Constituent Assembly Debates
Emergency Provisions - Part I

One of the major issues that engaged the attention of the Constituent Assembly was about the powers of the Centre when the country was threatened with external aggression or internal revolt. Under the Government of India Act of 1935, the central government had all the powers to assume executive functions in the country in case of an emergency situation and of suspending the provincial autonomy.

The Draft Constitution prepared by the Drafting Committee spelt out in six Articles (Articles 275 to 280) the power of the Union Government in such a situation. At the revision stage, the Articles on emergency provisions were renumbered as Articles 352 to 360. Though each of the Articles 275 to 278 was discussed and adopted one by one, Articles 275 and 278 were debated at length.

Article 275 as drafted by the Drafting Committee was considerably amended by Dr. B R Ambedkar before he moved it on August 2, 1949. It read thus, “If the President is satisfied that a grave emergency exists whereby the security of India or any part of the territory thereof is threatened, whether by war or external aggression or internal disturbance, he may, by proclamation, make a declaration to that effect.”

A summary of Draft Articles 276 to 280 would be in order here.

Draft Article 276 gave the Union Government full power by a proclamation of Emergency to issue directions to State Governments as to the manner in which their executive authority was to be exercised.

Draft Article 277 empowered the Union Government in such an emergency to vary the provisions of the Constitution relating to the distribution of certain heads of revenue between the Centre and the States.

Draft Article 278 provided that in case of failure of constitutional machinery in a State, the President may, by proclamation, assume powers of the State Government or any State authority other than the High Court, and declare that the powers of the State Legislature would be exercisable only by the Parliament.

Draft Article 279 gave powers to the Union and State Governments to act, during grave emergency, in contravention of the provisions of fundamental rights which promised freedom of speech and expression etc.

Draft Article 280 empowered the President to suspend the right to move the courts for the enforcement of fundamental rights.

The debate began on 2nd August 1949.

Shri H. V. Kamath (C. P. & Berar)

On Article 275, he said, “I have ransacked most of the constitutions of democratic countries of the world and I find no parallel to this chapter in any of
the constitutions. The closest approximation, to my mind, is reached in the Weimar Constitution of the Third Reich which was destroyed by Hitler taking advantage of the very same provision contained in that Constitution. But those emergency provisions pale into insignificance when compared with the emergency provisions in this chapter of our Constitution.

The Draft Article lays down that if the President is satisfied, he might issue a Proclamation of emergency. Sir, when this House was discussing the Ordinance-making powers of the President, you raised a very vital issue as to whether the President would be bound by the advice of his Council of Ministers.

The Constitution provides for the President, a Council of Ministers to aid and advise him in the exercise of his functions but there is no injunction laid upon him to accept their advice. In reply to that, Dr. Ambedkar observed that the matter would be gone into by the Drafting Committee and suitable changes would be made. Today this new Article invests the President with an extraordinary power. Therefore, this safeguard, to my mind, is absolutely necessary. The President must not act on his own but must consult his Council of Ministers and act upon their advice. If they advise him that such a grave emergency has arisen, then only should he be empowered by the Constitution to issue a Proclamation to that effect. He must not be invested with the sole and absolute right to issue a Proclamation by merely stating that he is satisfied etc."

Prof. Shibban Lal Saxena (United Provinces)

"Mr. President, I have very carefully listened to the speech of my honourable friend, Mr. Kamath, on this important Article about the emergency powers of the President. In fact, this section seems to be frightful and it seems as if the President becomes an autocrat under this Article, but after reading Articles 276 and 277, I do not find there is any real apprehension for such a fear.

Article 276 provides that in this emergency, the Union executive shall have power to give directives to the executives of the States and that the Union Parliament shall have powers of legislation over those subjects which are the close preserves of the States.

I, therefore, think that, particularly today when our democracy is a nascent democracy, we should vest the Centre at least with these limited powers in an emergency. I personally feel that the Article is fairly moderate, the power of the Union executive as well as Parliament are only concurrent with those of the state legislature and if there is a war or any internal insurrection or something like that, then these powers will be the minimum that the Centre must have. We have been always fighting for a strong Centre. I think this Article gives you what we have wanted so far. We will have a strong Centre and in an emergency we shall be able to make a declaration of emergency for the welfare and the defence of the state. I do not think any person who takes the present position of the country into account can oppose this Article."

Prof. K. T. Shah (Bihar)

"Mr. President, I have been viewing the tendency noticeable throughout this Draft Constitution, of arming the Central Executive Government with excessive authority. In this particular clause, there seems to be incorporated even stronger authority and worse features of centralised authority than was found in the original Article to which this is an amendment.

There are several points on which I think this amendment not only breaks new ground but seeks to invest the President with authority and power that cannot be consistent with democratic, responsible government as we have been taught to believe.

In the first place, Sir, the substitution of the term 'internal disturbance' for the original expression 'violence' fills me with deep concern and misgiving. These are terms not only very difficult to define, but the contrast, whatever may be the implication, seems to me to suggest unjustifiable invasion of democratic freedom. The slightest disturbance, slightest fear of disturbance in the internal management of the State, so to say, or any part of it, may entitle the President to declare a state of emergency, and issue a proclamation on that count. This, I think, is more serious and it is brought out more prominently when we see the third part of the amendment, where it is not even the actual occurrence that is sought to be guarded against, but even a possible danger of it. This therefore, is a provision to which I think too strong exception cannot be taken and I hope the House will be inclined to reconsider this position as it appears to me to be the case here for excessive authority being vested in the Chief Executive." ... to be continued

What Nehru said....

I think that a country with a long cultural background and a common outlook on life develops a spirit that is peculiar to it and that is impressed on all its children, however much they may differ among themselves.

…from Chapter 3, The Quest, The Discovery of India.
Nehru Centre Newsletter - October 2022

Anaxagoras
(500 – 428 BC)

Anaxagoras was a pre-Socratic Greek philosopher. He was born in Clazomenae, an ancient Greek city of Ionian Asia Minor which is now in Turkey.

When he was twenty, he moved to Athens to practice the Ionian philosophy of scientific inquiry, characterised by a search for a rational explanation of the universe and a focus on non-supernatural explanations for natural phenomena. At that time, the universe was said to have included all observable phenomena. Anaxagoras was known for his scientific theories. Though some of his explanations of natural phenomena were proved wrong by later philosophers or scientists, it did mark the beginning of inquiring into the cause of these phenomena.

Anaxagoras was the first to correctly explain eclipses when he said that a solar eclipse takes place when the Moon hides the Sun behind it, and a lunar eclipse happens when the shadow of the Earth falls on the Moon. He also attempted to explain rainbows and meteors.

He claimed that the Sun is a mass of red-hot metal, the terrain of the Moon is like that on the Earth, and the stars are fiery stones. He was not wrong in his assumption as the science of astronomy was still in its infancy. He also speculated that the Sun is larger than the Peloponnesian, a peninsula southwest of Greece. He said that the Moon has mountains, which is quite remarkable.

Our Great Astronomers – III
Contribution of Greek Thinkers and Philosophers to Astronomy

Anaxagoras thought the Earth was flat and floated on strong air under it and that disturbances in the air caused earthquakes. This theory was quite wrong.

After staying in Athens for thirty years, Anaxagoras was forced to leave as he was charged with impiety, for his teaching that the Earth is not at the centre of the universe. He went into exile in Lampsacus, an ancient Greek city on the Asiatic shore and died there around 428 BC. An inscription on his gravestone explains how he was respected by the citizens of Lampsacus. It reads, “Here Anaxagoras, who in his quest of truth scaled heaven itself, is laid to rest”.

Aristarchus of Samos
(310 – 230 BC)

Aristarchus of Samos was an ancient Greek astronomer and mathematician.

Like other philosophers of this period, not much is known about him, and not much of his work has survived. His only surviving work is ‘On the Dimensions and Distances of the Sun and Moon.’

Our knowledge of Aristarchus’ work comes from the writings of Archimedes (287–212 BC) and Ptolemy (100–170 AD). We know that Aristarchus was a student of Strato of Lampsacus, who was the head of Aristotle’s Lyceum at Alexandria. As a young man, he studied under the best minds of his time.
Like Anaxagoras, Aristarchus too suggested that the stars were like distant suns far from the Earth. He contradicted the theory of the universe of philosophers before him that the Earth is the centre of the sphere on which stars are fixed and that the sphere of fixed stars rotates around the Earth. It was said that the radius of the sphere of stars was the distance between the centre of the Sun and the centre of the Earth.

Aristarchus hypothesised that the sphere of fixed stars and the Sun remain unmoved and that the Earth revolved around the Sun. He also specified that the orbit of the Earth is circular and that the Sun was at the centre of this circular orbit. He further said that the centre of the sphere of the fixed star was at the centre of the Sun. This was known as the heliocentric theory of the universe.

Later astronomers, however, completely discarded the theory of the heliocentric universe. The non-observable parallax of stars, that is, the shift in the positions of nearby stars compared to distant stars, was at the centre of the argument between the geocentric and heliocentric theories of the universe.

Aristarchus also said that the radius of the sphere of stars was so large compared to the distance between the Sun and the Earth that as the Earth goes around the Sun, there was no observable shift in the positions of stars. This phenomenon is identical to being on a merry-go-round when nearby objects like gates or lampposts appear to move with respect to the distant buildings but one does not notice any shift in the position of objects close to those buildings. The angular shift in the position is referred to as parallax.

Aristarchus calculated the distance to the Sun using the principles of geometry. He pointed out that the sizes of the Sun and the Moon appear similar when seen from the Earth.

Therefore, their diameters must be proportional to their distances from the Earth. He observed that when the Moon is seen half illuminated, the angle between the Sun and Moon is $87^\circ$. Using the laws of triangles, he calculated that the Sun is about 19 times farther from the Earth than the Moon. The true value of this angle is $89.83^\circ$, and the Sun’s distance is approximately 400 times that of the Moon.

He also estimated the size of the Moon and the Sun. To estimate the size of the Moon, he carefully observed lunar eclipses. First, he measured the time when the Moon is completely covered by the shadow of the Earth and then noted the time of how long the Moon remained inside the shadow (See figure). This duration gave him the angular size of Earth’s shadow at the distance of the Moon. Again, using the laws of triangles, he calculated the width of the cone of the Earth’s shadow at a distance of the Moon.

He then used his earlier values of distances to the Sun and the Moon and calculated the value of the diameter of the Moon as one-third that of the Earth. Now, he had calculated that the Sun is about 18 and 20 times farther away from the Earth than the Moon. Therefore, its size is around 19 times wider than the Moon, making it approximately six times wider than the Earth’s diameter.

The reader may note that Aristarchus used simple geometric rules to arrive at the values of distances to the Sun and the Moon and their sizes in terms of the diameter of the Earth. The diameter of the Earth was estimated by another genius, Eratosthenes about half a century later.

Aristarchus is also said to have invented two types of sundials: one is hemispherical, and the other is a plane.

References

1  This refers to the period from 1200 to 323 BC (Alexander the Great’s death) when political, philosophical, artistic, and scientific achievements influenced Western civilisation.

2  Lyceum was a temple in Athens which was also used to hold philosophical debates. Later, Aristotle formed a similar establishment in Alexandria.
Albatya Galbatya
An Adwait Theatre Production

To mark Pandit Nehru’s birth anniversary, Nehru Centre will present a play ‘Albatya Galbatya’ for children.

The special effects used on the stage will take the audience to a world of fantasy where there is catchy music, fun and laughter.

Credits

A Zee Marathi Presentation
Adwait Theatre Production
Produced by Rahul Bhandare
Written by Ratnakar Matkari
Directed by Chinmay Mandlekar

Friday, 24th November 2023
7.00 pm (2 hrs. without interval)
Nehru Centre Auditorium

Entrance cards will be available on Monday, 20th November 2023 from 10.30 am until availability from the Ticket Counter of the Nehru Centre Auditorium
This group of artists from Kolkata will exhibit paintings in acrylic, fibre and mixed media and also metal sculptures.

**Tuesday 31st October 2023 to Monday 6th November 2023 (AC Gallery)**

**ADISHWAR KUMAR JAIN**

Adishwar creates landscapes with waste paper and other waste material which he will display.

**Tuesday 31st October 2023 to Monday 6th November 2023 (Circular Gallery)**

**CHILDREN’S ART EXHIBITION**

Saraswati Purushottam Memorial Trust, Mumbai has been organizing art exhibitions of works created by children from various schools every year for the last 34 years.

**Tuesday 7th November 2023 to Monday 13th November 2023 (Circular Gallery)**

**SUNIL DEORE**

Sunil has been inspired from the sculptures of the caves of Ajanta-Ellora. His sculptures are in bronze, copper and mixed media.

**Tuesday 14th November 2023 to Monday 20th November 2023 (Circular Gallery)**

**NSCC INDIA**

National Society for Clean Cities (India) has been showcasing the works of under-privileged children who can display their talent in art.

**Tuesday 14th November 2023 to Monday 20th November 2023 (AC Gallery)**

**VISHAL KAMBLE**

Vishal’s thematic paintings will be in acrylic on canvas.

**Tuesday 21st November 2023 to Monday 27th November 2023 (Circular Gallery)**

**SUBHASH KHARAT**

Subhash specializes in acrylic colours on canvas and his paintings in bright colours are a treat for the eye.

**Tuesday 28th November 2023 to Monday 4th December 2023 (AC Gallery)**

**DR. MEERA SAWANT & SANJEEV BAGWE, SONI PAL MANOJ BHADANGE**

This group show will showcase paintings and other artworks on unique subjects.

**Tuesday 28th November 2023 to Monday 4th December 2023 (Circular Gallery)**
Ramsar Wetland Sites in India

10. Karnataka

Ranganathittu Bird Sanctuary

Ranganathittu Bird Sanctuary is located in the Mandya District of Karnataka. It is the largest bird sanctuary in the state, 40 acres in area, and comprises six islets on the banks of the Kaveri River on the Southern Deccan Plateau. This region comprises gently rolling plains traversed by several of the large rivers that rise in the Western Ghats mountain range and flow eastward to the Bay of Bengal. The site is an ecologically important riverine wetland, rich in plant and animal species.

The sanctuary is currently maintained by the Forest Department of Karnataka and efforts are ongoing to improve the sanctuary, including purchasing nearby private land to expand the protected area. In 2014, around 28 square km around the sanctuary was declared an eco-sensitive zone.

The wetland is well known for nature tourism which generates considerable revenue for local authorities and communities and also provides educational and research opportunities. Wetlands provide many benefits to people and nature, including flood control, water purification, erosion control, climate regulation, and habitat for plants and animals. The site is classified as an Eco-Sensitive Zone and a management plan is currently being implemented to safeguard its ecological integrity as well as the ecosystem services provided to the local communities.

The best time to visit the sanctuary is between the months of June and November as these are nesting months for the birds.

Country: India
Site number: 2473
Area: 517.7 ha
Designation date: 15-02-2022

Further Reading at Nehru Centre Library:

- The beautiful India: Karnataka by S. A. Rahman, Reference Press, 2005,
  Call no. 915.487/Rah, Barcode: 13275
NEHRU CENTRE PUBLICATIONS

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Science in India
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Colourful art catalogues for sale
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(5) BALAJI & HARISH TALIM (1999)
(6) D. G. KULKARNI (DIZI) (2001)
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and many more...

ART FUSION catalogues

Set of five assorted gift cards
Designed by differently abled children

SANSKRUTI - CD ROM:
An aesthetics of Indian culture

DISCOVERY OF INDIA (VCD)
Set of ten greeting cards
Based on Discovery of India Exposition

Available at:
Book Stall, Ground Floor,
Discovery of India Building,
Nehru Centre, Worli, Mumbai - 400 018.

The Year of the Millet - 2023
Enjoy a Saturday morning with grandparents, parents and children (9+)

Millet for Children: Rhymes, recipes and resources for all ages
By Vijaya Chakravarty & Sweedle Cerejo-Shivkar
Published by Indian Women scientist's Association (IWSA)

Join us to meet -
Ms Medha Rajadhyaksha, Ms. Sweedle Cerejo Shivkar and Ms. Katie Bagli

Date: Saturday, 4th November 2023
Time: 10.30 a.m to 12.30 p.m.
Venue: Who Are We Hall, 1st Floor, Discovery of India Building,
Nehru Centre, Dr Annie Besant Road, Worli, Mumbai - 400018.

A Book I Wrote (5th Edition)
A Collection of Poems and Stories

Launch of Book written by children (aged 6 -11 years) and for children
on the occasion of Children's Day

'A Book I Wrote' is an annual initiative of Nehru Centre Library and MomSays to
encourage children to write. We believe that children should be given a platform to
express their creativity and, in doing so, inspire others with their ideas

Date: Tuesday, 28th November 2023
Time: 3.30 p.m. to 5.30 p.m.
Venue: Hall of Harmony, Ground Floor, Discovery of India Building,
Nehru Centre, Dr Annie Besant Road, Worli, Mumbai - 400018.

Registration for both events: nehrucentrelibrary@gmail.com

Published for Nehru Centre
by Shri Chandrakant M. Rane
Discovery of India Building, Dr. A. B. Road,
Worli, Mumbai - 400 018.

Website: www.nehru-centre.org
Email: editor@nehru-centre.org
Printed at M/s PRINTCOM
I-Wing, Shop No. 1, Mahalaxmi SRA CHSL, P. B. Marg, Worli, Mumbai - 400 030.

Editor
Arati N. Desai
Design & Layout
Imtiaz Kalu