Constituent Assembly Debates
Emergency Provisions - Part II

Mahavir Tyagi
(United Provinces)

“Sir, I rise to support the amendment moved by Dr. Ambedkar. My support is slightly weak because the amendment itself, in my opinion, is weak. I want that the Centre should be strong by all means. It is only this clause which will maintain a permanent relationship between the Centre and the units.

Democracy is a conception which cannot be bought and implanted here as it is found in other countries. It has to adjust itself according to our geography, history and our psychology. Our country, our people, our economics, our military and our strategic position and other similar considerations are all to be taken into account and democracy has to adjust itself accordingly.

The will of the people must prevail and so long as that is guaranteed, democracy is not disturbed at all. In this case, if disturbances were to go on and the Centre has no right to interfere, there will be a tendency towards disintegration. If there is a party wedded to violence and there is a revolt in a unit against the Centre, this emergency power will be of use. If a State government does not want to have any connection with the Centre and wants to go out of the Union or acts in conjunction with a neighbouring province or a foreign country, the emergency has to be resorted to.

War or external aggression or internal disturbance are only three instances given by way of explanation for the proclamation. There may be other emergencies, say for instance a revolt by a State. I hope in this very Article there is a chance of other emergencies also being included.

There should be no objection to this Article, because the democratic rights of the people are guaranteed rather than usurped.”

T. T. Krishnamachari
(Madras)

“Mr. President, my excuse in intervening in the debate at this late stage is that I do not like the public in this country to get the impression that we are putting into this Constitution something which is going to nullify all the rights and privileges given to our citizens under this Constitution and concentrate in the hands of the Executive of the Centre enormous powers which will ultimately make them virtual dictators in this country.

The framers of any Constitution at the present day would be failing in their duty if they do not take note, in times like this, of the difficulties that abound around every country. Not merely are there threats of wars and undeclared wars and internecine disturbances,
but there are also other calamities which are likely to arise, partly, because of economic conditions that exist within the countries and economic maladjustments which demand immediate settlement, and partly, because there are forces in the world that wish to make the economic maldistribution the basis of subversive political action and in the result, making these worse than what they actually are.

Therefore, if the Constitution framers do not provide safeguards for protecting the Constitution in times of emergencies that might arise, I feel that the framers of that Constitution would be guilty of a grave dereliction of duty. Sir, I feel that that is the excuse for our putting in this Constitution this Part IX entitled 'Emergency Provisions'. It is not that the Drafting Committee has merely borrowed the wording of section 102 and 126-A of the Government of India Act, 1935. They have bestowed great thought and care to see that the Government has adequate powers to face an emergency which may very well threaten this Constitution, which may practically make this country come under a rule which is entirely unconstitutional. They have, at the same time, provided enough safeguards to see that the popular voice would be heard, that the popular will, will dominate whatever might be the conditions under which we will have to function under these emergency provisions.

I would ask my friends, both Mr. Kamath and Professor Shah, to read the history of the American Constitution and to spend some time and thought over that portion of the Constitution which gives the President the power of Commander-in-Chief and also to go into the history of that country during the years 1861 and thereafter, when the whole country and the Constitution, which, in very many respects, served as a model Constitution for us, were made safe only because of a very wide interpretation of the duties, obligations and powers that the President had, by virtue of the fact that he was also the Commander-in-Chief.

This emergency provision is merely intended to meet one purpose; namely that all our efforts all these years spent in the Constitution making may not go in vain and those who will be in power in the future would be adequately empowered to save the Constitution. I would ask the House to consider the Chapter as a sort of safety valve, which is intended to save the Constitution.

Debate on Draft Article 278

This Article was also amended before it was moved. The amended Article 278, which was moved on August 3, 1949 read:

“If the President, on receipt of a report from the Governor or Ruler of a State or otherwise, is satisfied that the government of a State cannot be carried on in accordance with the provisions of this Constitution, the President may by proclamation:-

(a) assume to himself all or any of the functions of the government of the State and all or any of the powers vested in or exercisable by the Governor or Ruler as the case may be, or any body or authority in the State other than the legislature of the State;

(b) declare that the powers of the legislature of the State shall be exercisable by or under the authority of Parliament.

Provided that nothing in this clause shall authorise the President to assume to himself any of the powers vested or exercisable by a High Court.”

While moving the Article, Dr. Ambedkar said, “I think I can well begin by reminding the House that it has been agreed by the House, when we were considering the general principles of the Constitution, that the Constitution should provide some machinery for the breakdown of the Constitution which would be somewhat analogous to the provisions contained in Section 93 of the Government of India Act, 1935.

I think it is agreed that our Constitution is a Federal Constitution which means that the Provinces are as sovereign in their field which is left to them by the Constitution as the Centre is in the field which is assigned to it. That being so, if the Centre is to interfere in the administration of provincial affairs, it must be by and under some obligation which the Constitution imposes upon the Centre. Therefore, we propose to introduce Article 277 A which says that it shall be the duty of the Union to protect every unit and also maintain the Constitution.”

It may be noted that, at the revision stage, this provision 277 A was put in an Article renumbered as Article 355.

Dr Ambedkar further said, “It will be found that it is not our Constitution alone which is going to create this duty and this obligation. Similar clauses appear in the American Constitution as also in the Australian Constitution in express terms that it shall be the duty of the Central Government to protect the units or the States from external aggression or internal commotion. All that we propose to do is to add one more clause to the principle enunciated in the American and Australian Constitutions, namely, that it shall also be the duty of the Union to maintain the Constitution in the provinces as enacted by this law.”

... to be continued

What Nehru said....

We make and preserve the pictures of our choice, and so I have chosen this mountain background rather than the more normal picture of a hot, subtropical country. Both pictures would be correct, for India stretches from the tropics right up to the temperate regions, from near the equator to the cold heart of Asia.

...from Chapter 3, The Quest, The Discovery of India.
Eratosthenes of Cyrene
276 – 194 BC

Eratosthenes was a Greek polymath - a mathematician, geographer, poet, astronomer and a music theorist. He was born in 276 BC in Cyrene (now Shahhat, Libya), about 800 kilometres southeast of Alexandria in Egypt. Cyrene was a prosperous Greek trade centre on the coast of the Mediterranean Sea. Young Eratosthenes studied at the local gymnasium®, where he learnt physical fitness, reading, writing, arithmetic, poetry and music.

Later he went to Athens, where he studied under various scholars. He studied stoicism (living a virtuous life) under its founder Zeon of Citium. He also studied under Arceslous of Pitone, the head of the Platonic Academy. He wrote his first scholarly work, Platonikos, in which he discussed the mathematical foundation of Plato's philosophies. He was a poet too.

One of his seminal works was Chronographies, where he recalculated historical dates using scientific methods. This work was considered to be more accurate than earlier works on the subject and was lauded by later scholars. He then wrote Olympic Victor, which chronologically listed the names of the winners of the Olympic Games.

When the Pharaoh Ptolemy III Euergetes (246-222 BC) heard about Eratosthenes' work and his poetic abilities, he invited Eratosthenes to the famous library of Alexandria as a Head Curator. It was an
honour for the 30-year-old Eratosthenes and he subsequently rose to the position of Chief Librarian by the time he was fifty years old. He remained in Alexandria for the rest of his life. At Alexandria, he made several significant contributions to mathematics and science. He was a friend of Archimedes, whose work focused on physics, astronomy and engineering innovations. Eratosthenes simply engaged himself with studying and investigating everything that interested him.

Around 225 BC, Eratosthenes invented the armillary sphere which is a three-dimensional model in which various graduated circular rings are used to show the path of the planets, the Moon, or the Sun (in the geocentric universe), or the Earth (in the heliocentric universe). Eratosthenes discovered that the axis of the Earth is tilted to an imaginary plane passing through the centre of the Sun and the Earth. (See Fig. 1)

In mathematics, Eratosthenes invented an algorithm to find prime numbers. A prime number is a number which is divisible by itself or by one only. This algorithm is called the sieve of Eratosthenes. He wrote a comprehensive treatise (in 3 volumes) about the world as it was known to Greeks at the time. He called it Geography (origin Greek: Geographika, in which ‘geo’ is Earth, and ‘graphic’ is a picture). Many items and symbols used in the treatise are in use even today. He drew horizontal and vertical imaginary lines on Earth, called parallels and meridians (also called latitudes and longitudes). Using this system, one could estimate distances to remote locations. In this way, he marked over 400 locations, that had never been reached before.

Eratosthenes is most famous for his work in measuring the circumference of the Earth to a high level of accuracy. He came to know that on Equinox day at noon time in Syene (now Aswan, Egypt) the sunlight completely illuminates the bottom of a well. This can happen only if the Sun is directly overhead. He also noticed that on the same day, the Sun was not overhead at Alexandria, where he was working, as he had seen the shadow of a vertical pillar.

He used this fact to measure the circumference of the Earth. In the present-day unit, he calculated the circumference of the Earth to be 42,000 k.m. which is just about 5% more than its modern value of 40,075.017 km. (See box)

When he was about 81 years of age, he contracted ophthalmia, thus becoming blind. In a state of depression, Eratosthenes starved himself to death in 194 BC.

How Eratosthenes Measured the Circumference of the Earth

Using the geometry of parallel lines (see Fig. 2), he found out that the angle between Alexandria and Syene (as would be seen from the centre of the Earth) is 1/50 of 360°. By measuring the distance between Alexandria and Syene, he calculated the circumference of the Earth. He employed specialists in measuring distances by the technique of pacing. These people were called bematists. They reported that the distance between the two cities was 5000 stadia (stadion is a Greek unit of distance). By multiplying this number by fifty, he calculated that the circumference of the Earth would be equal to 250,000 stadia.

* A place for both physical and intellectual education of young men in ancient Greece (12th to 9th century BC).
The Mushaira is a traditional form of Urdu poetry recitation before an audience. Usually, the ghazal is the poetic form which is recited or sung, but other forms like nazm, qasida or rubai may also be included.

The annual Mushaira held at the Nehru Centre is an eagerly awaited event. This year it will be held on 17th December 2023 at 7.00 p.m.

The following poets from across the country will participate in the Mushaira.

**Local Poets**
- Janaab Irfan Jafri
- Janaab Javed Akhtar
- Janaab Mukhtar Yusufi
- Janaab Nadeem Siddiqui
- Janaab Obaid Azam Azmi
- Janaab Shahid Latif
- Janaab Sharjeel Ansari (Bhiwandi)
- Janaab Shakil Azmi
- Janaab Dr. Wasif Yaar

**Outstation Poets**
- Janaab Aziz Nabeel (Qatar)
- Mohtarma Foziya Rabab (Goa)
- Janaab Aalok Shrivastav (Noida)
- Janaab Dr. Shahroz Khawar (Malegaon)

**Nizamat**
- Janaab Irfan Jafri

Sunday, 17th December 2023, 7.00 p.m.  
Nehru Centre Auditorium

Entry: Free entrance cards will be available from 13th December 2023 from 10.30 a.m. onwards until availability from the ticket counter of Nehru Centre Auditorium
DEEKPALA FOUNDATION

A Mumbai-based art foundation, the Deepkala Foundation, which has medical professionals, promotes artists globally.

Tuesday 5th December 2023 to Monday 11th December 2023
(AC Gallery)

RENU DAYAL

A professional artist, Renu paints thematical, figurative compositions in acrylic on canvas.

Tuesday 5th December 2023 to Monday 11th December 2023
(Circular Gallery)

RIDHI PAREKH
NEHA PAREKH

Ridhi and Neha will exhibit line drawings, both figurative and abstract concepts in ink on paper and dolls and masks.

Tuesday 12th December 2023 to Monday 18th December 2023
(AC Gallery)

APARNA MONDAL
ASHWINI TATKAR
MEGHANA VERULKAR

This group of three artists will showcase landscapes, seascapes and still-life paintings in various mediums.

Tuesday 12th December 2023 to Monday 18th December 2023
(Circular Gallery)

SANJUKTA BARIK

Sanjukta has been painting for over twenty eight years and will exhibit landscapes and abstract compositions in acrylic on canvas.

Tuesday 19th December 2023 to Monday 25th December 2023
(AC Gallery)

PRASHANT VEDAK

Prashant has many shows to his credit. His paintings are landscapes and compositions in acrylic on canvas.

Tuesday 26th December 2023 to Monday 1st January 2024
(AC Gallery)

ARVIND SAWANT and other artists

This group of six artists will exhibit their artworks in mix media.

Tuesday 26th December 2023 to Monday 1st January 2024
(Circular Gallery)

YOGESH JOSHI

Yogesh is a self-taught artist. His figurative paintings and landscapes are detailed in mix media.

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BAL-DISHA 2023

The exhibition was inaugurated by participating children artists on 7th November 2023.

It received immense response from art lovers.
Ramsar Wetland Sites in India

11. Kerala

1. Ashtamudi Wetland: The Kallada river which originates from the Western ghats, traverses through virgin forests and finally joins the Ashtamudi wetland, after travelling a distance of about 120 km. It carries an average runoff of 76,000 million cu m of freshwater into the estuary every year.

The wetland has an extensive estuarine system, the second largest in Kerala, which is important for its hydrological functions, its biodiversity, and its support for fish. The site supports a number of mangrove species as well as over 40 associated plant species, and 57 species of birds including six that are migratory. Nearly 100 species of fish sustain a lively fishing industry, with thousands of fishermen depending directly upon the estuary for their livelihood.

2. Sasthamkotta Lake: The largest freshwater lake in Kerala is spring-fed and is the source of drinking water for the Kollam district. Twenty seven species of freshwater fish, including the pearl spot and the catfish are found here. The water contains no common salts or other minerals and supports no water plants; a larva called 'cavaborus' abounds and eliminates bacteria in the water, thus contributing to its exceptional purity. The ancient Sastha temple is an important pilgrimage centre.

The common teal or dabbling duck is the smallest migratory bird found in the lake.

3. Vembanad Kol Wetland: Vembanad is the longest lake in India, as well as the largest lake in Kerala. It is the largest brackish, humid tropical wetland ecosystem on the southwest coast of India, fed by ten rivers and with large estuarine systems on the western coast, renowned for its clams and supporting the third largest waterfowl population in India during the winter months. Over ninety species of resident birds and fifty species of migratory birds are found in the Kol area.

Ashtamudi Wetland, Sasthamkotta Lake, Vembanad Kol and other wetlands of Kerala were together designated as Ramsar Wetlands on 19th August 2002.

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