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

Prem Kumar Chumber

Editor-in-Chief: Ambedkar Times & Desh Doaba

Babasaheb Dr Bhimrao Ramji Ambedkar (April 14, 1891 – December 6, 1956), the architect of the Constitution of India was a great humanist, political thinker, savior of downtrodden, internationally renowned economist, acclaimed jurist, and statesman of the highest order, conscientious philosopher and scholar par excellence. Apart from initiating various social reform measures and founding three political parties to sharpen his life-long struggle to annihilate caste. Babasaheb contributed seminally in the fields of banking, water management, and empowerment of women. He was of the firm view that caste is the biggest hurdle on the way of India to become a nation. Shortly before his Mahaparinirvan, he laid the foundation of the Buddhist movement in India to show a new way to the millions of socially excluded and discriminated people to get rid of the centuries' old curse of caste and untouchability. His scholarship and brilliant approach to take mankind to new heights brought him into various offices of responsibility both during the British rule and Independent India. He was the first law minister of independent India.



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

As to the idea of 'Indian Nation', he said: "In

Protect and Preserve the Constitution to Truly Serve the Country

Introducing the first monumental Draft Constitution to the Constituent Assembly for consideration on 4th November 1948, Dr. Ambedkar, Chairman of the Constitution Drafting Committee said that the Draft Constitution was workable, flexible and strong enough to hold the country together both in peace time and in war time. If things went wrong under the new Constitution, the reason would not be that the Constitution was bad, but that the man was vile.¹

Explaining the philosophy and vision of the Constitution and cautioning against the likely pitfalls and vulnerable areas in country's march towards a truly democratic and egalitarian society, he said in his historical speech delivered on the occasion of presenting the final Draft in the Constituent Assembly on 25th November 1949: "On 26th January 1950, India will be an independent country. What perturbs me greatly is the fact that not only India had once before lost her independence, but she lost it by the infidelity and treachery of some of her own people. Will history repeat itself? It is this thought which fills me with anxiety. The anxiety is deepened by the realization of the fact that in addition to old enemies in the form of castes and creeds the country is going to have many political parties with diverse and opposing political creeds. If the parties place creed above the country, our independence will be put in jeopardy a second time and probably be lost forever. We must be determined to defend our independence with the last drop of our blood."



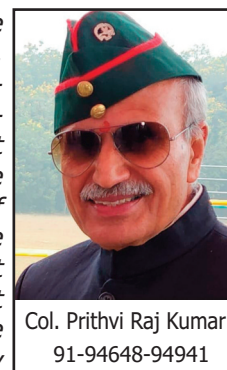
believing that we are a nation, we are cherishing a great delusion. How can people divided into several thousands of castes be a nation? The sooner we realize that we are not as yet a nation in the social and psychological sense of the word, the better for us. The castes are anti-national in the first place, because they bring about separation in social life. They are anti-national also because they generate jealousy and antipathy between caste and caste. But we must overcome all these difficulties if we wish to become a nation in reality. For fraternity can be a fact only when there is a nation. Without fraternity, equality and liberty will be no deeper than coats of paint."

Warning against dangers to the newborn democracy, he said: "It is quite possible for this new born democracy to retain its form but give place to dictatorship in fact. If there is a landslide, the danger of the second possibility becoming actuality is much greater. If we wish to maintain democracy not merely in form, but also in fact, we must hold fast to constitutional methods of achieving our social and economic objectives. We must make our political democracy a social democracy as well. Social democracy means a way of life which recognizes liberty, equality and fraternity as the principles of life."

Cautioning against hero-worship or Bhakti, he said: "We must not lay our liberties at the feet of even a great man, or to trust him with powers which enable him to subvert our institutions. Bhakti in religion may be a road to the salvation of the soul, but in politics, it is a sure road to degradation and to eventual dictatorship."

Sounding against the dangers of inequality and absence of fraternity in Indian society, he said: "On the 26th of January 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In Politics we will be recognizing the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up."

As to the idea of 'Indian Nation', he said: "In



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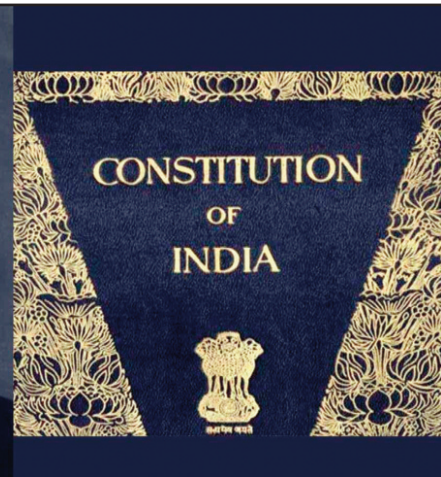
Speaking of the empowerment of the downtrodden classes, he brought out: "There can be no gainsaying that political power in this country has too long been the monopoly of a few and the many are not only beasts of burden, but also beasts of prey. This monopoly has not merely deprived

them of their chance of betterment; it has sapped them of what may be called the significance of life. These down-trodden classes are tired of being governed; they are impatient to govern themselves. This urge for self-realization in the downtrodden classes must not be allowed to develop into a class struggle or class war. That would indeed be a day of disaster. Therefore the sooner room is made for the realization of their aspirations, the better for the few, the better for the country, the better for the maintenance of its independence and the better for the continuance of its democratic structure. This can only be done by the establishment of equality and fraternity in all spheres of life."²

It is seventy four years that the Constitution has been in force. Measured against Constitutional objectives and ideals, the country's progress represents a mixed bag. Notwithstanding the challenging socio-economic and political issues, the Republic has been able to withstand the vicissitudes of a nascent State and grow into one of the world's powers of reckoning under its Constitution. Starting from scratch, the country is one of the largest and fast growing economies of the world today. It has made a special mark in agricultural, health, industrial, defense, technology and manufacturing sectors. One of the nuclear powers, it has made a big leap in space research. The Constitution has stood the test of time and proved to be a strong instrument of country's all round development.

The sheen of these achievements, however, is dimmed by the country's social, economic and political indices. The pernicious caste system continues to be the bane of society and country posing threat to the constitutional ideals. The blatant social and economic discrimination, and injustice against more than three fourth of the population continues to be a nightmare for the unfortunate millions, and an obnoxious blot on the face of the society and the Republic. Despite its acclaimed economic growth, a vast portion of the population continues to suffer from destitution, illiteracy,

(Contd. on next page)



Protect and Preserve the Constitution to Truly Serve the Country

(Continue from page 1)

malnutrition and disease. More than 80% of the population lives in poverty, struggling day in and day out for sustenance and shelter. Most of the labor force and farming community, particularly the landless laborers and marginal farmers continue to suffer the life of want and hunger. The incidence of farmers' suicides mainly on account of financial distress is a sad commentary on the performance and will of the ruling dispensations to ensure honorable sustenance to the life-sustainers (*Annadaata*) of the country. The rise in crimes particularly against women and the marginalized sections (Dalits and Adivasis) is a matter of grave concern and shame. An all-round moral and material corruption has reached its nadir. The repelling sight of slums and semi-clad children and women with begging bowls crowding the cities and towns speak loudly of the apathy and insensitivity of the state and society towards their constitutional obligations. The Constitutional provisions intended to ensure upliftment and dignity of the people, eradicate poverty, and ensure fair distribution of the national wealth and resources continue to be nothing more than shining words.

The Constitution empowers citizens with the principle of one vote and one value allowing them to elect their own Government. It conceives India as one people, one nation. But the Constitution is seen being followed more in breach in this regard. Caste, creed, community, money, muscle power and manipulations have infested the electoral process. It has reduced the value of vote to an insignificant level. The Constitutional institutions responsible for con-

ducting free and fair elections are under strong criticism for being ineffective in performing their role and for wilting under pressure from the ruling dispensation. The sole aim of the political Parties seems to have been reduced to that of capturing power with all possible fair and foul means. Service to the people and the country is nothing but rhetoric for them. People with criminal records manipulate to enter the Parliament and the state Legislatures. Constitutional morality seems to be a forgotten term for the power-hungry and self-seeking politicians who mislead the public with false promises and entice them with monetary and other temptations to further their own agenda. Floor crossing for political gain has become a common practice in the country. The ruling parties often seek to obliterate the opposition by any means, including the use of Government machinery to advance their political agenda without hindrance. In this process the interest of the people and the country has taken a back seat. Instead of the Government of, by and for the people, it seems to have been reduced, by and large, to a Government of a hereditary ruling class with dictatorial overtones.

Despite the ideals and philosophy of the Constitution and its father being loud and clear, the ideal of equality, liberty and fraternity in the society remains to be a distant dream only. Hero-worship or Bhakti in politics is rather the order of the day. Given the way religious, communal and caste sentiments are fanned one can say without hesitation that politicians prioritize creed over country for political gains at the cost of country's interest. Social democ-

racy is a distant cry and political democracy lacks genuine democratic values and spirit. The idea of every citizen being 'an Indian first and Indian last' does not seem to have even crossed the minds of most of the people. The demon of caste seems to have entered the DNA of the people, and the so-called high castes take pride in glorifying and perpetuating it. Mutual trust between the minorities and the majority is by and large missing. Hullabaloo of Hindutva and the jingoistic calls for a Hindu nation seem to be not only deepening the divide between minorities including marginalized sections and the majority but also reinforcing social division and fostering tension, mistrust and fear among them. The ongoing discrimination and injustice against perpetually marginalized and deprived classes ominously signal the possibility of a class war escalating to dangerous proportions.

There has been simmering discontent among the public and political parties against the ruling dispensation for the alleged use of constitutional institutions like the Election Commission, Central Bureau of Investigation, Income Tax and Enforcement Directorate and even Judiciary for furthering its political agendas. The manner in which the laws are made and unmade, bypassing established parliamentary procedures and practices, clearly indicates the intent of the Party in power and its scant respect for democratic values. The down-trodden classes continue to be on the receiving end and their patience to govern themselves is reaching its limit. The dismal scenario is obviously not attributable to any flaws in the Constitution, but rather to the fossilized Brahmanical

mind-set, lackadaisical approach of the ruling powers and the vileness of the political leadership and administrators responsible for implementing it.

The print, electronic and social media is abuzz with reports of Hindutva forces criticizing the Constitution and advocating for its replacement with the Manu Smriti. Dr. Ambedkar, father of the Constitution, had set the Manu Smriti ablaze on 25 December 1927 because it contained laws that were anti-people, anti-women and anti-nation. On the other hand slogans such as 'Save the Constitution, Save the Country' and 'Save the Democracy, Save the Country' have been echoing in the air for quite some time. It is a wakeup call for those in power, patriots, intellectuals, social reformers, liberals, secularists and well wishers of the country, to rise and work together with determination to achieve and uphold the Constitution's ideals and vision before it is too late. Concluding his historical speech *ibid*, Dr. Ambedkar said, "If we wish to preserve the Constitution in which we have sought to enshrine the principle of Government of the people, for the people and by the people, let us resolve not to be tardy in the recognition of the evils that lie across our path and which induce people to prefer Government for the people to Government by the people, nor to be weak in our initiative to remove them. That is the only way to serve the country. I know of no better."³

(Reference: 1. BAWS, Vol. 13, p.70; 2. BAWS, Vol.13, pp. 1206-1218; 3 BAWS, Vol.13, p. 1218)

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Human rights situation in India – the caste system and the hopes of the author of the Indian Constitution



I took the opportunity today to press the U.K. to do more to work with the Indian Government to lift the Dalits and Tribals out of the Caste system and to fulfil the hopes of Dr B.R. Ambedkar the Dalit who was author of the Indian Constitution.

22nd July 2021

I want to thank my noble and Rt Revd friend, Lord Harries of Pentregarth for initiating this important debate. India is a truly great country for which I have great affection and admiration.

One of the greatest Indians was Dr B R Ambedkar, the Dalit who became a lawyer – an alumnus of Gray's Inn – a parliamentarian, and social reformer, and who crafted India's Constitution.

Last month I was honoured to take part in the unveiling of a new portrait and the opening of the room at Gray's Inn dedicated to the only Indian ever to be awarded such an honour. Dr. Ambedkar's great-grandson Sujat Ambedkar was present.

Santosh Doss and Ali Malek QC Master Treasurer of Gray's Inn, the Federation of Ambedkarite and Buddhist Organisations UK all deserve our congratulations for bringing this project to fruition.

For all Indian citizens the story of Dr Ambedkar and his Constitution is an inspiring route out of enforced misery, a pathway out of servitude, a road map to emancipation justice, and equality. It signs posts the way to social, economic and political justice, liberty of thought, expression, belief, faith and worship, equality of status and of opportunity, and above all, the fraternity and dignity of its citizens. But

as Dr Ambedkar once said: "If I find the constitution being misused, I shall be the first to burn it."

He would surely be greatly disturbed that millions of Dalit and tribal people still remain excluded from their rights guaranteed in that Constitution and that the BJP Government has presided over the steady erosion of those hard won gains.

Take the incarceration of human rights defenders, academics, and lawyers without bail or prospect of an early trial. Dr Anand Teltumbde, Dr Ambedkar's grand son-in-law is one of those in incarcerated without bail. He is aged 71.

Those jailed in the Bhima Koregaon case have consistently, and robustly denied the charges against them. Yet some have been in jail for years – without bail under dubious sedition laws–bequeathed by the British – on trumped up charges and on flawed evidence. Many are elderly and have medical health conditions. Along with Dr Teltumbde, the 80-year-old human rights activist and poet, Varavara Rao, the 60-year-old trade unionist, activist and lawyer, Sudha Bharadwaj are languishing in jail. All of them are in extreme danger of catching the Covid virus in jail. All have been denied bail. And think of Father Stan Swamy who spent his life defending the rights of Tribal peoples in India. A frail 84-year-old man with Parkinson's. Yet despite applications on health grounds, the authorities denied him bail. His death was unjust. It needs to be investigated impartially.

Mary Lawlor UN Special Rapporteur on Human Rights Defenders, said following Father Swamy's death in

custody: "There is no excuse, ever, for a human rights defender to be smeared as a terrorist, and no reason they should die the way Father Swamy died, accused and detained and denied his rights". I echo this.

The rapes and punishment rapes of Dalit and tribal women and girls also has to be of the gravest concern to us.

I welcome the reply the noble Lord Ahmad gave me on 19 July about the British High Commission's project to provide legal training for Dalit women to combat violence against them. I really hope this will make a real tangible difference and can be measured in due course.

Finally, India, like other countries, has suffered grievously under Covid. We have all seen the heartbreaking reports. The long-term health and economic impacts of Covid on Dalits and Tribals people who would frequently be the daily labourers or bonded labourers must be researched. The human rights that Dr Ambedkar championed all his life must be protected.

In his book "The Annihilation of Caste" Dr Ambedkar said "A just society is that society in which ascending sense of reverence and descending sense of contempt is dissolved into the creation of a compassionate society"

At Gray's Inn for the unveiling of the portrait of Dr B. R. Ambedkar and with his great grandson Sujat.

Human rights situation in India - the caste system and the hopes of the author of the Indian Constitution. – David Alton

July 22, 2021. News



Lord David Alton of Liverpool is a great admirer of Dr Ambedkar and often refers to his name in the Parliamentary debates on slavery, violation of human rights or any form of discrimination. He is a staunch supporter of our campaign against caste discrimination. He also regularly attends our annual events on Dr Ambedkar's birth anniversary at the House Lords, British Parliament. At the time of unveiling the Ambedkar Room and his portrait at Grays Inn, Lord Alton was invited as a chief guest and was presented a copy of the portrait of Ambedkar. He displayed the portrait in his office and put on his blog saying, "Following the unveiling of the new portrait of Dr Ambedkar at the Grays Inn, my copy of the portrait is now at my Westminster office. His story should inspire anyone who believes in democracy and the rule of law." During the Parliamentary debate on 22 July 2021 on 'Human Rights Situation in India', he referred to Dr Ambedkar and the need to do more uplifting Dalits and Tribals in India. His speech on the violation of human rights in India is as relevant today as it was three years ago. For more information, go to his blog.

Arun Kumar, Bedford UK.



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Constitution Day of India, November 26

Constitution Day of India is observed on November 26, the day the Constitution of India was finally 'adopted, enacted and given to ourselves in 1949. Much water has flown in the Yamuna ever since the new constitution became operational, 73 years ago, on January 26, 1950; the day is observed and celebrated as the Republic Day of India, an important mile stone in the chequered journey of free India. It is a matter of gratification to note that ever since India has come a long way and has 'arrived' definitely but it has still to go a long way to 'reach' to redeem the pledge of 'Tryst with Destiny' which 'We the people of India' took on the mid-night dawn of August 15, 1947. I take this opportunity to greet my fellow citizens of India on the Constitution Day and wish them all success and prosperity in the years to come.

"We describe our Constitution as a "living document", ready to adapt and respond to changing times. We also call our Constitution a "transformative Constitution", one that attempts to radically transform our society and the country as a whole to fulfill its vision

of a vibrant, modern polity. But how different is the vision of the framers of our Constitution from those in charge of implementing its ideals since the country gained Independence? Is the vision still a dream or a reality? And how do the citizens and the Constitution transform each other?" It is an extract from an invitational letter for a Webinar hosted by the Print on November 24 on the theme "Constitutional Vision: From Framers to Executors" to observe the Constitution Day. I tend to agree with the Print that our constitution is a living document and it is a transformative constitution so laboriously made by our forefathers, the makers of this beautiful document; particularly the chief architect of it, Babasaheb B.R. Ambedkar. The three questions raised by the Print are totally relevant which need answers to put the matter in its perspective.

I would humbly try to address the issues not as an expert but as a concerned citizen. First, the constitutional vision: from framers to executors – frankly, prima facie it seems, we have negated the vision of the framers and have failed the constitution. It is my off the cuff observation, if I see the things in totality. It seems in the past 73 years, we have increasingly lost the way. The framers of the constitution visualized India as a democratic, secular and socialist country. But we could not do much in transforming of our political democracy into a social and economic democracy. Our secular credentials are increasing threatened giving way

to communal polarization. Over the years, rich is getting richer and poor is getting poorer, undermining the ideal of socialism. Fraternity was thoughtfully added to the known and lofty ideals of 'Equality, Liberty and Justice' but sadly again, in the recent years chasm in the various sections of the society has widened. Minorities are feeling threatened. It seems, social and religious animosity, in the society at large, is increasing. It was a short narration on the basic fundamentals of the constitution as stipulated in the very preamble of the constitution. As regards yet another prop of 'transformative constitution', I think, here also we have nothing much to feel proud. We could not transform our political democracy into social and economic one, as said earlier. The slogan of 'Sab Ka Sath, Sab

It has been further reported that there is a definite 'standoff' between the Government and the Judiciary on the issue. It is a matter of worry that 'political and constitutional morality' is missing in implementing the constitution in its 'letter and spirit', most of the times by willful design by the vested interests.

All said and done, it is a matter of gratification to note that we are still on track only because of the constitution, in spite of many failures and setbacks, in the process. I would tend to agree that our constitution is a 'living document' and if, we the people of India ensure that the governments are made of 'Gyansheel' people, the constitution may be saved and defended. Kindly excuse me for repeatedly quoting Babasaheb in explaining the matter as I find him as relevant

ing country, and inertia is not part of our basic nature. "From the formation of the Constituent Assembly to its debates, from the adoption of the Constitution to its present stage, we have consistently seen a dynamic and progressive Constitution. We have argued, raised questions, debated and made changes."

Finally, if we carefully study and pay heed to the foresighted views and warnings of the father of Indian Constitution, Dr. B.R. Ambedkar, we can easily make the living document a 'transformative constitution' as visualized by our forefathers. He said referring to the newly won independence, "Will history repeat itself? It is this thought which fills me with anxiety.

This anxiety is deepened by the realization of the fact that in addition to our old enemies in the form of castes and creeds we are going to have many political parties with diverse and opposing political creeds. Will Indians place the country above their creed or will they place creed above country? I do not know. But this much is certain that if the parties place creed above country, our independence will be put in jeopardy a second time and probably be lost forever. This eventuality we must all resolutely guard against.

We must be determined to defend our independence with the last drop of our blood."

While observing the Constitution Day on November 26, again I would like to recall what Babasaheb said on the good or bad constitution; particularly with reference to the gap between the Framers and Executors. In his speech, Ambedkar cautioned that the working of a Constitution did not depend on the document itself. Ultimately, it depended on those tasked with implementing it. He said, "...however good a Constitution may be, it is sure to turn out bad because those who are called to work it, happen to be a bad lot.

However bad a constitution may be, it may turn out to be good if those who are called to work it, happen to be a good lot."

Greetings on the Constitution Day of India.

(Blog by
Ambassador Ramesh Chander
www.diplomaticitbits.blogspot.com)



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Ka Vikas and Sab Ka Vishwas' is yet to be realized. The society is yet to be transformed from 'graded inequality' to a 'casteless society' to establish an equitable order, the very essence of democracy. Democracy will survive and prosper, if the institutions established under the constitutional framework, in the process, are strengthened. But again, it is felt, it has not happened and has lead us towards 'Grammar of Anarchy' and 'Hero worship giving way to dictatorship' as warned by Babasaheb Ambedkar in his last speech in the Constituent Assembly on November 25, 1949. The 'majoritarian' point of view and the 'personality cult' are the very negation of democracy. Unfortunately, these tendencies are raising their head, of late, in the polity of the country which must be arrested forthwith. The constitutional and statutory positions like President, Governor, Election Commission, Comptroller General of Audit and Accounts, National Commission for SCs among others are increasingly losing their sheen and standing in facing the machinations of the ruling dispensations. It is a matter of concern and worry. The other day, commenting on the Election Commission, the Supreme Court of India termed it as 'alarming trend' and said, "This is how the silences of the constitution can be exploited. There is no law, no check. Everyone has used it to their interest... Pick up some one and give him a highly truncated tenure. He is obligated; does your bidding... We are not saying so but it looks like that."

today as he was before. What is 'Gyan' and 'Sheel' according to the icon? He said, "If I may use the words of Buddha he said that man requires two things; one is 'Gyan' and the other is 'Sheel'. Gyan without Sheel is very dangerous. It must be accompanied by Sheel by which we mean; character, moral courage, ability to be independent of any kind of temptation, truthful to ones ideals." Our constitution is a living document; I say so because – In the early years of the Republic of India, it could throw answers to the often raised 'bogey' – Who after Nehru? It does not need further elaboration, Our PM passed away abroad and transfer of power back home happened smoothly. In the aftermath of 'emergency', declared rightly or wrongly, the strongest PM was unseated by the people and brought in the new dispensation without any difficulty. Two of the leaders, PM Indira Gandhi and Former PM Rajiv Gandhi were eliminated suddenly in violence; nothing happened and smooth switch over took place with due process and procedure. Unwanted and undesirable situations arose, in the wake of violent communal riots, militancy and such other untoward happenings; our constitution stood the test of times as a 'living document'. PM Narendra Modi has rightly said, "India's Constitution is not merely a book but is an idea and commitment, and also a symbol of the nation's confidence in its independence. Dwelling on the living nature of the Constitution, he said India has by nature been a free-think-