters are the following:

(1) The President has to appoint the Prime Minister on the nomination of the Chamber of Deputies.'

(2) When the Prime Minister has ceased to retain the support of a majority in the Chamber of Deputies the President may refuse to prorogue or

dissolve the Chamber on his advice; but in that event, he must forthwith call upon the Chamber to nominate a new Prime Minister and if the Chamber fails to do so within fifteen days, it must be dissolved.

(3) The President cannot declare war except with the assent of the Parliament; but the Government may take preliminary steps for the protection of the Union, and the Parliament, if not sitting, must be summoned to meet at the earliest possible date.

(4) All the Judges of the Supreme Court and the High Court have to be appointed by the President with the approval of both Chambers of Parliament in joint sitting.

There is no Vice-President for the Union. Should the office of the President fall vacant, his functions are to be exercised by a Commission consisting of the Chief Justice of the Union, the Speaker of the Chamber of Nationalities, and the Speaker of the Chamber of Deputies.

The legislative power of the Union is vested in the Union Parliament which consists of the President, the Chamber of Deputies (the lower House), and the Chamber of Nationalities (the upper House) Parliament must meet at least once in every year and at intervals of less than twelve months. There is an enabling provision for payment of members. Any property qualification for membership of Parliament or for the parliamentary franchise is prohibited, so too any disqualification on the ground of sex, race, or religion, except that members of any religious order may be debarred by law from standing for election or voting. Every citizen who has completed the age of twenty-one years and who is not placed under any disability or incapacity by the Constitution or by law is eligible for membership of Parliament. Every citizen who has completed the age of eighteen years and who is not disqualified by law (e.g., on the ground of insolvency or unsoundness of mind, or crime) has the right to vote at parliamentary elections. Voting is to be by secret ballot. Electoral districts are to be equal as far as possible; more precisely, "the ratio between the number of members to be elected at any time for a constituency and the population of that constituency as ascertained at the last preceding census shall, so far as practicable, be the same for all constituencies throughout the Union, except in the case of the constituencies of the special Division of the Chins and the Karenni State, in respect of which the ratio may be higher." Polling at every general election must be on the same day throughout the Union.

The Chamber of Nationalities consists of 125 members and the Chamber of Deputies about twice that number. Representation to the Chamber of Deputies is on the basis of population. The population of

Burma being about 17,000,000 a total membership of 250 would mean one member for every 68,000 of the population, which is about halfway between the maximum and minimum limits laid down in the Constitution. The normal life of the legislature is four years, a dissolution of the Chamber of Deputies operating also as a dissolution of the Chamber of Nationalities. The composition of the Chamber of Nationalities is prescribed in a Schedule to the Constitution. Of the 125 seats in that Chamber, twenty-five are allotted to the Shan State, twelve to the Kachin State, eight to the special Division of the Chins, three to the Karenni State, twenty-four to the Karens, and the remaining fifty-three to the remaining territories of the Union. All the representatives from the Shan State in the Chamber of Nationalities are to be elected by the Saohpas or Chiefs of the Shan State from among themselves; the Saohpas are not eligible for membership in the Chamber of Deputies. There are similar provisions for the Karenni State.

Money bills can be initiated only in the Chamber of Deputies. Every such bill, after being passed by the Chamber of Deputies, is to be sent to the Chamber of Nationalities for its recommendations. If it is not returned by the Chamber of Nationalities to the Chamber of Deputies within twenty-one days or is returned within that period with recommendations which the Chamber of Deputies does not accept, it is deemed to have been passed by both Chambers at the expiration of that period. Other bills may be initiated in either Chamber; if one Chamber passes it and the other Chamber rejects or fails to pass it or passes it with amendments to which the Chamber where the bill originated will not agree, the President has to convene a joint sitting of the two Chambers and if it is passed by a majority of the total number of members of both Chambers present and voting, it is deemed to have been passed by both Chambers.

Chapters VI and VII deal respectively with the Union Parliament and the Union Government. The Burma Constitution follows the Constitution of Ireland in seeking to reduce to statutory form the conventions of responsible government. The provision relating to the appointment of the Prime Minister has already been mentioned as also one of the provisions relating to dissolution; the former certainly differs from the convention in England and so too, probably, the latter. The following provisions may also be noticed in this connection:

115. The Government shall be collectively responsible to the Chamber of Deputies.

117 (1) The Prime Minister may resign from office at any time by placing his resignation in the hands of the

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# THE CONSTITUTION OF THE UNION OF BURMA

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President.

(2) Any other member of the Government may resign from office by placing his resignation in the hands of the Prime Minister for submission to the President and the resignation shall take effect upon its being accepted by the President under the next succeeding sub-section.

(3) The President shall accept the resignation of a member of the Government other than the Prime Minister, if so advised by the Prime Minister.

118. The Prime Minister may, at any time, for reasons which to him seem sufficient request a member of the Government to resign, should the member concerned fail to comply with the request, his appointment shall be terminated by the President if the Prime Minister so advises.

119 The Prime Minister shall resign from office upon his ceasing to retain the support of a majority in the Chamber of Deputies unless on his advice the President dissolves the Parliament under section 57 and on the reassembly of the Parliament after the dissolution the Prime Minister secures the support of a majority in the Chamber of Deputies.

120. (1) If the Prime Minister at any time resigns from office, the other members of the Government shall be deemed also to have resigned from office, but the Prime Minister and the other members of the Government shall continue to carry on their duties until their successors shall have been appointed.

The distribution of legislative power between the Union and the Units is, subject to certain exceptions, on the Canadian model, that is to say, there are only two Legislative Lists, a Union List and a State List, any matter not enumerated in the latter being allocated to the former. Thus what is called the residuary power belongs to the Centre. Broadly speaking, the subjects which in the present Indian Constitution fall in the Provincial Legislative List fall under the Burma Constitution in the State List and the rest in the Union List. Any State Council (which is the name of the State legislature) may by resolution surrender any of its powers or territories to the Union.

Chapter IX deals with the states and other semi-autonomous areas. There are at present three States with special Councils for legislating on state subjects: the Shan State, the Kachin State, and the Karenni State. For the rest of the Union, comprising by far the larger part of its area, the Union Parliament is the only legislature, whether the subject be in the Union List or not. It is as if the larger part of India, under the present Constitution, consisted of Chief Commissioners' Provinces or as if the larger part of the United States of America consisted of "territories" instead of "states." Another noteworthy feature of the Burma Constitution

is that each State Council consists entirely of the representatives of the particular State concerned in the Union Parliament. In other words, what may be called the State Committee of the Union Parliament is the legislature of the state for purely state subjects. It will be remembered that in the British Parliament, bills relating exclusively to Scotland are referred to a Grand Committee including all the Scots members; the Burma Constitution has adopted the same idea. And just as there is a Secretary of State for Scotland in the British Cabinet to deal with Scottish affairs, each of the above States in Burma has a special Minister in the Union Cabinet to deal with the affairs of the State. Thus, section 160, which relates to the Shan State, provides:

A member of the Union Government to be known as the Minister for the Shan State shall be appointed by the President on the nomination of the Prime Minister acting in consultation with the Shan State Council from among the members of the Parliament representing the Shan State.

The Minister so appointed is also the executive head of the state. In other words, just as the representatives of the state in the Union Parliament constitute the legislature for the state in matters of local concern, so too the representative of the state in the Union Cabinet is the executive head of the state in such matters. The head of the state is required to consult the State Council in all matters relating to the state and in order to facilitate this consultation, the State Council is required, at its first meeting after a general election, to elect from among its members or otherwise a Cabinet of State Ministers to aid and advise the head of the state in the exercise of his powers.

Besides the State Legislative List, the Constitution contains a State Revenue List, the object of which is to indicate what sources of revenue are to be allocated to the states. It may happen that although for purposes of legislation a subject falls in the Union List, the revenue arising from it must be allocated to the states, as in the case of forests. Besides the revenues allocated to the states, the Union may make grants to the states out of its own revenues upon the recommendation of any Board or other authority appointed for the purpose.

In addition to the three states named above, there are two special areas known respectively as the Kaw-thu-lay Region and the Chin Division. Each of these areas, though not a regular State with powers of legislation, has a considerable measure of regional autonomy. Thus, section 197 provides:

197 (1) A Chin Affairs Council shall be constituted consisting of all the members of the Parliament representing the Chins.

(2) A member of the Union Government to be known as "the Minister for Chin Affairs" shall be appointed by the President on the nomination of the Prime Minister, acting in consultation with the Chin Affairs Council, from amongst the members of the Parliament representing the Chins.

(3) Subject to the powers of the Union Government-

(i) the general administration of the Special Division and in particular all matters relating to recruitment to the civil services in the Special Division, to postings and transfers, and to disciplinary matters relating to these services, and

(ii) all matters relating to schools and cultural institutions in the Special Division shall be under the superintendence, direction and control of the Minister for Chin Affairs.

(4) The Chin Affairs Council shall aid and advise the Minister in the discharge of his duties.

(5) Any member of the Council who shall have ceased to be a member of the Parliament shall be deemed to have vacated his seat in the Council but he may continue to carry on his duties until his successor shall have been elected.

One significant limitation on the autonomy, whether of states or of the other special areas mentioned, is expressly prescribed in the Constitution.

No military, naval or air forces, or any military or semi-military organization of any kind (not being a police force maintained under the authority of any unit solely for duties connected with the maintenance of public order) other than the forces raised and maintained by the Union with the consent of the Parliament shall be raised or maintained for any purpose whatsoever.

It is important to distinguish the Karenni State from the Karen State, of which one often reads in the daily press. The Karenni State consists of three small principalities which in the old days were non-British territory, rather like the smaller Indian States in India, these principalities now form a single state and a unit of the Burma Union. But the Constitution also provides for the ultimate creation of a larger state to be known as the Karen State; this is to consist of the existing Karenni State and the special Region of Kaw-thu-lay which was part of British Burma. This larger state is to be constituted if the majority of the people of these areas and of the Karens living in Burma outside these areas so desire. The demand for the larger state is therefore not to be regarded as an attempt to disrupt the Union, on the other hand, it is something which is recognized and provided for in the Constitution itself.

The procedure for amendment of the Constitution is laid down in Chapter XI. Every proposal for the amendment of the Constitution has to be in the form of a bill.

209. (1) Such Bill may be initiated in either Chamber of Parliament.

(2) After it has been passed by each of the Chambers of Parliament, the Bill shall be considered by both Chambers in joint sitting.

(3) The Bill shall be deemed to have been passed by both Chambers in joint sitting only when not less than two-thirds of the then members of both chambers have voted in its favour.

(4) A Bill which seeks to amend-

(a) the State Legislative List in the Third Schedule, or

(b) the State Revenue List in the Fourth Schedule, or

(c) an Act of the Parliament making a declaration under paragraph

(iv) of sub-section (1) of section 74 removing the disqualification of any persons for membership of the Parliament as representative from any of the States shall not be deemed to have been passed at the joint sitting of the Chambers unless a majority of the members present and voting, representing the State or each of the States concerned, as the case may be, have voted in its favour.

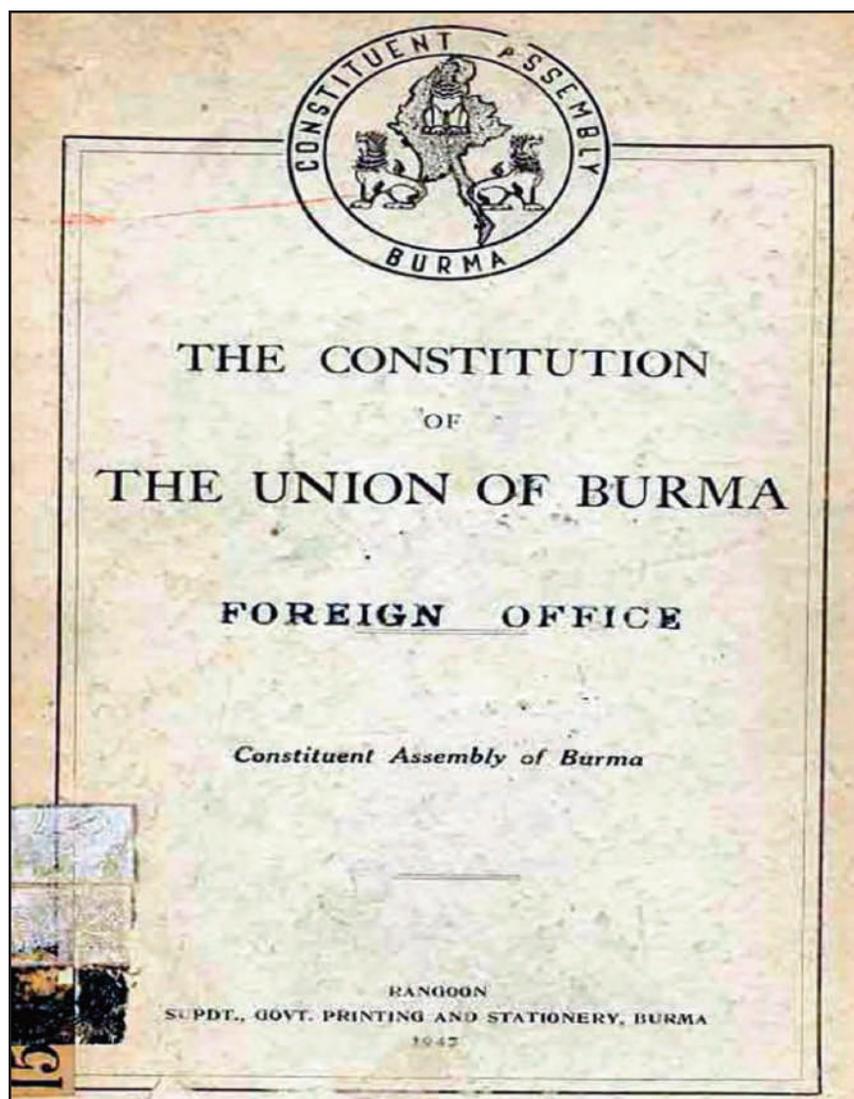
(5) A Bill which seeks to abridge any special rights conferred by this Constitution on Karens or Chins shall not be deemed to have been passed by the Chambers in joint sitting unless a majority of the members present and voting, representing the Karens or the Chins, as the case may be, have voted in its favour.

Thus the interests of the states and other special areas are sufficiently safeguarded.

The Judiciary is dealt with in Chapter VIII of the Constitution, which provides for a Supreme Court and a High Court. The Supreme Court is the court of final appeal and exercises appellate jurisdiction over the High Court and such other courts as the Union Parliament may by law prescribe. The High Court is the highest court of original jurisdiction, but may also exercise appellate jurisdiction over subordinate courts. The mode of appointment of judges has already been mentioned. Qualifications are prescribed in the Constitution similar to those in the existing Indian Constitution. The age of retirement is not prescribed in the Constitution, but has been left, along with other matters such as remuneration and pension, to be prescribed by a separate law to be made by Parliament. A judge may be removed by the President for proved misbehavior or incapacity, but only upon a resolution of both Chambers at a joint sitting after the charge has been investigated by a special tribunal of three members including the Speakers of the two Chambers.

The Supreme Court has in addition to its appellate jurisdiction an advisory jurisdiction in respect of important questions of law referred to it by the President. The Constitution

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## THE CONSTITUTION OF THE UNION OF BURMA.

### PREAMBLE.

*WE, THE PEOPLE OF BURMA including the Frontier Areas and the Karenni States, Determined to establish in strength and unity a SOVEREIGN INDEPENDENT STATE, To maintain social order on the basis of the eternal principles of JUSTICE, LIBERTY AND EQUALITY and To guarantee and secure to all citizens JUSTICE social, economic and political ; LIBERTY of thought, expression, belief, faith, worship, vocation, association and action ; EQUALITY of status, of opportunity and before the law, IN OUR CONSTITUENT ASSEMBLY this Tenth day of Thadingyut waxing, 1309 B.E. (Twenty-fourth day of September, 1947 A.D.), DO HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.*

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specifically provides that while the High Court may sit in the capital city of the Union, one or more Judges of the High Court must sit in such place in the Shan State as the President may, after consultation with the Chief Justice of the Union, from time to time appoint. Here, again, the solicitude of the framers of the Constitution for the interests of this state is evident.

It will be noticed from what has been said that the relationship between the Union and the Units in Burma is very close, closer than in Canada and much closer than in the U.S.A., for, not only are the residuary powers vested in the Centre, but even the legislatures and the executive heads of the states are drawn from the Central Legislature and the Central Cabinet.

We now come to an unusual feature of the Constitution. The Union is not indissoluble. The Shan State and the Karenni State-but not the Kachin State-have been given the

right to secede, but the right is not to be exercised during the first ten years of the Union. The procedure for secession is laid down in Chapter X thus:

203. (1) Any State wishing to exercise the right of secession shall have a resolution to that effect passed by its State Council. No such resolution shall be deemed to have been passed unless not less than two-thirds of the total number of members of the State Council concerned have voted in its favour.

(2) The Head of the State concerned shall notify the President of any such resolution passed by the Council and shall send him a copy of such resolution certified by the Chairman of the Council by which it was passed.

204. The President shall thereupon order a plebiscite to be taken for the purpose of ascertaining the will of the people of the State concerned.

205. The President shall appoint a Plebiscite Commission consisting of an equal number of members representing the Union and the State con-

cerned in order to supervise the plebiscite.

The first general election under the new Constitution is to be held within eighteen months from the date of its coming into operation (January 4, 1948). In the meantime, the Constituent Assembly will itself function as the provisional Union Parliament and there is also a Provisional President as well as a Provisional Government. In all these different ways-by constitutional expedients, by sympathetic understanding and treatment of the problems of special areas, by generous dealing with sensitive minorities-Burma has not only averted any partition of her territories, but has fashioned them all into a close-knit unity. The thirty-six Shan States, the two Wa States, the three Karenni States, the Karen Region, and the Chin Division, some of which threatened to break away at one stage and were a source of considerable anxiety, have been quietly and without fuss integrated' along with the rest of Burma into a close Union.

It is true that there is a qualified right of secession and other difficulties, not yet suspected, may arise; but the magnanimity with which the Constituent Assembly elected one of the Shan Chiefs, first as its President and then as the Provisional President of the new Union augurs well for the future. The credit of this achievement belongs in large measure to Burma's great leader, the Bogyoke, whose assassination in July last filled the country with grief and anxiety. But the tragedy has only served to bind the Burmese people closer together and he rules them from the grave even more than he did during life. And so the new Union has been launched. The captain and the crew are all young men full of high ideals and eager hope, and India, which may claim in a sense to be their spiritual home, will watch their progress with sympathy and goodwill.

Source Courtesy: Washington Law Review, Vol.23, No.3 (1948) & Indian Quarterly, Vol.4, April-June 1948

# NEW CONSTITUTION OF BURMA President-Elect's Estimate

CALCUTTA, Nov.9. In future no foreign countries would be allowed to dominate in business concerns in Burma according to the new Constitution, said Sao Shwe Thaik, Sawbwa of Yawnghwe, the President-elect of the Union of Burma who is on his way to England with the Mahadevi of Yawnghwe and his 18-year old daughter to attend the wedding of Princess Elizabeth. Burmese interests would be the dominating factor and 60 per cent of the capital of any business should be Burmese, he added.

When asked whether the British, in view of their past relationship with Burma would be accorded any privileged treatment in the matter of commerce, the Sawbwa said that they would be treated as other foreign countries. It would be the same case with Indians.

The Sawbwa expressed his satisfaction with the Constitution framed by the Burmese Constituent Assembly for the Independent Republic of Burma. He said that the Constitution was based on true democratic

principles and a perusal of the constitution would confirm his view. He paid a tribute to the work of Sir B.N.Rau, Constitutional Adviser to the Government of India who went over to Burma for a short period to help in the drafting of the new Constitution.

Referring to the recent debate in Parliament on the Burma Independence Bill in which Mr. Churchill had expressed his doubts whether the minorities had given genuine assent to the new Constitution and that his in-

formation was that there were preparations in Burma for a revolt, the Sawbwa characterised such assertion being without any foundation. The people of Burma were all united, he added.

Alluding to the reported attempt on the life of the Burmese Premier, Thakin Nu, the Sawbwa said that no one could as yet say whether it was an attempt on Thakin Nu's life or the act of ordinary dacoits - A.P.I.

Source Courtesy: The Indian Express, November 11, 1947



The following passage is from the Speech delivered by Mrs. Vijaya Lakshmi Pandit, leader of the Indian Delegation to the United Nations General Assembly in Paris, on 25th September 1948, which makes mention of the fact that the watchwords "Liberty, Equality, Fraternity" in the Indian Constitution were taken from France:

**Faith in Democracy:**

India has faith in democracy; her allegiance to the principles of the Charter of the United Nations is not mere lip service. In a few weeks she will be framing her new Constitution, embodying all the ideals of her new freedom. The main provisions have already been settled. We have taken from France - as, indeed, which country has not - the inspiring ideals of liberty, equality and fraternity; we have taken from the United States of America the idea of a Bill of Rights, enforceable by the Courts; we have taken from the United Kingdom the idea of an independent judiciary, the bulwark of British freedom; we have taken from the Soviet many a provision for the

benefit of the common and forgotten man. Remembering that India is to be a secular State, we have provided every possible safeguard for the protection of minorities. Copying a step taken by the United States of America in 1946, we have provided for the periodic appointment of commissions to investigate the conditions of any under-privileged classes of the population; anticipating one of the recommendations of the Civic Rights Committee, appointed in the United States, we have provided for the appointment, both for the Union of India and for each of the States, of special officers to see that the rights guaranteed by the Constitution are not violated in the day-to-day administration of the country.

Adult suffrage for men and women is to be the basis of all elections. In this and other ways, we have

tried to do all we can to reaffirm our faith "in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women...and to promote social progress and better standards of life in larger freedom."

Those are the words of the Charter, and we have shown in the shaping of our Constitution that to us they are no empty phrases, but a living inspiration. Nothing will deflect India from the resolute pursuit of these great ideals - neither adverse circumstances, nor obloquy, nor misunderstanding - because those ideals are in full accord with the noblest traditions of Indian culture.

Source Courtesy: India News, Vol. IX, No.18, September 1948, Issued By - Office of the High Commissioner for India, India House, London

# JAWAHARLAL NEHRU

By Martin Luther King, Jr.

JAWAHARLAL NEHRU was a man of three extraordinary epochs. He was a leader in the long anticolonial struggle to free his own land and to inspire a fighting will in other lands under bondage.

He lived to see victory and to move then to another epochal confrontation - the fight for peace after World War II. In this climactic struggle he did not have Gandhi at his side, but he did have the Indian people, now free in their own great Republic.

It would be hard to overstate Nehru's and India's contributions in this period. It was a time fraught with the constant threat of a devastating finality for mankind. There was no moment in this period free from the peril of atomic war. In these years Nehru was a towering world force skillfully inserting the peace will of India between the raging antagonisms of the great powers of East and West.

The world needed a mediator and an 'honest broker' lest, in its sudden acquisition of overwhelming destructive force, one side or the other might plunge the world into mankind's last war. Nehru had the prestige, the wisdom, and the daring to play the role.

The markedly relaxed tensions of today are Nehru's legacy to us, and at the same time they are our monument to him.

It should not be forgotten that the treaty to end nuclear testing accomplished in 1963 was first proposed by Nehru. Let us also remember that the world dissolution

of colonialism now speedily unfolding had its essential origins in India's massive victory. And let it also be remembered that Nehru guided into being the 'Asian-African Bloc' as a

work is unfolding after his death. Even though his physical presence is gone, his spiritual influence retains a living force. The great powers are not yet in harmonious relationship to

the United States, have made strides toward freedom beyond all precedent in our history. Our successes directly derive from our employment of the tactics of nonviolent direct action and non-cooperation with evil which Nehru effectively employed under Gandhi's inspiration.

The peculiar genius of imperialism was found in its capacity to delude so much of the world into the belief that it was civilizing primitive cultures even though it was grossly exploiting them. Satyagraha made the myth transparent as it revealed the oppressed to be the truly civilized party. They rejected violence but maintained resistance, while the oppressor knew nothing but the use of violence.

My people found that Satyagraha, applied in the United States to our oppressors, also clarified who was right and who was wrong. On this foundation of truth as irresistible, a majority could be organized for just solutions.

Our fight is not yet won, just as the struggle against colonialism is still unfinished, and above all, the achievement of a stable peace still lies ahead of and not behind us.

In all of these struggles of mankind to rise to a true state of civilization, the towering figure of Nehru sits unseen but felt at all council tables. He is missed by the world, and because he is so wanted, he is a living force in the tremulous world of today.

Source Courtesy: Darshan, October 1987



*Martin Luther King and Mrs. King with Jawaharlal Nehru at New Delhi, when they visited India at the invitation of the Gandhi Peace Foundation.*

united voice for the billions who were groping toward a modern world. He was the architect of the policy of nonalignment which was calculated to give independent expression to the emerging nations while enabling them to play a constructive role in world affairs.

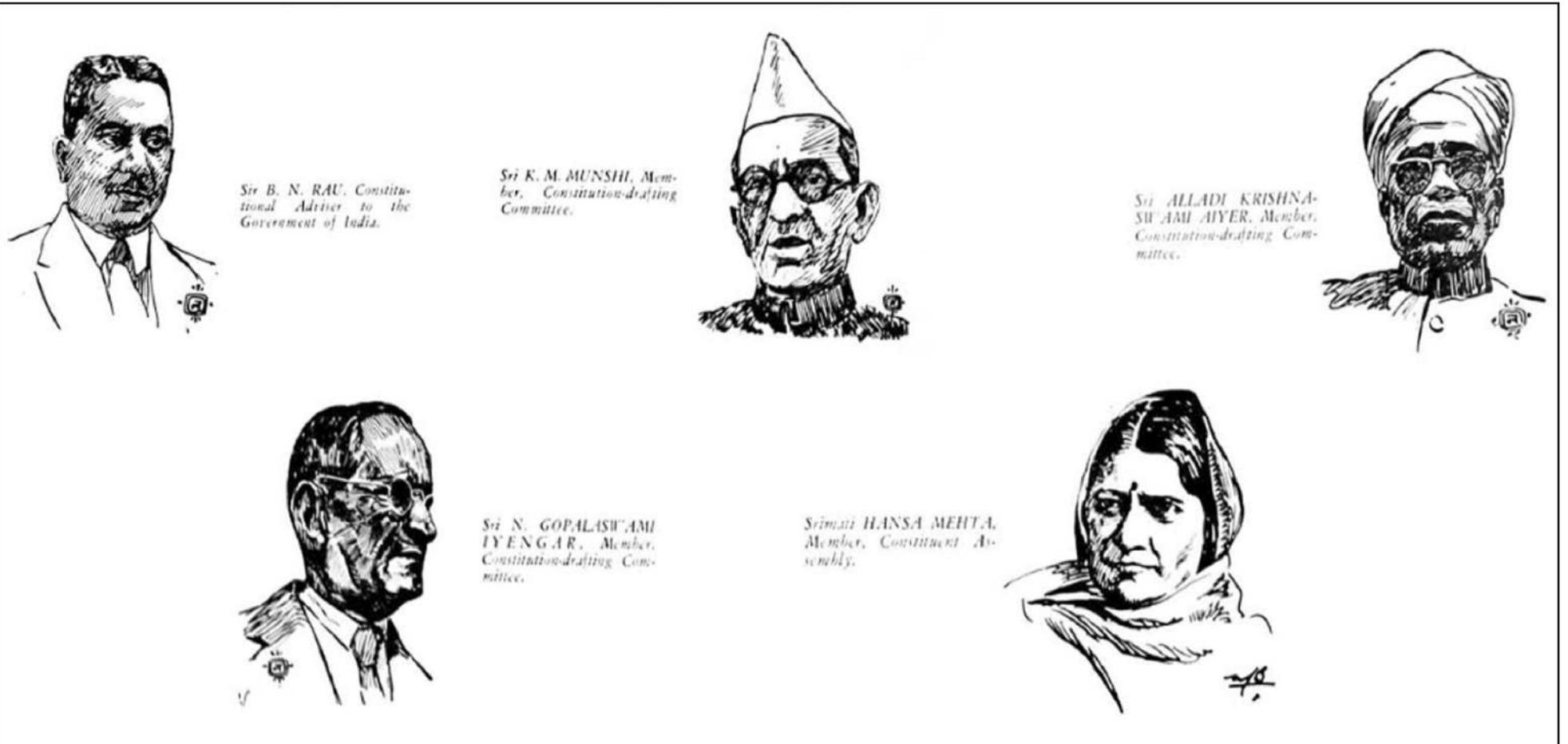
The third epoch of Nehru's

each other, but with the help of the nonaligned world they have learned to exercise a wise restraint. In this is the basis for a lasting detente. Beyond this, Nehru's example in daring to believe and act for peaceful co-existence gives mankind its most glowing hope.

In this period, the Negroes of

# DRAFT CONSTITUTION IN OUTLINE

M. Venkatarangaiya



The most significant feature about the draft Constitution of India is that it is Indian. The demand put forward as early as 1934 that the people of India must have the full freedom to draw up their own constitution has been at last fulfilled. The Constitution is but the logical consequence of the transfer of political power to Indian hands on August 15, 1947.

Another equally significant feature is that the draft Constitution is entirely modern in its outlook and in the conception of the state it seeks to create. It was feared in certain interested quarters that Indians with their traditional veneration for the past would produce a reactionary type of constitution with a view to making it appear as indigenous as possible. This fear has now been belied. The leading members of the Constituent Assembly as well as those who were appointed to the various committees and sub-committees have carefully gone through the constitutions of all modern states and framed a constitution which is in complete conformity with the political and social ideals of the present day.

The secular nature of the State that the new Constitution would create is of vital importance, judged in the light of the country's history. There has always been an atmosphere of theocracy about the State in India. It was so in ancient times when the status of a citizen was determined by a preordained social structure. In the Middle Ages, when portions of the country fell into the hands of the Muslim invaders, the status of an individual depended on whether he was a Muslim or non-Muslim. The British made the situation much worse by creating a political and administrative order based entirely on communalism and distributing political advantages according to a man's religion. The makers of the new Constitution having successfully fought against these tendencies have created a purely secular state in which citizenship has nothing to do with a man's creed, caste

or religion. It recognizes the innate worth and equality of every citizen. There will be no state religion even though the dominant section of the people are Hindus. No religious instruction is to be provided by the State. There will be no communal electorates. Even the reservation of seats in certain legislatures for Muslims, Scheduled Classes and Indian Christians is to be only for a limited period.

The State is democratic too. Democracy implies that the government of the state is subject to certain limits in the exercise of its authority, that a field of liberty is left to the individual and that the government is ultimately responsible to the people who will be free to criticize its actions, to organize themselves into rival political parties for the purpose and to participate freely in all the periodical elections held to determine who should be their rulers. The Fundamental Rights set a limit to governmental authority and prevent it from becoming totalitarian. The freedom of speech and of association ensure the establishment of a responsible form of government. The basis of citizenship is wide and there is no privileged section among the citizens. There is provision for adult suffrage and joint electorates. The system of adult suffrage is a most revolutionary step and, in the years to come, it is bound to bring political power within the reach of the masses. The ways in which industrial and agricultural labour is already organizing itself shows clearly the democratic nature of the new order and the determination of the common man to capture the citadels of authority in the very first general elections to be held under the new Constitution.

Besides being secular and democratic the new State is federal. Though technically the draft Constitution speaks of India as a "Union of States" and not as "Federation of States", the political system envisaged in it has all the essentials of federalism. There is a distribution of powers between the centre and the

units, a distribution which cannot be interfered with ordinarily except through a process of constitutional amendment which has to be ratified by the legislatures of the States. There is also provision for a Supreme Court with powers to pronounce on the validity of the laws enacted by the Union Parliament and the State legislatures. The Constitution also provides for a second chamber - the Council of States - which is organized to represent units as units. In the distribution of powers provision has been made for a list of Union's exclusive powers, a list of the powers of the States and a list of concurrent powers. Residuary authority is located in the Centre on the model of the Canadian Constitution. There is however one article in the Constitution - Article 226 - which considerably modifies the federal character of the Union. This article makes it possible for the Union Parliament to legislate on an item included in the States Exclusive List if such a course is declared to be in the national interest by a resolution supported by not less than two-thirds of the members of the Council of States. This gives room for encroachment by the Centre on the autonomy of the units not in times of emergency but in normal times, and may pave the way for gradual over-centralization which will prove harmful in a vast country like India with its diverse regional needs and requirements. This Article requires reconsideration.

Like almost all modern constitutions, the draft Constitution of India provides for a body of Fundamental Rights with which the State is not permitted to interfere except in the interests of public order, morality or health. The rights thus incorporated guarantee complete equality to all the citizens and in the peculiar setting of the country it means the abolition of untouchability which for ages has been the greatest curse to India. The freedom of speech and expression and of association are also guaranteed. Along with this go the freedom of conscience and the right freely to profess, practise

and propagate one's religion. Religious, linguistic and cultural minorities are free to establish and maintain educational institutions of their choice and are entitled to receive grants-in-aid from the Government. Legislation to give effect to these rights and to punish those who infringe them is within the special jurisdiction of the Centre and this gives to the rights an effectiveness entirely independent of the oddities of any particular state Governments. Finally, all these rights are enforceable through Courts of Justice.

Besides these justiciable rights the Constitution has issued certain directives of State Policy. It is obligatory upon all Governments to adhere to them in their legislation and administration. These directives confer on the citizens the right to work, to an adequate means of livelihood, to a more equitable distribution of wealth, to security against old age and sickness, to humane conditions of work and to free primary education. The list may not be quite as exhaustive as that found, for instance, in the Constitution of the German Republic but all the same, it is sufficiently comprehensive and enables India to become a highly progressive modern state.

During the last decade there had been a divided opinion as regards the form of executive best suited to conditions in India. Was it to be the parliamentary, non-parliamentary, or the Swiss type? The controversy is now set at rest. The draft Constitution provides for a parliamentary form of government of the British type under which the President of the Union and the Governors of the States become nominal heads of the executive while real authority will be exercised by their Council of Ministers or Cabinet. He will practically choose the other ministers. The members of the Cabinet are required to be members of their respective legislatures and their responsibility is of a collective character. All these are the usual features of a parliamentary form of Government

(Contd. on next page)

"When the history of the Indian Constitution comes to be written, Sri B.N. Rau will occupy in it a significant place. Among the many stalwarts who played their part in the Constituent Assembly in the fulfilment of an extremely difficult undertaking, he distinguished himself by his erudition and detachment and his quietly persistent efforts."

### DR. RAJENDRA PRASAD

**Foreword by Dr. Rajendra Prasad to the book "India's Constitution In The Making" By B.N. Rau, Edited By B. Shiva Rao**

Sri B.N. Rau was a distinguished member of the Indian Civil Service who acquired varied experience in the many posts that he held in the course of a long judicial career. His intimate knowledge of law and exceptional talents led him ultimately to the highest post which a member of that service could hope for on the judicial side, namely a judgeship in a provincial High Court. For a brief period after retirement he was Prime Minister, at a difficult time of transition, of one of the largest Indian States, Jammu and Kashmir.

All this seemed to be preparatory for the great work which brought him into close contact with me in 1946, the framing of India's Constitution by the Constituent Assembly. His subsequent work in the United Nations as India's permanent representative was among his outstanding contributions in a life full of significant achievements. Appropriately, he crowned his career with a term for two years as a judge of the International Court of Justice at The Hague.

By knowledge, experience and natural gifts he was the inevitable choice for the post of Constitutional Adviser to assist the Constituent Assembly in drafting India's Constitution. His first task, on assuming charge of the office in July 1946, was to collect and prepare, in a lucid and simple form, background material for the guidance of the members of the Assembly. Most of them were laymen without any legal training, while not many, even among those who had such training, could claim adequate equipment for the kind of specialised work involved in framing a constitution. The difficulty was not

paucity of material so much as the selection and the proper interpretation of a vast mass of information scattered in the history, the constitutions, both written and unwritten, and the actual working of the constitutional machinery in many countries. He greatly lightened the task of the members of the Assembly with several brochures, papers and notes based on a careful study of different aspects of the constitutions and of the constitutional precedents of several countries and with a fairly complete draft of the Indian Constitution to form the basis for detailed discussions.

If Dr. B.R. Ambedkar was the skilful pilot of the constitution through all its stages, Sri B.N. Rau was the person who visualised the plan and laid its foundation. He was superb in draftsmanship, endowed with a style which at once clear, illuminating and precise - qualities which are indispensable in any document of legal or constitutional importance. He was not only deeply learned but careful and circumspect in regard even to the minutest details, so that any problem that he handled received full consideration from every aspect, thus eliminating, as far as possible, mistakes through misunderstanding or

misinterpretation. The opinions which he gave on any controversial point that arose in the course of the discussions in the Constituent Assembly were full and judicious and based on a deep study of the subject. His services to the Constituent Assembly were highly appreciated even outside India, and the credit for preparing the framework of the Constitution of Burma goes to him in a large measure.

These qualities of his, which enabled the Constituent Assembly of India to complete its complicated labours in less than three years, were later utilised in the United Nations where his great services were recognised and his opinions highly prized and respected. Although no mean lawyer, he never indulged in legalistic arguments, but always took a broad, statesmanlike view of all questions which came up for consideration in the world organisation.

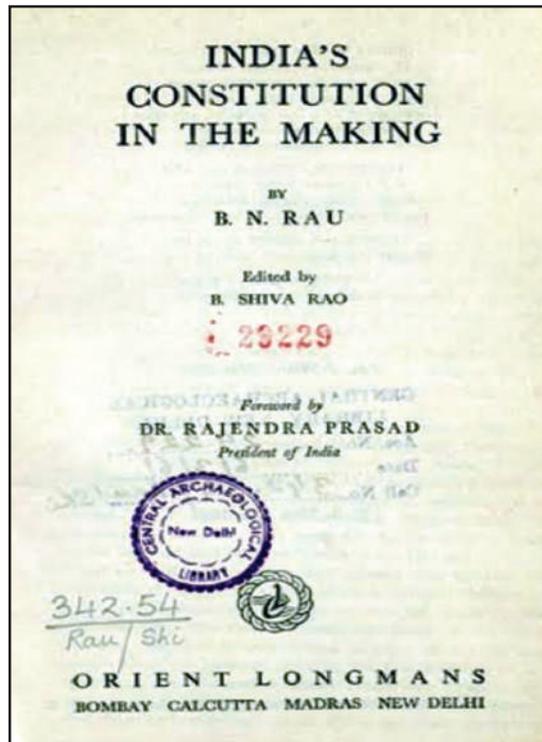
When the history of the Indian Constitution comes to be written, Sri B.N. Rau will occupy in it a significant place. Among the many stalwarts who played their part in the Constituent Assembly in the fulfilment of an extremely difficult undertaking, he distinguished himself by his erudition and detachment and his quietly persistent efforts.

Gathered in this volume are the notes and memoranda that he had originally prepared, either for the members of the Constituent Assembly or of its committees or for me as its President. A piece reprinted here appeared originally in *The Hindu*; some of the other papers had a somewhat restricted though practical purpose in view, since they were not primarily intended for the general reader. But even a casual glance through these pages will indicate how valuable they are for a better understanding of our constitution. The basic unity of the theme imparts to these essays, notes, memoranda and reports an integration which they would otherwise have lacked.

The volume, so welcome by itself, underlines the urgent need for further research, to bring together the scattered mass of background material and data which influenced and shaped thinking in the Constituent Assembly and has given to our constitution its present form and content. Such research is necessary, not only for the student of contemporary politics, but for a full understanding by future generations of our constitution and of the interplay of social forces and attitudes behind the prosaic work of legal draftsmanship.

I have, therefore, the greatest pleasure in commending the book to the public, and, in particular, to discerning readers who, in the very nature of things, must be comparatively few in number. My pleasure in doing so is all the greater as I look upon this as the discharge of a debt due to the memory of a guide, philosopher and friend in a task of such supreme national importance as the framing of the Constitution of India.

**Rajendra Prasad  
Rashtrapati Bhavan, New Delhi  
24th January 1960**



#### Extract of the Preface of B. Shiva Rao from the book 'India's Constitution In The Making':

This volume contains a selection from the papers relating to the making of India's Constitution of Sri Benegal Narsinga Rau (1887-1953) who was Constitutional Adviser to the Constituent Assembly through all the stages of its labours. One of the considerations which weighed with him in accepting a seat on the International Court of Justice at The Hague early in 1952 was the hope of utilising the court's winter vacations for writing an authentic story of India's Constitution. Had that project not been frustrated by premature death, the result would have been a volume of unique value enriched by his reflections and comments.

– B. Shiva Rao, New Delhi, 1st February 1960

# DRAFT CONSTITUTION IN OUTLINE

(Continue from page 11)

reproduced in the draft Constitution. There is however one point of difference between the President of the Union and the Governor of a State. The President can never act independently of the Cabinet while the Governor can do so under certain circumstances.

The President of the Union is elected by the members of an electoral college consisting of the members of both Houses of the Union Parliament and the elected members of the legislatures of the States. He will thus represent both the Centre and the parts. He holds his office for five years. The draft Constitution provides for two alternative methods of appointing the Governor of a State. One is election by the people and the other, appointment by the President of the Union out of a panel of four, chosen by

the State legislature.

There is provision for the President of the Union exercising extraordinary powers in times of emergency.

The Union legislature is bicameral. The House of the People represents the People as a whole while the Council of States represents the units as units. The first is directly elected while the members of the second - except fifteen who are nominated by the President - are chosen by the elected members of the state legislatures. State legislatures may be either bicameral or unicameral. Except in respect of money bills both Houses have equality of authority and deadlocks, if any, are solved through joint sittings.

The provisions relating to the exercise of judicial power ensure the operation of the Rule of Law and impartial system of justice. Like any other federal

state, India, under the new Constitution, will have a Supreme Court of its own. Judges are appointed by the President of the Union even in the case of the State High Courts. They enjoy permanence of tenure and fixed salaries. In addition to discharging the usual original and appellate functions the Supreme Court in India has to give its opinion on any matter referred to it by the President. There is also provision for the appointment of ad hoc judges and for the attendance of retired judges - features novel to India though found elsewhere.

The draft Constitution thus creates a sovereign democratic republic and secures to its citizens social, economic and political justice, liberty of thought, expression and worship and equality of status and of opportunity. Given conditions of peace - external and internal -

there is every prospect that under the new Constitution, India will be in a position to make rapid progress in the reconstruction of her national life. Some may remark that there is not much that is original in the draft Constitution and that almost every provision in it has been borrowed from other constitutions or from the Government of India Act of 1935. This shows merely the catholicity of the outlook of the framers of the Constitution and the large amount of truth contained in the wise observation made by Professor MacLeod, "How limited after all is the human mind is so far as the creating of essentially new political patterns is concerned".

**Source Courtesy: The First Year  
(August 15, 1947 - August 15, 1948)  
Independence Day Souvenir  
Illustration: NAGEN BHATTACHARYA**