APPENDICES

APPENDIX I: RELEVANT PORTION OF THE SPEECH 237
BY DR. BABASAHEB AMBEDKAR IN THE
CONSTITUENT ASSEMBLY – 4TH NOV. 1948

APPENDIX II: RELEVANT PORTION OF THE SPEECH 256
BY DR. BABASAHEB AMBEDKAR DURING
THE DEBATE ON INDIA’S DEFENCE &
FOREIGN POLICY

APPENDIX III: SELECT BOOKS BY 264
DR. BABASAHEB AMBEDKAR

APPENDIX IV: LIFE SKETCH OF 265
DR. BABASAHEB AMBEDKAR
APPENDIX I

RELEVANT PORTION OF THE SPEECH BY
DR. BABASAHEB AMBEDKAR IN THE CONSTITUENT
ASSEMBLY - 4TH NOV. 1948

Mr. President, Sir, I introduce the Draft constitution as settled by the
Drafting Committee and move that it be taken into consideration.

The Drafting committee was appointed by a Resolution passed by the
Constituent Assembly on August 29, 1947. The Drafting Committee was in effect
charged with the duty of preparing a Constitution in accordance with the decisions
of the Constituent Assembly on the reports made by the various Committees
appointed by it such as the Union powers Committee, the Union constitution
Committee, the Provincial Constitution Committee and the Advisory Committee
on Fundamental Rights, Minorities, Tribal Areas, etc. The Constituent Assembly
had also directed that in certain matters the provisions contained in the
Government of India Act, 1935, should be followed. Except on points which are
referred to in my letter of the 21st February 1948 in which I have referred to the
departures made and alternatives suggested by the Drafting Committee, I hope the
Drafting Committee will be found to have faithfully carried out the directions
given to it.

The Draft Constitution as it has emerged from the Drafting committee is a
formidable document. It contains 315 Articles and 8 Schedules. It must be
admitted that the Constitution of no country could be found to be so bulky as the
Draft Constitution. It would be difficult for those who have not been through it to
realize its salient and special features.

The Draft Constitution has been before the public for eight months. During
this long time friends, critics and adversaries have had more than sufficient time to
express their reactions to the provisions contained in it. I dare say that some of

them are based on misunderstanding and inadequate understanding of the Articles. But there the criticisms are and they have to be answered.

For both these reasons it is necessary that on a motion for consideration I should draw your attention to the special features of the Constitution and also meet the criticism that has been levelled against it.

Before I proceed to do so I would like to place on the table of the House Reports of three Committees appointed by the Constituent Assembly (1) Report of the Committee on Chief Commissioners provinces (2) Report of the Expert Committee on Financial Relations between the Union and the States, and (3) Report of the Advisory Committee on Tribal Areas, which came too late to be considered by that Assembly though copies of them have been circulated of Members of the Assembly. As these reports and the recommendations made therein have been considered by the Drafting Committee it is only proper that the House should formally be placed in possession of them.

..... In the Draft Constitution there is placed at the head of the Indian Union a functionary who is called the President of the Union. The title of this functionary reminds one of the President of the United States. But beyond identity of names there is nothing in common between the forms of government prevalent in America and the form of Government proposed under the Draft Constitution. The American form of Government is called the Presidential system of Government. What the Draft Constitution proposes is the Parliamentary system. The two are fundamentally different.

Under the Presidential system of America, the President is the Chief head of the Executive. The administration is vested in him. Under the Draft Constitution the President occupies the same position as the King under the English Constitution. He is the head of the state but not of the Executive. He represents the Nation but does not rule the Nation. He is the symbol of the nation. His place in the administration is that of a ceremonial device on a seal by which the nation's decisions are made known. Under the American Constitution the President has
under him Secretaries in charge of different Departments. In like manner the
President of the Indian Union will have under him Ministers in charge of different
Departments of administration. Here again there is a fundamental difference
between the two. The President of the United States is not bound to accept any
advice tendered to him by any of his Secretaries. The President of the Indian
Union will be generally bound by the advice of his Ministers. He can do nothing
contrary to their advice nor can he do anything without their advice. The President
of the United States can dismiss any Secretary at any time. The president of the
Indian Union has no power to do so, so long as his Ministers command a majority
in Parliament.

The presidential system of America is based upon the separation of the
Executive and the Legislature. So that the President and his Secretaries cannot be
members of the Congress. The Draft Constitution does not recognise this doctrine.
The Ministers under the Indian Union are members of Parliament. Only members
of Parliament can become Ministers. Ministers have the same rights as other
members of Parliament, namely, that they can sit in Parliament, take part in
debates and vote in its proceedings. Both systems of Government are of course
democratic and the choice between the two is not very easy. A democratic
executive must satisfy two conditions-(1) It must be a stable executive and
(2) it must be a responsible executive. Unfortunately it has not been possible so far
to devise a system which can ensure both in equal degree. You can have a system
which can give you more stability but less responsibility or you can have a system
which gives you more responsibility but less stability. The American and the Swiss
systems give more stability but less responsibility. The British system on the other
hand gives you more responsibility but less stability. The reason for this is obvious.
The American Executive is a non-Parliamentary Executive which means that it is
not dependent for its existence upon a majority in the Congress, while the British
system is a Parliamentary Executive which means that it is dependent upon a
majority in Parliament. Being a non-Parliamentary Executive, the Congress of the
United States cannot dismiss the Executive. A Parliamentary Government must resign the moment it loses the confidence of a majority of members of Parliament. Looking at it from the point of view of responsibility, a non-Parliamentary Executive being independent of parliament tends to be less responsible to the Legislature, while a Parliamentary Executive being more dependent upon a majority in parliament become more responsible. The Parliamentary system differs from a non-Parliamentary system in as much as the former is more responsible than the latter but they also differ as to the time and agency for assessment of their responsibility. Under the non-Parliamentary system, such as the one that exists in the U.S.A., the assessment of the responsibility of the Executive is Periodic. It takes place once in two years. It is done by the Electorate. In England, where the Parliamentary system prevails, the assessment of responsibility of the executive is both daily and periodic. The daily assessment is done by members of parliament through Questions, Resolutions, No confidence motions, Adjournment motions and Debates on Addresses. Periodic assessment is done by the Electorate at the time of the election which may take place every five years or earlier. The daily assessment of responsibility which is not available under the American system is, it is felt, far more effective than the periodic assessment and far more necessary in a country like India. The Draft Constitution in recommending the Parliamentary system of Executive has preferred more responsibility to more stability.

So far I have explained the form of Government under the Draft Constitution. I will now turn to the other question, namely, the form of the constitution.

Two principal forms of the Constitution are known to history—one is called Unitary and other Federal. The two essential characteristics of a Unitary Constitution are: (1) the supremacy of the Central Polity and (2) the absence of subsidiary Sovereign polities. Contrarywise, a Federal Constitution is marked: (1) by the existence of a Central polity and subsidiary polities side by side and (2) by each being sovereign in the field assigned to it. In other words, Federation
means the establishment of a Dual Polity. The Draft Constitution is, Federal Constitution inasmuch as it establishes what may be called a Dual Polity. This Dual Polity under the Proposed Constitution will consist of the Union at the Centre and the States at the periphery each endowed with sovereign powers to be exercised in the field assigned to them respectively by the Constitution. The dual polity resembles the American Constitution. The American polity is also a dual polity, one of it is known as the Federal Government and the other States which correspond respectively to the Union Government and the States Government of the Draft Constitution. Under the American Constitution the Federal Government is not a mere league of the States nor are the States administrative units or agencies of the Federal Government. In the same way the Indian Constitution proposed in the Draft Constitution is not a league of States nor are the States administrative units or agencies of the Union Government. Here, however, the similarities between the Indian and the American Constitution come to an end. The differences that distinguish them are more fundamental and glaring than the similarities between the two.

The points of differences between the American Federation and the Indian Federation are mainly two. In the U.S.A. this dual polity is followed by a dual citizenship. In the U.S.A. there is a citizenship of the U.S.A. But there is also a citizenship of the state. No doubt the rigours of this double citizenship are much assuaged by the fourteenth amendment to the Constitution of the United States which prohibits the States from taking away the rights, privileges and immunities of the citizen of the United States. At the same time, as pointed out by Mr. William Anderson, in certain political matters, including the right to vote and to hold public office, States may and do discriminate in favour of their own citizens. This favouritism goes even farther in many cases. Thus to obtain employment in the service of a State or local Government one is in most places required to be a local resident or citizen. Similarly in the licensing of persons for the practice of such public professions as law and medicine, residence or citizenship in the State is
frequently required; and in business where public regulation must necessarily be
strict as in the sale of liquor, and of stocks and bonds, similar requirements have
been upheld.

Each State has also certain rights in its own domain that it holds for the
special advantage of its own citizens. Thus wild game and fish in a sense belong to
the State. It is customary for the States to charge higher hunting and fishing
license fees to non residents than to its own citizens. The states also charge non-
residents higher tuition in state Colleges and Universities, and permit only
residents to be admitted to their hospitals and asylums except in emergencies.

In short, there are a number of rights that a State can grant to its own citizens
or residents that it may does legally deny to non-residents, or grant to non-
residents. These advantages, given to the citizen in his own State, constitute the
special rights of State citizenship. Taken all together, they amount to a
considerable difference in rights between citizens and non-citizens of the States.
The transient and the temporary sojourner is everywhere under some special
handicaps.

The proposed Indian Constitution is a dual polity with a single citizenship.
There is only one citizenship for the whole of India. It is Indian citizenship. There
is no State citizenship. Every Indian has the same rights of citizenship, no matter
in what State he resides.

The dual polity of the proposed Indian Constitution differs from the dual
polity of the U.S.A. in other respect. In the U.S.A. the Constitutions of the Federal
and the State Government are loosely connected. In describing the relationship
between the Federal and State Government in the U.S.A.

...... There is another special feature of the proposed Indian Federation which
distinguishes it from other federations. A Federation being a dual polity based on
divided authority with separate legislative, executive and judicial powers for each
of the two polities is bound to produce diversity in laws, in administration and in
judicial protection. Upto a certain point this diversity does not matter. It may be
welcomed as being an attempt to accommodate the powers of Government to local needs and local circumstances. But this very diversity when it goes beyond a certain point is capable of producing chaos and has produced chaos in many Federal States. One has only to imagine twenty different laws—if we have twenty States in the Union—of marriage, of divorce of inheritance of property family relations, contracts, torts, crimes, weights and measures, of bills and cheques, banking and commerce, of procedures for obtaining justice and in the standards and methods of administration. Such a state of affairs not only weakens the State but becomes intolerant to the citizen who moves from State to State only to find that what is lawful in one State is not lawful in another. The Draft Constitution has sought to forge means and methods whereby India will have Federation and at the same time will have uniformity in all the basic matters which are essential to maintain the unity of the country. The means adopted by the Draft Constitution are three

(1) a single judiciary
(2) uniformity in fundamental laws, civil and criminal, and
(3) a common All-India Civil Service to man important posts.

A dual judiciary, a duality of legal codes and a duality of civil services, as I said are the logical consequences of a dual polity which is inherent in a federation. In the U.S.A. the Federal Judiciary and the State Judiciary are separate and independent of each other. The Indian Federation though a Dual Polity has no Dual Judiciary at all. The High Courts and the Supreme Court form one single integrated Judiciary having jurisdiction and providing remedies in all cases arising under the constitutional law, the civil law or the criminal law. This is done to eliminate all diversity in all remedial procedure. Canada is the only country which furnishes a close parallel. The Australian system is only an approximation.

Care is taken to eliminate all diversity from laws which are at the basis of civic and corporate life. The great Codes of Civil & Criminal Laws, such as Civil Procedure Code, Penal Code, the Criminal Procedure Code, the Evidence Act,
Transfer of Property Act. Laws of Marriage, Divorce, and Inheritance, are either placed in the Concurrent List so that the necessary uniformity can always be preserved without impairing the federal system.

The dual polity which is inherent in a Federal system as I said is followed in all Federations by a dual service. In all Federations there is a Federal Civil Service and a State Civil Service. The Indian Federation though a Dual Polity will have a Dual Service but with one exception. It is recognized that in every country there are certain posts in its administrative set up which might be called strategic from the point of view of maintaining the standard of administration. It may not be easy to spot such posts in a large and complicated machinery of administration. But there can be no doubt that the standard of administration depends upon the calibre of the Civil Servants who are appointed to these strategic posts. Fortunately for us we have inherited from the past system of administration which is common to the whole of the country and we know what are these strategic posts. The Constitution provides that without depriving the States of their right to form their own Civil Services there shall be an All India Service recruited on an All-India basis with common qualifications, with uniform scale of pay and the members of which alone could be appointed to these strategic posts throughout the Union.

Such are the special features of the proposed Federation. I will now turn to what the critics have had to say about it.

It is said that there is nothing new in the Draft Constitution, that about half of it has been copied from the Government of India Act of 1935 and that the rest of it has been borrowed from the Constitutions of other countries. Very little of it can claim originality.

One likes to ask whether there can be anything new in a Constitution framed at this hour in the history of the world. More than hundreded years have rolled over when the first written Constitution was drafted. It has been followed by many countries reducing their Constitutions to writing. What the scope of a Constitution should be has long been settled. Similarly what are the fundamentals of a
Constitution are recognized all over the world. Given these facts all Constitutions in their main provision must look similar. The only new things, if there can be any, in a Constitutions framed so late in the day are the variations made to remove the faults and to accommodate it to the needs of the country. The charge of producing a blind copy of the Constitutions of other countries is based, I am sure, on an inadequate study of the Constitution. I have shown what is new in the Draft Constitution and I am sure that those who have studied other Constitutions and who are prepared to consider the matter dispassionately will agree that the Drafting Committee in performing its duty has not been guilty of such blind and slavish imitation as it is represented to be.

As to the accusation that the Draft Constitution has produced a good part of the provisions of the Government of India Act, 1935, I make no apologies. There is nothing to be ashamed of in borrowing. It involves no plagiarism. Nobody holds any patent rights in the fundamental ideas of a Constitution. What I am sorry about is that the provisions taken from the Government of India Act, 1935, relate mostly to the details of administration. I agree that administrative details should have no place in the Constitution. I wish very much that the Drafting Committee could see its way to avoid their inclusion in the Constitution. But this is to be said on the necessity which justifies their inclusion. Grote, the historian of Greece, has said that:

"The diffusion of constitutional morality, not merely among the majority of any community but throughout the whole, is the indespensable condition of government at once free and peaceable; since even any powerful and obstinate minority may render the working of a free institution impracticable, without being strong enough to conquer ascendency for themselves."

By constitutional morality Grot meant "a paramount reverence for the forms of the Constitutions, enforcing obedience to authority acting under and within these forms yet combined with the habit of open speech, of action subject only to definite legal control, and unrestrained censure of those very authorities as to all
their public acts combined too with a perfect confidence in the bosom of every
citizen amidst the bitterness of party contest that the forms of the Constitution will
not be less sacred in the eyes of his opponents than in his own."

While everybody recognizes the necessity of the diffusion of the
Constitutional morality for the peaceful working of a democratic Constitution,
there are two things interconnected with it which are not, unfortunately, generally
recognized. One is that the form of administration has a close connection with the
form of the Constitution. The form of the administration must be appropriate to
and in the same sense as the form of the Constitution. The other is that it is
perfectly possible to prevent the Constitution, without changing its form by
merely changing the form of the administration and to make it inconsistent and
opposed to the spirit of the Constitution. It follows that it is only where people are
saturated with Constitutional morality, such as the one described by Grote, the
historian that one can take the risk of omitting from the Constitution details of
administration and leaving it for the legislature to prescribe them. The question is,
can we presume such a diffusion of Constitutional morality? Constitutional
morality is not a natural sentiment. It has to be cultivated. We must realize that our
people have yet to learn it. Democracy in India is only a top-dressing on an Indian
soil, which is essentially undemocratic.

In these circumstances it is wiser not to trust the Legislature to prescribe
forms of administration. This is the justification for incorporating them in the
Constitution. Another criticism against the Draft Constitution is the no part of it
represents the ancient polity of India. It is said that the new Constitution should
have been drafted on the ancient Hindu model of a State and that instead of
incorporating Western theories the new Constitution should have been raised and
built upon Village Panchayats and District Panchayats. There are others who have
taken a more extreme view. They do not want any Central or Provincial
Governments. They just want India to contain so many village Governments. The
love of the intellectual Indians for the village community is of course infinite if not
pathetic. It is largely due to the fulsome praise bestowed upon it by Metcalfe who described them as little republics having nearly everything that they want within themselves, and almost independent of any foreign relations. The existence of these village communities each one forming a separate little State in itself has according to Metcalfe contributed more than any other cause to the preservation of the people of India, through all the revolutions and changes which they have suffered, and is in a high degree conducive to their happiness and to the enjoyment of a great portion of the freedom and independence. No doubt the village communities have lasted where nothing else lasts. But those who take pride in the village communities do not care to consider what little part they have played in the affairs and the destiny of the country; and why? Their part in the destiny of the country has been well described by Metcalfe himself.

..... Such is the part the village communities have played in the history of their country. Knowing this, what pride can one feel in them? That they have survived through all vicissitudes may be a fact. But mere survival has no value. The question is on what plane they have survived. Surely on a low, on a selfish level. I hold that these village republics have been the ruination of India. I am therefore surprised that those who condemn Provincialism and communalism should come forward as champions should come forward as champions of the village. What is the village but a sink of localism, a den of ignorance narrow mindedness and communalism? I am glad that the Draft Constitution has discarded the village and adopted the individual as its unit.

The Draft Constitution is also criticised because of the safeguards it provides for minorities. In this the Drafting Committee has no responsibility. It follows the decisions of the Constituent Assembly. Speaking for myself, I have no doubt that the Assembly has done wisely in providing such safeguards for minorities as it has done. In this country both the minorities and the majorites have followed a wrong path. It is wrong for the majority to deny the existence of minorities. It is equally wrong for the minorities to perpetuate themselves. A solution must be found
which will serve a double purpose. It must recognize the existence of the minorities to start with. It must also be such that it will enable majorities and minorities to merge some day into one. The solution proposed by the Constituent Assembly is to be welcomed because it is a solution which serves this two fold purpose. To diehards who have developed a kind of fanaticism against minority protection I would like to say two things. One is that minorities are an explosive force which, if it erupts, can blow up the whole fabric of the State. The history of Europe bears ample and appalling testimony to this fact. The other is that the minorities in India have agreed to place their existence in the hands of the majority. In the history of negotiations for preventing the partition of Ireland, Redmond said to Carson “ask for any safeguard you like for the protestant minority but let us have a United Ireland.” Carson’s reply was “Damn your safeguards, we don’t want to be ruled by you.” No minority in India has taken this stand. They have loyally accepted the rule of the majority which is basically a communal majority and not a political majority. It is for the majority to realize its duty not to discriminate against minorities. Whether the minorities will continue or will vanish must depend upon this habit of the majority. The moment the majority loses the habit of discriminating against the minority, the minorities can have no ground to exist. They will vanish.

The most criticized part of the Draft Constitution is that which relates to Fundamental Rights. It is said that Article 13 which defines fundamental rights is riddled with so many exceptions that the exceptions have eaten up the rights altogether. It is condemned as a kind of deception. In the opinion of the critics Fundamental Rights are not Fundamental Rights unless they are also absolute rights. The critics rely on the Constitution of the United States and to the Bill of Rights embodied in the first ten amendments to that Constitution in support of their contention. It is said that the fundamental rights in the American Bill of Rights are real because they are not subjected to limitations or exception.
I am sorry to say that the whole of the criticism about fundamental rights is based upon a misconception. In the first place, the criticism in so far as it seeks to distinguish fundamental rights from non-fundamental rights is not sound. It is incorrect to say that fundamental rights are absolute while non-fundamental rights are not absolute. The real distinction between the two is that non-fundamental rights are created by agreement between parties while fundamental rights are the gift of the law. Because fundamental rights are the gift of the State it does not follow that the state cannot qualify them.

..... In the Draft Constitution the Fundamental Rights are followed by what are called “Directive Principles”. It is a novel feature in a Constitution framed for Parliamentary Democracy. The only other Constitution framed for Parliamentary Democracy which embodies such principles is that of the Irish Free State. These Directive principles have also come up for criticism. It is said that they are only pious declarations. They have no binding force. This criticism is of course superfluous. The Constitution itself says so in so many words.

If it is said that the Directive Principles have no legal force behind them, I am prepared to admit it. But I am not prepared to admit that they have no sort of binding force at all. Nor am I prepared to concede that they are useless because they have no binding force in law. The Directive Principles are like the Instrument of Instructions which were issued to the Governor-General and to the Governors of the Colonies and to those of India by the British Government under the 1935 Act. Under the Draft Constitution it is proposed to issue such instruments to the President and to the Governors. The texts of these Instruments of Instructions will be found in Schedule IV of the Constitution. What are called Directive Principles is merely another name for Instruments of Instructions. The only difference is that they are instructions to the Legislature and the Executive. Such a thing is to my mind to be welcomed. Wherever there is a grant of power in general terms for peace, order and good government, it is necessary that it should be accompanied by instructions regulating its exercise.
The inclusion of such instructions in a Constitution such as is proposed in the Draft becomes justifiable for another reason. The Draft Constitution as framed only provides a machinery for the government of the country. It is not a contrivance to install any particular party in power as has been done in some countries. Who should be in power is left to be determined by the people as it must be, if the system is to satisfy the tests of democracy. But whoever captures power will not be free to do what he likes with it. In the exercise of it, he will have to respect these instruments of instructions which are called Directive Principles. He cannot ignore them. He may not have to answer for their breach in a Court of Law. But he will certainly have to answer for them before the electorate at election time. What great value these directive principles possess will be realized better when the forces of right contrive to capture power.

This it has no binding force is no argument against their inclusion in the Constitution. There may be a difference of opinion as to the exact place they should be given in the Constitution. I agree that it is somewhat odd that provisions which do not carry positive obligations should be placed in the midst of provisions which do carry positive obligations. In my judgement their proper place is in Schedules III A & IV which contain Instrument of Instructions to the President and the Governors. For as I have said, they are really Instruments of Instructions to the Executive and the Legislatures as to how they should exercise their powers. But that is only a matter of arrangement.

Some critics have said that the Centre is too strong. Others have said that it must be made stronger. The Draft Constitution has struck a balance. However much you may deny powers to the Centre, it is difficult to prevent the Centre from becoming strong. Conditions in modern world are such that centralization of powers is inevitable. One has only to consider the growth of the Federal Government in the U.S.A. which, notwithstanding the very limited powers given to it by the constitution, has out-grown its former self and has overshadowed and eclipsed the State Government. This is due to modern conditions. The same
conditions are sure to operate on the Government of India and nothing that one can
do will help to prevent it from being strong. On the other hand, we must resist the
tendency to make it stronger. It cannot chew more than it can digest. Its strength
must be commensurate with its weight. It would be a folly to make it so strong that
it may fall by its own weight.

The Draft Constitution is criticized for having one sort of constitutional
relation between the Centre and the Provinces and another sort of constitutional
relations between the Centre and the Indian States. The Indian States are not
bound to accept the whole list of subjects included in the Union List but only those
which come under Defence, Foreign Affairs and Communications. They are not
bound to accept the subjects included in the concurrent list. They are not bound to
accept the State List contained in the Draft Constitution. They are free to create
their own Constituent Assemblies and to frame their own constitution. All this, of
course, is very unfortunate and, I submit quite indefensible.

This disparity may even prove dangerous to the efficiency of the State. So
long as the disparity exists, the Centre’s authority over all-India matters may lose
its efficacy. For, power is no power if it cannot be exercised in all cases and in all
places. In a situation such as may be created by war, such limitations on the
exercise of vital powers in some areas may bring the whole life of the State in
complete jeopardy. What is worse is that the Indian States under the Draft
Constitution are permitted to maintain their own armies. I regard this as a most
retrograde and harmful provision which may lead to the break-up of the unity of
India and the overthrow of the Central Government. The Drafting Committee, if I
am not misrepresenting its mind, was not at all happy over this matter. They
wished very much that there was uniformity between the Provinces; and the Indian
States in their constitutional relationship with the Centre. Unfortunately, they
could do nothing to improve matters. They were bound by the decisions of the
Constituent Assembly, and the Constituent Assembly in its turn was bound by the
agreement arrived at between the two negotiating Committees.

251
But we may take courage from what happened in Germany. The German Empire as founded by Besmark in 1870 was a composite State consisting of 25 units. Of these 25 units, 22 were monarchical and 3 were republican city States. This distinction, as we all know disappeared in the course of time and Germany become one land with one people living under one constitution. The process of the amalgamation of the Indian States is going to be much quicker than it has been in Germany. On the 15th August 1947 we had 600 Indian States in existence. Today by the integration of the Indian States with Indian Provinces or merger among themselves or by the Centre having taken them as Centrally Administered Areas there have remained some 20/30 States as viable States. This is a very rapid process and progress. I appeal to those State that remain to fall in line with the Indian Provinces and to become full units of the Indian Union on the same terms as the Indian Provinces. They will thereby give the Indian Union the Strength it needs. They will save themselves the bother of starting their own Constituent Assemblies and drafting their own separate Constitution and they will lose nothing that is of value to them.

I feel hopeful that my appeal will not go in vain and that before the Constitution is passed, we will be able to wipe off the differences between the Provinces and the Indian States.

Some critics have taken objection to the description of India in Article 1 of the Draft Constitution as a Union of States. It is said that the correct phraseology should be a Federation of States. It is true that South Africa which is a unitary State is described as a Union. But Canada which is a Federation is also called a Union. Thus the description of India as a Union, though its constitution if Federal, does no violence to usage. But what is important is that the use of the word Union is deliberate. I do not know why the word ‘Union’ was used in the Canadian Constitution. But I can tell you why the Drafting Committee has used it. The Drafting Committee wanted to make it clear that though India was to be a Federation, the Federation was not the result of an agreement by the States to join
in a Federation and that the Federation not being the result of an agreement no State has the right to secede from it. The Federation is a Union because it is indestructible. Though the country and the people may be divided into different States for convenience of administration the country is one integral whole, its people a single people living under a single imperium derived from a single source. The Americans had to wage a civil war to establish that the states have no right of secession and that their Federation was indestructible. The Drafting Committee thought that it was better to make it clear at the outset rather than to leave it to speculation or to dispute.

The provisions relating to amendment of the Constitution have come in for a virulent attack at the hands of the critics of the Draft Constitution. It is said that the provisions contained in the Draft make amendment difficult. It is proposed that the Constitution should be amendable by a simple majority at least for some years. The argument is subtle and ingenious. It is said that this Constituent Assembly is not elected on adult suffrage while the future Parliament will be elected on adult suffrage and yet the former has been given the right to pass the Constitution by a simple majority while the latter has been denied the same right. It is paraded as one of the absurdities of the Draft Constitution. I must repudiate the charge because it is without foundation. To know how simple are the provisions of the Draft Constitution in respect of amending the Constitution one has only to study the provisions for amendment the contained in the American and Australian Constitutions. Compared to them, those contained in the Draft Constitution will be found to be the simplest. The Draft Constitution has eliminated the elaborate and difficult procedures such as a decision by a convention or a referendum. The powers of amendment are left with the Legislatures, Central and Provincial. It is only for amendments of specific matters-and they are only few- that the ratification of the State legislatures is required. All other Articles of the Constitution are left to be amended by Parliament. The only limitation is that it shall be done by a majority of not less than two thirds of the members of each
House present and voting and a majority of the total membership of each House. It is difficult to conceive a simple method of amending the Constitution.

What is said to be the absurdity of the amending provisions is founded upon a misconception of the position of the Constituent Assembly and of the future Parliament elected under the Constitution. The Constituent Assembly in making a Constitution has no partisan motive. Beyond securing a good and workable constitution it has no axe to grind. In considering the Articles of the Constitution it has no eye to getting through a particular measure. The future Parliament, if it met as a Constituent Assembly, its members will be acting as partisans seeking to carry amendments to the Constitution to facilitate to the passing of party measures which they have failed to get through Parliament by reason of some Article of the Constitution which has acted as an obstacle in their way. Parliament will have an axe to grind while the Constituent Assembly has none. That is the difference between the Constituent Assembly and future Parliament. That explains while Constituent Assembly though elected on limited franchise can be trusted to pass the Constitution by simple majority and why the Parliament though elected on adult suffrage cannot be trusted with the same power to amend it.

I believe I have dealt with all the adverse criticism that have been levelled against the Draft constitution as settled by the Drafting Committee. I don’t think that I have left out any important comment or criticism that has been made during the last eight months during which the Constitution has been before the public. It is for the Constituent Assembly to decide whether they will accept the Constitution as settled by the Drafting Committee or whether they shall alter it before passing it.

But this I would like to say. The Constitution has been discussed in some of the Provincial Assemblies of India. It was discussed in Bombay, C.P., West Bengal, Bihar, Madras and East Punjab. It is true that in some Provincial Assemblies serious objections were taken to the financial provisions of the Constitution and in Madras to Article 226. But excepting this, in no Provincial
Assembly was any serious objection taken to the Articles of the Constitution. No Constitution is perfect and the Drafting Committee itself is suggesting certain amendment to improve the Draft Constitution. But the debates in the Provincial Assembly give me courage to say that the Constitution as settled by the Drafting Committee is good enough to make in this country a start with. I feel that it is workable, it is flexible and it is strong enough to hold the country together both in peace time and in war time. Indeed, if I may say so, if things go wrong under the new Constitution, the reason will not be that we had a bad Constitution. What we will have to say is, that Man was vile. Sir, I move.

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APPENDIX II

RELEVANT PORTION OF THE SPEECH BY DR. BABASAHEB AMBEDKAR DURING THE DEBATE ON INDIA’S DEFENCE AND FOREIGN POLICY

Mr. Chairman in this debate on foreign policy what one can do, at the most, is to discuss the principles on which the foreign policy of the Government is based. There is hardly time for doing anything more. Principles are undoubtedly very valuable, but I take it politicians have a great dislike for principles, particularly politicians who are dealing with foreign policy. They like to deal with things adhoc each transaction by itself, without any underlying principle.

I remember that when after the first World War, Mr. Lloyd George and Mr. Clemenceau met in a hotel in Paris before the Versailles Treaty in order to settle, among themselves where to draw the line of partition between certain territories belonging to Germany in order to hand them over to France for satisfying the strategic fears of France, they had a long map spread in a room which covered the whole of the room and Lloyd George and Mr. Clemenceau had fallen on their tummy to examine exactly; where the line should be drawn. After the long search they drew the line which was of course, most suitable to France. Afterwards Mr. Lloyd George called Mr. Nicholson, who had accompanied him as the expert from his Foreign Office and asked him to express his opinion about the line which they had drawn. Mr. Nicholson explained in horror saying, “Oh! this is too bad too bad. Morally quite indefensible.” Both these statesmen immediately turned on their back and raised their legs in the air and said, “Well, Mr. Nicholson, can’t you give us a better reason?”

I remember also about 1924 or so. Mr. Low, the great cartoonist, having drawn a cartoon in the Evening Standard in London showing the various Foreign Ministers of the different countries of Europe then searching for the settlement of European problems with their top hats, tail coats and striped trousers holding each

other's hands, dancing round and saying, "Oh! give us peace without principles, give us peace without principles". Of course, the world laughed at that.

I am glad that that cannot be said of our Prime Minister. He has certain principles on which he is proceeding. It is for the house to decide whether the principles on which he is proceeding are principles on which can furnish us a safe guide and whether they are valid principles which the destiny of this country could be staked. That it is the only question that we can discuss and it is to these principles that I am going to confine myself.

The principles on which the prime Minister is proceeding and he has said so himself are mainly three. One is peace; the second is co-existence between communism and free democracy; and the third is opposition to SEATO. These are the three main props on which his foreign policy is based. Now, Sir, In order that one may be able to assess the validity and the adequacy of these principles, I think it is necessary to have some knowledge of the background of the present day problems with which we are concerned and for which these principles are enunciated.

Now, the background to my mind is nothing else but the expansion of communism in the world. It is quite impossible to follow the principle or to understand the validity and the nature of the principle unless one bears in mind the problem that the world has to face today—that part of the world which believes in parliamentary and free democracy, viz. the expansion of communism in the world. I propose to give some figures to the House which I have collected in this matter. I am not going back into the long past but I am going to start from May 1945 when the War came to an end. By May 1945, Russia had consumed ten European States.

..... In addition, Russia has taken possession of parts of Germany, Austria, Norway, and the Danish Island of Bornholm. Of these ten European States, three have been straightway annexed by Russia and made part of her country. The rest seven are kept under Russian influence. This European conquest of Russia amounts to an absorption of a total of 85,000 square miles and 23 millions of people subjegated.
In the Far East, Russia has annexed the Chinese territory of China (Tannu Tuva). Manchuria and Korea north of the 38th parallel, and Southern Sakhalin. This territory in the Far East represent against a total area of 20,000 square miles and 50,000 inhabitants.

..... Well, Sir this is the background I say against which the adequacy of the principles on which the foreign policy of this Government is based must be considered. I will take first the principle of peace. We want peace; nobody wants war. The only question is what the price of this peace is going to be. At what price are we purchasing this peace? Now, it is quite obvious that peace is being purchased by what might be called partitioning and dis-membering of countries. I can quite understand the dismemberment of Austria-Hungary where different nationalities with different languages, different cultures, different races, were kept together under one sovereign autocracy of the Austrian Empire. The first World War brought about the end of the Austrian Empire on the well-known principle of self-determination. But here what you are doing is this. There are countries which are culturally one, which are socially homogeneous, which have one language, one race, one destiny desiring to live together. You go there, cut them up and divide the carcase, and hand over a part of the carcase to what? To countries who are interested in spreading communism. From the figures which I have given there can be no doubt it that communist countries today are as big as a giant—nobody has seen a giant—I have not seen anyhow......

..... Let us not boost ourselves too much. We have not been tried as yet in an international bout and when we are tried in an international bout I think it will be found out whether we can face the situation ourselves. But the point that I was making is this. This principle of feeding the giant seems to me a most obnoxious principle and how, for instance as I said can we expect to be relieved? Will the Russians show any gratitude because the Indian Prime Minister and the Indian Parliament have supported the partition of Indo-China or supported the partition of Korea, and will they not turn to us? I think this is a question which the Indians should bear in mind and not forget of overlook.
Now the other question, namely co-existence. This co-existence to my mind is an astounding principle unless it is very strictly limited. The question is: Can communism and free democracy work together? Can they live together? Is it possible to hope that there will not be a conflict between them? The theory, at any rate, seems to me utterly absurd, for communism is like a forest fire; it goes on burning and consuming anything and everything that comes in its way. It is quite possible that countries which are far distant from the centre of communism may feel safe that the forest fire may be extinguished before it reaches them or it may be that the fire may never reach them. But what about the countries which are living in the vicinity of this forest fire? Can you expect that human habitation and this forest fire can long live together? I have seen comments from Canadian statesmen and from European statesmen congratulating the policy of co-existence. Their praises and their encomiums do not move me in the least. I attach no value to their view and to their opinion. The statesmen of Canada can very easily say that co-existence is possible because Canada is separated from China and Russia by thousands and thousands of miles. Similarly, England after having pulled itself out from the great conflagration, now thinks that she is too exhausted to do anything and therefore likes to enunciate and support the principle of co-existence. But there again it is a matter of distance one must not forget that in the foreign policy of a country the geographical factor is one of the most important factors. Each country's foreign policy must vary with its geographical location in relation to the factor with which it is dealing. What is good for Canada may not be good for us. What is good for England may not be good for us. Therefore, this co-existence seems to me a principle which has been adopted without much thought on the part of the Prime Minister.

Then, Sir, I will say a few words with regard to the SEATO. I was very carefully listening to the Prime Minister's observations with regard to the SEATO, and I was glad to find that he had not made up his mind about the SEATO. If I heard him correctly, he said that in view of the fact that this country has accepted the chairmanship of some commission in accordance with the Geneva
decisions it may not be compatible for him and for this country to join the SEATO at the same time. The two things would undoubtedly be incompatible. But apart from that I think the merits of the SEATO must be considered.

The Repugnance to SEAT appears to me to arise from two sources. I think I am not letting out any secret nor am I accusing the Prime Minister of anything of which he does not know, that the prime Minister had a certain amount of hostility, or if he does not like that word, estrangement between himself and the United States. Somehow he and the U.S.A. do not see eye to eye together. That is one reason why I think he always had a certain amount of repugnance to anything that comes from the United States.

..... And secondly from the fear of what Russia will think if India joins the SEATO. Here again, I think, it is necessary to give the House some background against which the merits of the SEATO may be assessed. Now, Sir, What it the background of all this? The background is this.

I have given a list of countries which have gone under the Russian regime. I think it it well known that this happened largely because, if I may say so, of the follishness of the Americans during the last Great War. The Russians got possession of these territories with the consent of Mr. Roosevelt and with the reluctant willingness of Mr. Churchill. Mr. Churchill expressed, when the war ended that they had done a great mistake, and a great wrong, in sacrificing the liberty of so many nations for the sake of winning victory against Hitler. And the same feeling, I think, is expressed by him in his last volume which he called “Triumph and Tragedy”. It is because of this that he named his last volume “Triumph and Tragedy”. Now, Sir, what the American are doing . If I understand their policy correctly, is this. Their point of view is that Russia should be satisfied with what she has got during the war, the ten countries. As a matter of fact. I should have thought that it should have been the duty of the Americans and the Britishers to extricate these countries, to liberate them, to make them free. But neither country has the will, nor the moral stamina, nor the desire to engage itself in such a stupendous task. They are therefore following, what may be called a second line
of defence, and that second line of defence is that Russia should not be allowed, or China should not be allowed to occupy any further part of the free world. I think that is the principle to which all freedom-loving people would agree. There could be no objection to it. And it is to prevent Russia from making further aggression that they are planning the SEATO. The SEATO is not an organisation for committing aggression on any country. The SEATO is an organisation for the purpose of preventing aggression on free countries. I wonder whether the Prime Minister will not be prepared to accept this principle, that at any rate, such part of the free world as has, by accident, remained free should be allowed to remain free and not to be subjugated. Is India not exposed to aggression? I should have thought that it is very much exposed to aggression. I have no time otherwise, I was going to point the House how this country has been completely encircled on one side by Pakistan and the other Muslim countries. I do not know what is going to happen, but now that the barrier between Egypt and England has been removed by the handing over of the Suez Canal, I think, there may be very little difficulty in the Muslim countries joining with Pakistan and forming a block on that side. On this side by allowing the Chinese to take possession of Lhasa, the Prime Minister has practically helped the Chinese to bring their border down to the Indian border. Looking at all these things, it seems to me that it would be an act of levity not to believe that India, if it is not exposed to aggression right now, is exposed to aggression and that aggression might well be committed by people who always are in the habit of committing aggression.

Now, I come to the other question. What will Russia say if we join SEATO? And the question that I like to ask is this. What is the key-note of Russian foreign policy? What is it? The key note of our foreign policy is to solve the problems of the other countries and not to solve the problems of our own. We have here the problem of Kashmir. We have never succeeded in solving it. Everybody seems to have forgotten that it is a problem. But I suppose, some day, we may wake up and find that the ghost is there. And I find that the Prime Minister has launched upon the project of digging a tunnel connecting Kashmir to
India. Sir, I think, it is one of the most dangerous things that a prime Minister could do. We have been hearing of a tunnel under the English Channel to connect France with England. We have been hearing it for 50 years, I think someone has been proposing, and yet the English have never done anything to carry out the project because it is a double-edged weapon. The enemy, if he conquers France, can use the tunnel and rush troops into England and conquer England. That might also happen. The Prime Minister, in digging the tunnel, thinks that he alone would be able to use it. He does not realise that it can always be a two way traffic, and that a conqueror who comes on the other side and captures Kashmir, can come away straight to Pathankot, and probably come into the Prime Minister’s house—I do not know.

...... The prime Minister has been depending upon what may be called the Panchseel taken by Mr. Mao and recorded in the Tibet Treaty of non-aggression. Well, I am somewhat surprised that the Prime Minister should take this Panchseel seriously. The Panchseel, as you, Sir, know it well, is the essential part of the Buddhist religion, and if Mr. Mao had any faith in the Panchseel, he certainly would treat the Buddhists in his own country in a very different way. There is no room for Panchseel in politics and secondly, not in the politics of a communist country. The communist countries have two well-known principles on which they always act. One is that morality is always in a flux. There is no morality. Today’s morality is not tomorrow’s morality.

You can keep your word in accordance with the morality of today and you can break your word with equal justification tomorrow because tomorrow’s morality will be different. The second thing is that when the Russian communist State is dealing with the other States, each transaction is a unit by itself. When we deal with somebody, we begin with goodwill and end with gratitude. When the Russians deal with somebody, they do not begin with goodwill nor do they end with any gratitude. Each transaction begins and ends by itself, and this is what I am sure the prime Minister will find at the end when the situation ripens. The Prime Minister has always been saying that there is such a thing as the
principle, "Asia for Asiatics". Yes, insofar as colonialism is concerned, that principle is perfectly true. Asia must be for Asiatics, but we are dealing with a situation like this? Is Asia one today? In what sense? Asia is divided now, it is a divided house now. More than half of Asia is communist. It has adopted a different principle of life and a different principle of Government. The rest of Asia follows a different life and a different principle of Government. What unity can there be among Asiatics? What is the use of talking about Asia for Asiatics? There can be no such thing at all. Asia is already becoming the cockpit of war and strife among Asians themselves. Therefore, it is better to align ourselves with what we call free nations if we believe in freedom.

One word about Goa. There can be no doubt that the Prime Minister in pursuing the policy of getting Goa evacuated is quite right. It is a very sound policy and everybody must lend his support to him. I do. But there is one observation that I would like to make. This question about the evacuation of Goa by the Portuguese and handing it over to India was, if I remember aright, brought to his notice very early when we got our independence. I possess with me some notes which were submitted to him by a delegation—I have forgotten their names, but I have got them with me—but the Prime Minister took no active interest in it. I am very sorry to say that, because I feel that if the Prime Minister had in the very beginning taken an active interest in the matter. I am sure about it that a small police action on the part of the Government of India would have been quite sufficient to enable us to get possession of Goa, but he has always been only hooting against them, only shouting and doing nothing. The result has been that the Portuguese have been able, so far as we know, to garrison Goa. Of course, the Prime Minister's information must be correct and must be accepted by us that Goa is still defenseless, that there is no garrison there, no army there, brought by the Portuguese.
APPENDIX III

SELECT BOOKS BY DR. BABASAHEB AMBEDKAR


2. The Evolution of Provincial Finance in British India, P. S. King and Sons Ltd., London, 1925.

3. Thoughts on Pakistan, Bombay, 1940, Third Edition-Pakistan or the Partition of India, Thacker & Co. Ltd., Bombay, 1946.


8. The Untouchables: Who were they and why they became Untouchables, Amrit Book Co., New Delhi, 1948.


11. The Buddha and His Dhamma, People’s Education Society’ Siddharth College, Bombay, 1957.

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APPENDIX IV

LIFE SKETCH OF DR. BABASAHEB AMBEDKAR

14 April 1891 : Born at Mahu (Madhya Pradesh, India).
1913 : Passed B.A. Examination with Persian and English from University of Bombay.
July 1913 : Gaikwad’s Scholar in the Columbia University, New York, reading in the Faculty of Political Science.
5 June 1915 : Passed M.A. Examination majoring in Economics and with Sociology, History Philosophy, Anthropology and Politics as the other subjects of study.
June 1916 : Left Columbia University after completing work for Ph.D. to join the London School of Economics and Political Science, London as a graduate student.
1917 : Columbia University conferred a Degree of Ph.D.
June 1917 : Return to India after spending a year in London working on the thesis for the M.Sc. (Economics) Degree. The return before completion of the work was necessitated by the termination the scholarship granted by the Baroda State.
July 1917 : Appointed as Military Secretary to H.H. the Maharaja Gaikwad of Baroda with a view Finance Minister. But left shortly due to ill. Treatment meted out to him because of his lowly caste.
Sept 1920 : Rejoined the London School of Economics. Also entered Gray’s Inn to read for the Bar.
June 1921 : The thesis ‘Provincial Decentralisation of Imperial Finance in British India’ was accepted for M.Sc. (Economics) Degree by the London University.

Source : www.babasaheb.ambedkar.com/sketch.htm
1922-23: Spent some time in reading economics in the University of Bonn in Germany.


June 1924: Started practice in the Bombay High Court.

20 July 1924: Founded the ‘Bahishkrit Hitkarini Sabha’ for the uplift of the depressed classes. The aims of the Sabha were educate, agitate, organise.

1925: Published ‘The Evolution of Provincial Finance in British India’ - Dissertation on the provincial decentralisation of Imperial Finance in India.

1926: Gave evidence before the Royal Commission on Indian Currency (Hilton Young Commission).
Nominated Member of the Bombay Legislative Council.

May 1928: Gave evidence before the Indian Statutory Committee (Simon Commission).

June 1928: Professor, Government Law College, Bombay.
Principal, Government Law College, Bombay.

1930-32: Delegate, Round Table Conference representing Untouchables of India.

Sept. 1932: Signed with Mr. M. K. Gandhi the Poona Pact.

1932-34: Member joint Parliamentary Committee on the Indian Constitutional Reform.

August 1936: Dr. Ambedkar founded the Independent Labour Party, a strong opposition party in Bombay’s Legislative Council.

11 Nov. 1936: Dr. Ambedkar left for Geneva and London.
14 Jan. 1937 : Dr. Ambedkar returned to Bombay.

17 Feb. 1937 : The First General Elections were held under the Govt. of India Act of 1935. Dr. Ambedkar was elected Member of Bombay Legislative Assembly (Total Seats 175. Reserved Seats 15. Dr. Ambedkar’s Independent Labour Party won 17 seats).

22 July 1940 : Netaji Subhash Chandra Bose met Dr. Ambedkar in Bombay.

Dec. 1940 : Dr. Ambedkar published his Thoughts on Pakistan. The second edition with the title Pakistan or Partition of India was issued in February 1945. A third impression of the book was published in 1946 under the title India’s Political What’s What : Pakistan or Partition of India.

January 1941 : Dr. Ambedkar pursued the issue of recruitment of Mahars in the Army. In result the Mahars Battallion was formed.

July 1941 : Dr. Ambedkar was appointed to sit on the Defence Advisory Committee.

April 1942 : Dr. Ambedkar founded the All India Scheduled Castes Federation in Nagpur.

20 July 1942 : Dr. Ambedkar joined the Viceroy’s Executive Council as a Labour Member.

Dec. 1942 : Dr. Ambedkar submitted a paper on “The problems of the Untouchables in India” to the Institute of Pacific Relations at its Conference held in Canada. The paper is printed in the proceedings of the Conference. The paper was subsequently published in December 1943 in the book form under the title “Mr. Gandhi and Emancipation of the Untouchables”.

19 July 1943 : Dr. Ambedkar delivered a Presidential address on the occasion of the 101st Birth Anniversary of Justice Mahadev Govind Ranade. It is published in book form in April 1943 under the title “Ranade, Gandhi and Jinnah".
July 1944 : Dr. Ambedkar founded ‘People’s Education Society’ in Bombay.
1946 : Dr. Ambedkar gave evidence before the British delegation.
April 1946 : Opening of Siddharth College of Arts and Science in Bombay.
1946 : Dr. Ambedkar was elected Member of the Constitution Assembly of India.
15 Aug. 1947 : India obtained her independence. Dr. Ambedkar was elected to the Constituent Assembly by the Bombay Legislature Congress Party. Dr. Ambedkar joined Nehru’s Cabinet. He became the First Law Minister of Independent India. The Constituent Assembly appointed him to the Drafting Committee, which elected him as a Chairman on 29th August 1947.
Feb. 1948 : Dr. Ambedkar completed the Draft Constitution of Indian Republic.
4 Oct. 1948 : Dr. Ambedkar presented the Draft Constitution to Constituent Assembly.
Nov. 1949 : Dr. Ambedkar addressed the Constituent Assembly.
26 Nov. 1949 : Constituent Assembly adopted the Constitution.
Dec. 1950 : Dr. Ambedkar went to Colombo as a Delegate to the World Buddhist Conference.
9 Sept. 1951 : Dr. Ambedkar resigned from the Nehru Cabinet because among other reasons, the withdrawal of Cabinet support to the Hindu Code Bill in spite of the earlier declaration in the Parliament by the Prime Minister Pt. Jawaharlal Nehru, that his Government would stand or fall with the Hindu Code Bill. Apart from this Nehru announced that he will sink or swim with the Hindu Code Bill.
11 Oct. 1951 : Dr. Ambedkar left the Cabinet.
March 1952: Dr. Ambedkar was introduced into Parliament as a member of the Council (Rajya Sabha) of States, representing Bombay.

1 June 1952: Dr. Ambedkar left for New York from Bombay.

15 June 1952: Columbia University (USA) conferred the honorary Degree of LL.D., in its Bi-Centennial Celebrations Special Convocation held in New York.

12 Jan. 1953: The Osmania University conferred the honorary Degree of LL.D. on Dr. Ambedkar.

May 1954: Dr. Ambedkar visited Rangoon to attend the function arranged on the occasion of Budha Jayanti.

Dec. 1954: Dr. Ambedkar participated as delegate to the 3rd World Buddhist Conference at Rangoon.

1 May 1956: Dr. Ambedkar spoke on Linguistic states in the Council of States. Dr. Ambedkar spoke on BBC London on “Why I like Buddhism”, also, he spoke for Voice of America on “The Future of Indian Democracy”.


20 Nov. 1956: Delegate, 4th World Buddhist Conference, Khatmandu, where he delivered his famous speech ‘Buddha or Karl Marx’.

6 Dec. 1956: Maha Nirvana at his residence, 26 Alipore Road, New Delhi.

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