

Director, Members of the Faculty, Prof Anil Gupta, Dear Students.

I have been asked to speak to you on Constitutional Provisions for Socio-Economic Inclusivity: Theory and Parliamentary Practice. I start my observations from the perception of India. India, a land of the oldest civilization, almost 5000 years old but obtained political independence from 190 years of colonial rule, 71 years ago at mid night of 14th & 15th August 1947.

2 In the language of Pandit Jawahar Lal Nehru, who described India in his book '**Discovery of India**' as, and I quote, "***India is a geographical and economic entity, a cultural unity amidst diversity, a bundle of contradictions held together by strong but invisible threads. Overwhelmed again and again, her spirit was never conquered and she remains unsubdued and unconquered. About her illusive quality of a legend of long ago some enchantment seems to have held her mind. She is a myth and an idea, a dream and a vision, and yet real and present and pervasive.***"

3 When I shut my eyes, the vision of India which emerges is of a land populated by 1.3 billion people, using 122 language and 1600 dialects in their daily lives, practicing 7 major religions, belonging to 3 major ethnicities, Caucasians, Dravidians and Mangoloids, yet under one flag, under one constitution and with one identity as Indian. All these people live in peaceful co-existence, compassion, respect for life and in harmony with nature, ideas that constitute the foundations of our civilization.

4 The history of India has been narrated by many travelers and scholars from 3rd Century BC to contemporary days. Several Indian rulers ruled this country for almost 2000 years. In the 4th century BC Chandragupta Maurya established a powerful empire comprising of North West and large parts of Northern India. It was during these days that Kautilya wrote his political thought '**Arthashastra**', in which he prescribed for the ruler

प्रजासुखे सुखं राज्ञः प्रजानां तु हिते हितम् ।
नात्मप्रियं हितं राज्ञः प्रजानां तु प्रियं हितम् ॥

5 Which means in the happiness of the people lies the happiness of the King, their welfare is his welfare. He shall not consider as good only that which pleases him but treat as beneficial to him whatever causes happiness to all his people. People are the centre of all activities of the state and nothing should be done to divide the people and create animosity among them.

6 We see an ideal king in the third emperor of the Mauryan dynasty Emperor Ashoka whose reign is described by a historian as the brightest interludes in the troubled history of mankind. Perhaps, he is the first ruler who established a welfare state in the ancient world. At the cost of the exchequer paved roads lined by trees were built, wells were dug for drinking water and rest houses were established on the way side.

7 Megasthenes (A Greek traveler) who travelled extensively in the North and Northern Western India and

left an account of India, which was prosperous State. It had a well developed governance structure in place and the people lived in peace and harmony under the patronage of a benevolent ruler.

8 After the Mauryas, a powerful empire was established by the Guptas and Chandragupta, the powerful emperor of the dynasty conquered many kingdoms extending his kingdom to Mahakantara, - present Kalahandi areas of the State of Odisha.

9 The next powerful empire was built up by the Mughals, who ruled for nearly 200 years from 1525 to 1705. The emperors raised powerful army, extended their administrative jurisdiction upto the border of Iran including Afghanistan in the North West, most part of Deccan and upto modern Assam in the East. They institutionalized the collect of land revenue, a part of which was spent for the welfare of the people, encouraging artists by giving them enhanced remunerations and patronizing their activity and maintained a much disciplined civil service by establishing the criteria of loyalty to the emperor. In the intervening

periods, between the establishment of powerful empires including the one by the British, through East India Company, in almost 2000 years, India was invaded by many rulers. However, the 5000 years old civilization continued unbroken. In fact, each conqueror and each foreign element has been absorbed to form a new synthesis evolving into unity. India is a constant flame of continuity amidst discontinuities. Like a vast canvas, it is painted with pigments of varying hues, while retaining a remarkable compositional unity. Progressions and regressions in its economic development at various stages of its growth have not obliterated its changeless core of spiritualism.

10 India is not a one nation in the context of modern European concept of Nation State, which was established by and large after the treaty of Westphalia perhaps in 1648, which recognized as criteria of forming a state, one group of people with one common language, in most cases a common religion, sharing a common enemy.

11 India is not a nation of one group of people with one common enemy as I stated earlier. It is multi religious, multi lingual, multi racial. In the language of poet Rabindra Nath Tagore – No one knows at whose call, millions of persons came from different parts of the world, mingled in common mass, vast humanity and emerged as having one soul and that soul is India (Tagore's Bharat Teerth).

12 After long struggle against British Rule spread over 190 years, from 1757 to 1947, India obtained political independence and the country was divided into two Dominions India and Pakistan. A constituent Assembly was created on the proposal of the Cabinet Mission which began its first session on 6th December 1946 (before declaration of Independence) and had its last session on 24th November 1949. Pt Jawaharlal Nehru moved the following resolutions regarding aims and objectives of the Constitution on 13th December 1946:

"(1) This Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent

Sovereign Republic and to draw up for her future governance a Constitution;

(2) WHEREIN the territories that now comprise British India, the territories that now form the Indian States, and such other parts of India as are outside British India and the States as well as such other territories as are willing to be constituted into the Independent Sovereign India, shall be a Union of them all; and

(3) WHEREIN the said territories, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the Law of the Constitution, shall possess and retain the status of autonomous Units, together with residuary powers, and exercise all powers and functions of government and administration, save and except such powers and functions as are vested in or assigned to the Union, or as are inherent or implied in the Union or resulting therefrom; and

(4) WHEREIN all power and authority of the Sovereign Independent India, its constituent parts and organs of government, are derived from the people; and

(5) WHEREIN shall be guaranteed and secured to all the people of India justice, social, economic and political; equality of status, of opportunity, and before the law; freedom of thought, expression, belief, faith worship, vocation, association and action, subject to law and public morality; and

(6) WHEREIN adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes; and

(7) WHEREBY shall be maintained the integrity of the territory of the Republic and its sovereign rights on land, sea, and air according to Justice and the law of civilised nations, and

(8) This ancient land attains its rightful and honoured place in the world and make its full and

willing contribution to the promotion of world peace and the welfare of mankind."