



DEMOCRACY AND SOCIAL JUSTICE

Prem K. Chumber

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Democracy and social justice are interrelated social processes. The one is incomplete in the absence of the other. Democracy offers freedom space to realize equality and experience fraternity. Equality and fraternity are the two essential ingredients of social justice, which achieves its true form with the addition of liberty. Thus the trinity of liberty, equality and fraternity constitutes the essence of social justice and the institution of democracy provides the requisite realm for its realization. Though many scholars' boasts of ancient origins of democracy in India but it would be prudent to argue that democracy achieves its roots in the real sense of the term with the adoption of the constitution in independent India. Bodhisattva Baba Saheb Dr. Bhimrao Ramji Ambedkar, Chairman of Constitutional Drafting Committee, worked very hard to incorporate various provisions for the realization of social justice in the Indian society. He was of the firm views that if social and economic parity remains an elusive to the multitude of poor and historically socially excluded people in the country, then the very purpose of having parliamentary democracy would not be served efficiently. He reiterated the seminal point during his engaging discussions at various important forums within and outside the Indian parliament that for social justice to prevail in the country, India needs effective participation of the downtrodden in all the different spheres of the society.

The demand for social justice was also raised at various platforms during the freedom struggle movement in colonial India. Ad-Movements in North and South India, Justice Party in South India, Babu Mangu Ram Mugowalia from Punjab, Swami Achhuta Nand Ji from Uttar Pradesh, Baba Ghasi Das Ji from Madhya Pradesh, Sri Narayana Guru from Kerala raised a consistent campaign for the prevalence of social justice in the Indian society. Babu Mangu Ram Muggowalia presented a number of resolutions to the British Government for the removal of untouchability and special provisions for the inclusion of socially excluded sections of the society in the public realm of power and social domain. Babu Mangu Ram Mugowalia joined hands with Bodhisattva Baba Saheb Dr. Bhimrao Ramji Ambedkar in his struggle for equal rights for the socially excluded people of India. When Baba Saheb Dr. Ambedkar spreaded its movement into the political agile lands of Punjab with the formation of Punjab chapter of Scheduled Castes Federation, there was a tremendous response from the grassroots. That was precisely the contributions of Ad Dharm movement which laid the foundation stone of social justice campaign in the state in the mid-1920s. But the irony of the matter is that even after more than six decades of India's independence, Dalits in the country are still subjected to various types of atrocities and social discriminations. Though the Indian state, while making the optimum use of various anti untouchability clauses of the constitution, is doing its best to bridle the monster of caste, but still is more needed to be done at the social level where the people should come forward to internalize the values of liberty, equality and fraternity in order to realize the true sense of democracy and social justice.

Indian software engineer becomes US citizen in rare ceremony at White House hosted by Donald Trump

- Immigrants from five countries - India, Bolivia, Lebanon, Sudan and Ghana, stood in a line during the ceremony in the White House
- Sudha Sundari Narayanan, a software developer from India, was among those sworn in as American citizens

NEW YORK/WASHINGTON: President Donald Trump has presided over a rare naturalisation ceremony at the White House where five immigrants, including a software developer from India, were sworn in as American citizens, as the US leader welcomed them to the "magnificent nation" that is comprised of every race, religion and colour.

Trump hosted the naturalisation ceremony at the White House and the video of the ceremony was played during the second night of the Republican National Convention on Tuesday.

Immigrants from five countries - India, Bolivia, Lebanon, Sudan and Ghana, stood in a line during the ceremony in the White House.

With their right hand raised and a US flag in their left hand, they were administered the Oath of Allegiance by Acting United States Secretary of Homeland Security Chad Wolf, while Trump looked on.

Sudha Sundari Narayanan, a software developer from India, was among those sworn in as American citizens.

"Today America rejoices as we welcome five absolutely incredible new members into our great American family. You are now fellow citizens of the greatest nation on the face of God's Earth. Congratulations," Trump said.

Trump said the newly sworn-in American citizens followed the rules, obeyed the laws, learned the nation's history, embraced American values and proved themselves to be men and women of the highest integrity.

"It's not so easy. You went through a lot and we appreciate you being here with us today. You've earned the most prized treasured, cherished and priceless possession anywhere in the world. It's called American citizenship. There is no higher honour and no greater privilege," Trump said adding that it is an honour for him to be their President.

Later, Trump read out the names and a few details of the five new citizens.

Trump said Narayanan is a "phenomenal success", born in India, who came to the United States 13 years ago.

"Sudha is a talented software developer and she and her husband are raising two beautiful, wonderful children 'the apples of your life'. Thank you very much and congratulations. Fantastic job."

Trump handed Narayanan, who was wearing a bright coral pink sari, her Certificate of Citizenship.

In his remarks, Trump congratulated the new citizens and said it is his honour to be with them. He added that with the rights and freedoms each of them now enjoy as citizens, there is no dream beyond their wildest reach because Americans can do anything.

"Today you have also accepted the profound duties and responsibilities that come with American citizenship. By swearing the Oath of Allegiance, each of you has entered a sacred and unbreakable covenant with our nation."

Trump said the five new citizens have pledged their "undying loyalty" to the American people, the American Constitution and the American way of life. "The history and heritage of the United States are now yours to preserve and pass down to the next generation. Our culture, our traditions and our values are now yours to uphold and live by."

He added that the US Bill of Rights is "now yours to support, protect, and defend. As citizens, you're now stewards of this magnificent nation, a family comprised of every race, colour, religion, creed, united by the bonds of love."

The United States Bill of Rights comprises the first ten amendments to the United States Constitution.

First Lady Melania Trump also recalled her immigrant journey in the US. During her address at the Rose Garden, she said she arrived in the US when she was 26 years old, adding that living and working in the land of opportunity was a dream come true for her.

"But I wanted more. I wanted to be a citizen. After 10 years of paperwork and patience, I studied for the test in 2006 and became an American citizen."

"As an immigrant and a very independent woman, I understand what a privilege it is to live here and to enjoy the freedoms and opportunities that we have."

Immigration featured in addresses during the second night of the convention.

Florida Lieutenant Governor Jeanette Nuñez said that as the daughter of Cuban immigrants, her story began in 1959, before "I was born, when my parents' dreams of a prosperous life became a nightmare. Chaos spread quickly when Fidel Castro took control of Cuba."

Trump's son Eric Trump said Democratic Presidential nominee Joe Biden "has pledged to stop border wall construction and give amnesty and healthcare to all illegal immigrants."

Immigration has been a very critical agenda of the Trump campaign and his presidency, with Trump asserting throughout that as the American President he will ensure job security and safety for American citizens first.

As job losses mounted and the American economy suffered due to the COVID-19 pandemic, Trump ordered some stringent immigration restrictions, including suspending the H1B visas, which is popular among Indian IT professionals, along with other foreign work visas for the rest of the year.

Trump has said the step was essential to help millions of Americans who have lost their jobs due to the current economic crisis.

Indian IT workers form the majority of H1B visa holders in the US and have to wait decades for Green Cards due to a huge backlog.

- Yoshita Singh, PTI

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Sue Frost

Sacramento County Supervisor. District 4



Sue Frost

Ensuring Future Delivery of Health Services

In recent days, Sacramento County and other local governments have been under the spotlight regarding how we have used our portion of the Coronavirus Relief Fund (CRF) money from the federal government via the CARES Act. Sacramento County received \$181 million, and I want to take this opportunity to explain to you



how Sacramento County is spending this money and to clear up some confusion that people may have.

The confusion stems from an article in a local Sacramento newspaper that misleadingly stated that Sacramento County is using most of the CRF funding to pay for law enforcement. The article downplayed some simple truths that need to be pointed out and left people with the incorrect belief that we hired more public safety officers instead of spending money on much needed public health priorities.

As a direct response to the COVID-19 pandemic, we activated the County Office of Emergency Services and our Countywide Emergency Operations. All departments were instructed to submit their COVID-19 expenditures as the crisis evolved. Expenditures that were eligible for CRF money were approved, while others were eligible for other State and Federal funds. Importantly, all requests submitted by the Department of Health Services (which includes Public Health) were approved. Our number one priority was the health and safety of the people of Sacramento County, and nothing got in the way of that.

Additionally, CRF money only covered existing positions in qualified classifications. We prioritized CRF requests to General Fund relief so that we could preserve those General Fund dollars for future needs. Public Safety and Health did not receive funding for new positions from the \$132 million. Rather, the County used \$132 million of Coronavirus Relief Fund money for payroll that would have come from our General Fund. The reason the Sheriff's office received so much money is that the Sheriff's office happens to be by far the largest percentage of our general fund payroll. That is the case for a variety of reasons, chiefly being that you usually cannot use state/federal

money to pay for it. It's that way for other public jurisdictions also.

The County is now able to use that \$132 million to avoid significant reductions in services from General Fund Departments, such as Child and Adult Protective Services, Health Services, Public Safety, Human Assistance, In-Home Supportive Services, and Homeless Services. General Fund dollars are more flexible than CRF dollars, so we are being strategic in where we spend them so we can free up other money elsewhere.

With law enforcement being a majority of our general fund, they are also likely the one that gets cut the most during economic downturns. With the County projecting, a loss of over \$160 million in revenue, not putting the \$132 million into payroll could have meant laying off a devastating amount of Sheriff's Deputies and staff. That is a grim reality that I do not wish upon the communities of Sacramento County, under any circumstance.

We still have around \$33 million left to spend out of our CRF money. You have my promise that I will continue to advocate for funding public health, public safety, and all other vital departments who are on the front line during this crisis.

My Thoughts on Altering County Election Dates

Last month at the Board of Supervisors meeting, an effort was made by anti-police activists to fundamentally change the way Sacramento County citizens vote for Sheriff, District Attorney, and Tax Assessor by altering the County Charter.



They wanted to change the election dates for these offices from the current system where they are voted for during the governor election-cycle, and change it to the presidential election-cycle. I am still waiting for a reason for this change. Maybe it is because they believe that if these elections are held during the presidential election-cycle, it will increase the likelihood of their preferred candidate of winning because more people will be voting.

I opposed the charter amendment, and there are two main reasons that I am happy this effort failed.

First, until the day of the vote there was no discussion, no debate,

no community meetings, no public outreach, no draft language, and no internal review. In addition, it was being rushed through in a matter of days, as opposed to the normal process which includes many months of outreach and citizen involvement. Simply put, this effort had a severe lack of transparency.

Second, I am not convinced that moving the election dates actually would increase the voter participation in these elections. While it is true that generally there are more voters who vote in the presidential election-cycle than the governor election-cycle, these do not necessarily translate into more votes down the ticket. Many people just vote for a couple of the high profile races (like President and Congress) and skip over the local races.

A much deeper dive into the data is needed before we should make a major revision to our County Charter and the public should be involved.

This issue will likely come back before us in the future, but next time it will involve significantly more discussion and public outreach. This could be a fantastic idea that I end up warmly embracing, but I cannot do that for an item that has been rushed through without legitimate public scrutiny.

Public Health Order to All SacCounty Schools

Sacramento County Public Health (SCPH) noticed all schools (TK-12), both public and private, with a Public Health Order for Schools that all schools in Sacramento County must utilize a distance learning model, until further notice.

Schools may not conduct instruction or otherwise operate as a "day care," "child care," "camp," or any other allowable activity. Students are not permitted on school campuses or to otherwise engage in in-person school activities, except as specifically noted below:

Emergency Mental Health Counseling – If emergency in-person mental



health counseling is deemed necessary, in lieu of virtual settings, it may be conducted on an individual (1:1) basis. Initial English Language Learner Assessments – May occur in-person on campus and conducted on an individual (1:1) basis unless group set-

tings are legally required, in which case the groups should be the smallest size possible.

Special Education Assessments – May occur in-person on campus on an individual (1:1) basis as required by state and federal regulations.

The Order provides clarification that all schools must not conduct in-person instruction while the County is on the State's Monitoring List. The State requires counties on the Monitoring List be removed for a period of at least 14 consecutive days in order for the Public Health Officer to consider in-person instruction for grades 7 - 12. The State has provided guidance that allows local health officers to grant waivers for elementary schools to conduct in-person instruction, but Public Health will hold off on the consideration of these waivers until the data shows evidence that the transmission of COVID-19 is slowing. It is anticipated that waivers could be considered no sooner than mid-September.

Along with the Order, schools received a letter from the Sacramento County Health Officer and a document with answers to frequently asked questions for schools.

Sacramento County Public Health understands the difficulty this creates for students, teachers, staff, and families. However, these restrictions are in place to limit the spread of COVID-19 in Sacramento County to help keep our community healthy and safe.

Vaccinations Critical During COVID-19

Vaccines are always an important part of back-to-school time. Even with students in Sacramento County going back in August/September with



a distance learning model, Sacramento County Public Health urges parents to have their children stay up-to-date on vaccinations.

"Students will be at home during the first part of the school year, but it is critical parents still take them to get their yearly vaccinations," said Dr. Olivia Kasirye, Sacramento County Public Health Officer. "In order to enroll in school, even when it is going to be behind a screen, it is still required by law that (Contd. on page 6)

Codification of Hindu Law

Dr. Ambedkar's Speech in Parliament

Sir, it is a matter of great pity and also of great regret both for myself and I believe also for the members of the House that so important a measure as the codification of Hindu Law should have come for discussion before the House almost at the fag end of the session. We have, according to the arrangement announced by the Honourable speaker this morning, to conclude the debate on this motion by 7 O'clock from now, with an interval of half an hour. I think it my duty that within the limitations in which we are placed I should give more time to Members of the Legislature to express their views on the various points raised by this Bill and I should like to contribute my own mite to the fulfilment of this wish which I have expressed. The only way by which I could do it is to set an example by myself to make my opening speech as brief as I can possibly make. I regret it very much to have been required to come to that decision because this Bill is of such a vast character that if one were to expound it fully and thoroughly, and to explain its provisions as against the background of the existing Hindu Law, I have not the slightest doubt that such an effort would take not less than four or five hours. But that is impossible, and the House therefore, will forgive me if I confine myself to placing before it the most salient points which mark a departure from the existing law as we know it today.

Sir, this Bill, the aim of which is to codify the rules of Hindu Law which are scattered in innumerable decisions of the High Courts and of the Privy Council, which form a bewildering motley to the common man and give rise to constant litigation, seeks to codify the law relating to seven different matters. Firstly, it seeks to codify the law relating to the rights of property of a deceased Hindu who has died intestate without making a will, both female and male. Secondly, it prescribes a somewhat altered form of the order of succession among the different heirs to the property of a deceased dying intestate. The next topic it deals with is the law of maintenance, marriage, divorce, adoption, minority and guardianship. The House will see what is the ambit and the periphery of this Bill. To begin with the question of inheritance. Under this head the Bill enacts a new principle, at least for certain parts of British India. As many members who are lawyers in this House will know, so far as inheritance is concerned, the Hindus are governed by two different systems of law. One system is known as Mitakshara and the other is known as Dayabhag. The two systems have a fundamental difference. According to Mitakshara, the property of a Hindu is not his individual property. It is property which belongs to what is called a coparcenary, which consists of father, son, grandson and great grandson. All these people have a birth-right in that property and the property on the death of anyone

member of this coparcenary passes by what is called survivorship to the members who remain behind, and does not pass to the heirs of the deceased. The Hindu Code contained in this Bill adopts the Dayabhag rule, under which the property is held by the heir as his personal property with an absolute right to dispose it of either by gift or by will or any other manner that he chooses.

That is one fundamental change which this Bill seeks to make. In other words, it universalises the law of inheritance by extending the Dayabhag rule to the territory in which the rule of the Mitakshara now operates.

Coming to the question of the order of succession among the heirs, there is also fundamental difference of a general character between the rule of the Mitakshara and the rule of the Dayabhag. Under the Mitakshara rule the agnates of a deceased are preferred to his cognates; under the Dayabhag rule the basis of heirship is blood relationship to the deceased and not the relationship based on cognatic or agnatic relationship. That is one change that the Bill makes; in other words, here also it adopts the rule of the Dayabhag in preference to the rule of the Mitakshara.

In addition to this general change in the order of succession to a deceased Hindu, the Bill also seeks to make four changes. One change is that the widow, the daughter, the widow of a pre-deceased son, all are given the same rank as the son in the matter of inheritance. In addition to that, the daughter also is given a share in her father's property; her share is prescribed as half of that of the son. Here again, I should like to point out that the only new change which this Bill seeks to make, so far as the female heirs are concerned is confined to daughter; the other female heirs have already been recognised by the Hindu Women's Right to Property Act of 1937. Therefore, so far as that part of the Bill is concerned, there is really no change in the Bill at all; the Bill merely carries the provisions contained in the Act to which I have made reference.

The second change which the Bill makes so far as the female heirs

are concerned is that the number of female heirs recognised now is much larger than under either the Mitakshara or the Dayabhag. The third change made by the (Bill is this that under the old law, whether the Mitakshara or the Dayabhag, a discrimination was made among female heirs, as to whether a particular female was rich or poor in circumstances at the death of the testator, whether she was married or unmarried, or whether she was with issue or without issue. All these consideration which led to discrimination in the female heirs are now abolished by this Bill. A woman

who has a right to inherit gets it by reason of the fact that she is declared to be an heir irrespective of any other considerations.

The last change that is made relates to the rule of inheritance in the Dayabhag. Under the Dayabhag the father succeeds before in

preference to the mother; under the present Bill the position is altered so that the mother comes before the father.

So much for the order of succession of heirs to a deceased male Hindu. I now come to the provisions in the Bill which relates to intestate succession to females. As Members of the House who are familiar with Hindu Law will know, under the existing law the property held by a Hindu female falls into two categories; one is called her stridhan, and the other is called "woman's property". Taking first the question of stridhan, under the existing law stridhan falls into several categories; it is not one single category, and the order of succession to the stridhan of a female under the existing law varies according to the category of the stridhan; one category of stridhan has a different law of succession than another category and these rules are alike both as to Mitakshara as they are to the Dayabhag. So far as stridhan is concerned the present Bill makes two changes. The one change it makes is that it consolidates the different categories of stridhan into one single category of property and lays down a uniform rule of succession; there is no variety of heirs to the stridhan in accordance with the different categories of the stridhan—all stridhan is one and there is one rule of succession.

The second change which the Bill seeks to make with regard to the heirs is that the son also is now given a right to inherit the stridhan and he is given half the share which the daughter takes. Members will realise that in formulating this Bill and making changes in rules of succession, it is provided that while the daughter is getting half the share in the father's property, the son is also getting half the share in the mother's property so that in a certain sense the Bill seeks to maintain an equality of position between the son and the daughter.

Coming to the question of the "woman's estate", as members of the House will know under the Hindu Law where a woman inherits properly she gets only what is called a 'life estate' She can enjoy the income of the property, but she cannot deal with the corpus of the property except for legal necessity; the property must pass after the death of the woman to the reversioners of her husband. The Bill, here again, introduces two changes. It converts this limited estate into an absolute estate just as the male when he inherits gets an absolute estate in the property that he inherits and secondly, it abolishes the right of the reversioners to claim the property after the widow.

An important provision which is ancillary to the rights of women to inherit property contained in this Bill is a provision which relates to Dowry. All members of the House know what a scandalous affair this dowry is; how, for instance, girls who bring enormous lot of property from their parents either by way of dowry or stridhan or gift are treated, nonetheless, with utter contempt, tyranny and oppression. The Bill provides in my judgment one of the most salutary provisions, namely, that this property which is given as dowry to a girl on the occasion of her marriage shall be treated as a trust property, the use of which will inure to the woman and she is entitled to claim that property when she comes to the age of 18, so that neither her husband nor the relations of her husband will have any interest in that property; nor will they have any opportunity to waste that property and make her helpless for the rest of her life.

Coming to the provisions relating to maintenance, there is mostly nothing new in this part of the Bill. The Bill prescribes that the dependents of a deceased shall be entitled to claim maintenance from those who inherit his property either under the rules of intestate succession or who inherit the property under his will. There are 11 different kinds of dependants, enumerated in this Bill. I believe, at least speaking for myself, it is an unfortunate thing that even a concubine is included in the category of dependants, but there it is; it is a matter for consideration. The liability to maintenance is cast upon those who take the estate of the deceased. As I said, there is nothing very new in this part of the Bill.

There is another part of the Bill which is important and it relates
(Contd. on next page)



Codification of Hindu Law

(Continue from page 3)

to the rights of a wife to claim separate maintenance when she lives separate from her husband. Generally, under the provisions of the Hindu law, a wife is not entitled to claim maintenance from her husband if she does not live with him in his house. The Bill, however, recognises that there are undoubtedly circumstances where if the wife has lived away from the husband, it must be for causes beyond her control and it would be wrong not to recognise the causes and not to give her separate maintenance. Consequently the Bill provides that a wife shall be entitled to claim separate maintenance from her husband if he is (1) suffering from a loathsome disease, (2) if he keeps a concubine, (3) if he is guilty of cruelty, (4) if he has abandoned her for two years, (5) if he has converted to another religion and (6) any other cause justifying her living separately.

The next topic to which I wish to make a reference concerns the question of marriage. The Code recognises two forms of marriages. One is called "sacramental" marriage and the other is called "civil" marriage. As members will know, this is a departure from the existing law. The existing Hindu law recognises only what is called "sacramental" marriage, but it does not recognise what we call a "civil" marriage. When one considers the conditions for a valid sacramental marriage and a valid registered marriage, under the Code there is really very little difference between the two. There are five conditions for a sacramental marriage. Firstly, the bridegroom must be 18 years old, and the bride must be 14 years old. Secondly, neither party must have a spouse living at the time of marriage. Thirdly, parties must not be within prohibited degree of relationship. Fourthly, parties must not be sapindas of each other. Fifthly, neither must be an idiot or a lunatic. Except for the fact that similarity of sapindaship is not a bar to a registered marriage, so far as other conditions are concerned, there is no difference between the sacramental marriage and the civil marriage. The only other difference is that the registered marriage must be registered in accordance with the provisions in the Bill while a sacramental marriage may be registered if parties desire to do so. Comparing the rules of marriage contained in the Bill and the existing law, it may be noticed that there are three differences which the Bill makes. One is this, that while the existing law requires identity of caste and sub-caste for a valid sacramental marriage, the Bill dispenses with this condition. Marriage under the Bill will be valid irrespective of the caste or sub-caste of the parties entering into the marriage.

Pandit Thakur Das Bhargava (East Punjab : General) If the marriage is between persons belonging to different castes, will it be valid?

The Honourable Dr. B. R. Ambedkar : Let me proceed with my speech. If the Honourable Member puts the question while making his speech, I shall reply to it.

The second provision in this Bill is that identity of gotrapravara is

not a bar to a marriage while it is under the existing law. The third distinctive feature is this, that under the old law, polygamy was permissible. Under the new law it is monogomy which is prescribed. The sacramental marriage was a marriage which was indissoluble. There could be no divorce. The present Bill makes a new departure by introducing into the law provisions for the dissolution of marriage. Any party which marries under the new code has three remedies to get out of the contract of marriage. One is to have the marriage declared null and void; secondly, to have the marriage declared invalid; and thirdly, to have it dissolved. Now, the grounds for invalidation of marriage are two: One, if one party to the marriage had a spouse living at the time of marriage, then such a marriage will be null and void. Secondly, if the relationship of the parties fell within what is called the ambit of prohibited-degrees, the marriage could be declared null and void. The grounds for invalidation of the marriage are four. First, impotency. Second, parties being sapinda. Third, parties being either idiotic or lunatic. Fourth, guardian's consent obtained by force or fraud. In order not to keep the sword of dissolution hanging on the head, the Bill, in my judgment very wisely, has provided a limit to an action for invalidation. It provides that a suit for the invalidation of marriage must be filed within three years from the date of the marriage; otherwise the suit will be barred and the marriage will continue as though there was no ground for invalidity. The Bill also provides that even though the marriage may be invalidated and may be declared invalid by a court of Law, the invalidation of marriage will not affect the legitimacy of the children born and they would continue to be legitimate just the same.

Then coming to the question of divorce, there are seven grounds on which divorce could be obtained. (1) desertion, (2) conversion to another religion, (3) keeping a concubine or becoming a concubine, (4) incurably unsound mind, (5) virulent and incurable form of leprosy, (6) venereal diseases in communicable form and (7) cruelty.

Coming to the question of adoption, there again, most of the rules embodied in the Bill are in no way different from the rules obtaining under the present law. There are two new provisions in this part dealing with adoption. Firstly, under the Code, it will be necessary for the husband if he wants to make an adoption to obtain the consent of his wife and if there are more than one, at least the consent of one of them. Secondly, it also lays down that if the widow wants to adopt, she can only adopt if there are positive instructions left by the husband authorising her to adopt and in order to prevent litigation as to whether the husband has, as a matter of fact, left instructions to his wife, the code provides that the evidence of such instructions shall be either by registered deed or by a provision in the will. No oral evidence would be admissible, so that chances of litigation are considerably mitigated. The

Code also provides that the adoption may also be evidenced by registration. One of the most fruitful sources of litigation in this country is the question of adoption. All sorts of oral evidence is manufactured, concocted; witnesses are suborned; widows are fooled; they one day declare that they have made one adoption and subsequently they make an avowal that they have not adopted and in order that all this litigation may be put a stop to, the Code makes a salutary provision that there may be registration of adoption by a Hindu.

Then there is the question of minority and guardianship, the last subject which the Bill seeks to codify. There is nothing new in this part of the Code and, therefore, I do not propose to say anything so far as that part in the Bill is concerned.

As members will realize, the points which arise out of this Bill for consideration and which are new are these: First, the abolition of birthright and to take property by survivorship. The second point that arises for consideration is the giving of half-share to the daughter. Thirdly, the conversion of the women's limited estate into an absolute estate. Fourthly, the abolition of caste in the matter of marriage and adoption. Fifthly, the principle of monogamy and sixthly the principle of divorce. I have sought to enumerate these points separately and categorically because I felt that in view of the limited time we have at our disposal, it would be of help to the Members of this House if I could point out what are the points of debate on which attention may be concentrated. These departures which are made in this Bill undoubtedly requires justification, but I think it would be a waste of time if at this stage undertook any defence of the departures enacted by this Bill. I propose to hear Honourable Members as to what they have to say on the points which I have enumerated and if I find that it is necessary for me to enter upon a justification, I propose to do so in the course of my reply. Sir, I move. (Page.4-12)

The Honourable Dr. B. R. Ambedkar :

Mr. Speaker, my task is considerably lightened by the fact that the Bill has received such an ample measure of support from this House. I shall, therefore, confine myself to replying to some of the points which have been made by the speakers who have participated in this debate. I would begin with the observations made by my honourable friend, Mr. Naziruddin Ahmad. Sir, I thought that the Legislature was not a court and that a Member of this House who is a lawyer certainly does not come here either to practise or to plead. But somehow my friend either for fee or out of pure generosity, undertook the task of representing the views of some of his clients who probably had not the courage to say what they had in their mind. I shall, however, not raise any technical objections but deal with the points that he has made. Sir, his complaint was that the Bill had no sufficient publicity and that the public was not given as ample an opportunity as the importance of the measure required. I should have thought that the

clients of my honourable friend had rather misinformed him on this point. This Bill had its origin in a legislation which took effect in the year 1937. Ever since that year the provisions of this Bill have been bandied from one side to the other, from committee to committee. For instance in the year 1941, the Home Department appointed a Committee to consider some of the difficulties that arose out of the Women's Rights to Property Act of 1937, to report upon the difficulties and to suggest remedies. This Committee which is known as the Rau Committee made its report on the 19th June 1941. My Honourable friend, if he had referred to this report would have seen the immense amount of publicity that Committee gave to its proposals, the number of questionnaires that it issued, the statements that it received, the witnesses that it examined and the peregrinations it undertook from province to province in order to ascertain local public opinion. Again in 1942 this very Committee submitted two draft Bills, one on succession and the other on marriage. The Hindu Succession Bill was introduced in the Assembly in 1943. That was referred to a joint Committee of both Houses. That joint committee again invited public opinion and a volume of them were collected and circulated to the then legislature in existence. Having regard to all these, I am sure that the statement made by my honourable friend that the Government had not given sufficient publicity cannot be accepted as truth. He also referred to the report, the Minority Report of Justice Mitter, where also he has analysed the pros and cons of the various points contained in this Bill. Sir, I do not like to say anything derogatory of a member of a Committee, who has done such useful work, but I cannot help saying that this member really ran away from his own opinion. If my honourable friend, Mr. Naziruddin Ahmad were to read the report of the majority he will find that all the propositions contained in that Bill which give rights to women were really based upon a publication of this member of the Committee in the year 1930. In that book he had propounded the view that the case law which had limited the rights of the women had no foundation. Ultimately for reasons best known to him he did no submit that there is no point in this argument.

My honourable friend also referred to the fact that this Bill is after all confined to property other than agricultural land. The conclusion he drew from that fact was that this codification was only a partial codification, because a large part of the property which is the subject matter of inheritance is felt untouched by the provisions of this Bill. Sir, there are two explanations for the non-inclusion of agricultural property. My honourable friend, if he refers to the Schedules to the Government of India Act, where the subject matter of legislation for Centre and the Provinces have been set out will find that land is put in the "Provincial List". As a result of the judicial interpretation given by

(Contd. on page 5)

Vimal Chandra

Ex-Deputy Commissioner
for Scheduled Castes & Scheduled Tribes,
Ministry of Home Affairs
Ex-Director of Parliamentary Forum for
Scheduled Castes & Scheduled Tribes

1.1 The Scheduled Castes were specified for the first time in 1936, by His Majesty in Council, vide the Government of India (Scheduled Castes) Order, 1936, in accordance with the provisions made in the Government of India Act, 1935. The Castes as scheduled at that time generally corresponded to the classes of persons formerly known as the "Depressed Classes", and were specified for the then provinces of Assam, Bengal, Bihar, Bombay, Central Provinces and Berar, Madras, Orissa, Punjab and United Provinces.

1.2 Hutton was the first Census Commissioner of India who had

Definition of Scheduled Castes

systematically categorised the then "Depressed Classes" in the Census Report of 1931. This report lays down the following as possible tests for the purpose of defining the "Depressed Classes"-

(i) Whether persons belonging to the caste or class in question are served by clean Brahmins.

(ii) Whether they are served by barbers, water-carriers etc, who serve the caste Hindus.

(iii) Whether they pollute a high caste Hindu by touch or proximity.

(iv) Whether caste Hindus can take water from their hands.

(v) Whether they are debarred from using public facilities, such as

roads, ferries, wells, schools etc.

(vi) Whether they are debarred from entering Hindu temples.

(vii) Whether in social functions, educated members of these castes are treated as equal by high caste persons of the same educational qualifications.

(viii) Whether they are depressed due to their own ignorance, illiteracy or poverty and but for that would not be subject to any social disability.

(ix) Whether they are depressed due to the occupation followed and but for that they would not be subject to any social disability.

1.3 The Scheduled Tribes have been specified for the first time after independence only, after coming

into force of the Constitution. In the Government of India Act 1935, a reference has, however, been made to the 'Backward Tribes' in connection with the formation of the then provincial legislative assemblies and specified vide Thirteenth Schedule to the Government of India (Provincial Legislative Assemblies) Order, 1936, for the then Provinces of Assam, Bihar, Bombay, Central Provinces and Berar, Madras and Orissa.

(Courtesy: Lists of Scheduled Castes & Scheduled Tribes with clarifications. This article's original headline is 'Before Independence')

Courtesy: Souvenir Babu Mangu Ram Muggowalia 99th Birth Anniversary Published by Mr. C. L. Chumber

Codification of Hindu Law

(Continue from page 4)

the Federal Court it was held that the word "land" or item "land" which is included in the "Provincial List" not merely covered tenancy land but also covered succession to land and consequently any provision with regard to the succession to land made by the Central Legislature would be ultra vires. In order that this may not happen, the Committee very deliberately exempted agricultural land from the provisions of this Bill. But what I would like to say is something different. I should have thought that the omission of land from this Bill far from being a flaw or a fault in the Bill was probably an advantage because I believe there is no necessity that a uniform law of inheritance should apply to all sorts of property. Property varies in its nature, varies in its importance in the social life of the community and consequently it may be a matter of no mean advantage for society to have one set of law of inheritance for agricultural property and another set of law for non-agricultural property. It may be that on a better consideration of the situation, Indian or Hindu society may come to the conclusion that land which is the foundation of its economic life had better be governed by the law of primogeniture so that neither the junior sons nor females may take part in the inheritance. As I said, the question having been left open it is to the advantage of the society that it may consider the matter de novo and afresh. I do not, therefore, regard that the comment made by my honourable friend on the part of this Bill is really a matter to be apologised for.

Coming to my friend, Mr. Chaudhuri, he considers, this piece of legislation as a communal legislation. I agree that in as much as it refers to Hindu society, which is one of the many communities inhabiting this country, it might well in a logical sense be called a communal piece of legislation. But what is the alternative? If my honourable friend's alternative was that there ought not to be communal

laws of inheritance and communal laws of marriage but there ought to be a common civil code, applying to all sections all communities, all persons: in fact applying to citizens without discrimination as to religion, creed or caste, I am certainly one with him. Certainly, that is not his conclusion. His conclusion is, if I understand him, that this legislation by reason of the fact that the other day a view was expressed that the future society here stated would be secular had no right to legislate for a secular community: that would be a most disastrous conclusion. This country is inhabited by very many communities. Each one has its special laws and merely because the State desired to assume a secular character it should withdraw itself from regulating the lives of the various communities, undoubtedly would result in nothing but chaos and anarchy. I certainly myself am not prepared to subscribe to that sort of a proposition. His second comment was that the Bill had not taken into consideration the customary law. He cited some ruling of the Privy Council. I should have thought that at this hour of the day it was unnecessary to cite the authority of the Privy Council because it has been well established by a long course of decisions, that so far as the Hindus are concerned custom would override the text of the "Smriti". We all know this. But what are we doing? What are we doing is this. We are shutting down the growth of new customs. We are not destroying existing customs. The existing customs we are recognising because the rules of law which are prevalent in Hindu society are the result of customs. They are born out of custom and we feel that they have now grown so sturdy that we can indeed give them flesh and life in the body politic by our legislation.

He also said that we had not taken into consideration the question of the tribal people, whose life is undoubtedly governed in a large measure by customary law. If my friend had read the definition in this code as to who is a Hindu and who is not and to

whom this Code applied, he would have seen that there is a clause which merely said that persons who are not Muslims, Parsis or Christians shall be presumed to be Hindus: not that they are Hindus. The result is that if a tribal individual chooses to say that he is not a Hindu it would be perfectly open to him under this Code to give evidence in support of his contention that he is not a Hindu and if that conclusion is accepted by the Court he certainly would not be obliged by anything contained in this Bill.

Shri Rohini Kumar Chaudhuri: My point is that he did not like to be called a Hindu and still wanted to retain all the customs of the Hindu!

The Honourable Dr. B. R. Ambedkar: The position taken is this: that once a person chooses to call himself a Hindu, he must accept the generality of law which is prescribed for the Hindu. We do not want this anarchy. A Hindu is a Hindu for all purposes. If a tribal person does not want to be a Hindu the way is open to him to prove that he is not and the Bill will not apply to him.

Then my friend, Dr. Sitaramayya asked me to tell him whether the rule of law contained in this Bill, whereby the women will acquire absolute estate in the property which they inherit, will apply to widows who have already taken the estate before the passing of the Act. I am afraid I must say that the Bill has no retrospective effect.

Nor would it be possible to give retrospective effect to the principles of the absolute property of women for the simple reason that long before this Bill will come into existence, vested rights would have been created in that estate and it would not be right and proper to divest them however much our sympathy may be with the widow. Mrs. Hansa Mehta raised several questions indicating that the women and particularly herself were not satisfied with some of the provisions contained in the Bill relating to the rights of women. It may be that in an ideal sense the Bill does

not come up to expectations. But I would like to tell her that she must remember that this society is an inert society. The Hindu Society has always believed that law-making is the function either of God or the "Smriti" and that Hindu Society has no right to change the law. That being so, the law in Hindu Society has remained what it was for generations to come. Society has never accepted its own power and its own responsibility in moulding its social, economic and legal life. It is for the first time that we are persuading Hindu Society to take this big step and I have not the slightest doubt in my mind that a society which has bucked up courage enough to tolerate the large step that we are asking it to take by reason of this Bill, will not hesitate to march on the path that remains to be trodden and reach the goal that she has in mind.

Sir, much has been made of the fact that there is a great deal of public opinion which is opposed to this Bill. I have certainly not weighed the opinions that we have received but I do like to say this, that this is hardly a question which we can decide by counting heads. This is not a question which we can decide in accordance with the opinion of the majority. When society is in a transitory stage, leaving the past, going to the future, there are bound to be opposing considerations: one pulling towards the past and one pulling towards the future and the test that we can apply is no other than the test of one's conscience. I have not the slightest doubt in my mind that the provisions of this Bill are in perfect consonance with the conscience of the community, and I have therefore, no hesitation in putting forth this measure although it may be as a matter of fact that a large majority of our countrymen do not accept it.

(Page. 37-42)

The above select passages are from Section I: Hindu Code Bill Referred To Select Committee, 17th November 1947 to 9th April 1948, of Vol.14 Part 1 of Dr. Babasaheb Ambedkar Writings and Speeches]

NCRB data: Higher share of Dalits, tribals, Muslims in prison than numbers outside

The data, for the year 2019, also shows that among the marginalised groups, Muslims are the one community with more undertrials than convicts.

The latest data on prisons released by the National Crime Records Bureau (NCRB) show that Dalits, tribals and Muslims continue to be jailed in numbers disproportionate to their share in the population, unlike OBCs and those belonging to the general category or upper castes.

The data, for the year 2019, also show that among the marginalised groups, Muslims are the one community which has more undertrials than convicts.

At the end of 2019, Dalits made up 21.7% of all convicts in jails across the country. The share of Scheduled Castes among undertrials languishing in jails stood at 21%. The 2011 Census put their share in the population at 16.6%.

In the case of tribals, the gap was equally big. While the Scheduled Tribes made up 13.6% of the convict population, and 10.5% of all undertrials in jails, the Census put their numbers at 8.6% of the population.

With a population share of 14.2%, Muslims formed 16.6% of all convicts, but 18.7% of all undertrials. This convict to undertrial ratio was reversed in case of both the Dalits and tribals.

"The data show that our criminal justice system is not only tardy but also loaded against the

STATUS REPORT			
	CON	UT	POP
SC	21.7	21	16.6
ST	13.6	10.5	8.6
OBC	35	34	41
Muslim	16.6	18.7	14.2
Rest*	13	16	19.6

Con = Convicts, UT = Undertrial, POP = Population
 *Rest includes General Category
 All figures in percentage share
 OBC numbers as per NSSO data
 Other numbers, Census 2011

poor. Those who can hire good lawyers get bail easily and also have a fair shot at justice. The poor also tend to get sucked into petty crimes for lack of economic opportunities," former chief of Bureau of Police Research and Development N R Wasan said.

The numbers are stark when compared to the share of OBCs and non-marginalised population in the various categories. While forming 41% of the population as per the

National Sample Survey Organisation 2006 data, they represented 35% and 34% of the convicts and undertrials respectively.

The others broadly include upper caste Hindus and non-marginalised sections from other religions. Estimated to form 19.6% of the population, they formed 13% of the convicts and 16% of the undertrials.

Compared to the NCRB data from 2015, the Muslim proportion

among undertrials fell in 2019, while rising slightly among convicts. In 2015, Muslims formed 20.9% of all undertrials in jails, and 15.8% of all convicts — compared to 18.7% and 16.6% in 2019.

For SCs and STs, the situation has not changed much over the past five years. Dalits formed around 21% of the convicts and undertrials in jails as per the 2015 NCRB data — almost the same as 2019. The tribal numbers have remained almost constant among convicts (13.7% in 2015, 13.6% last year), while falling among undertrials (12.4% in 2015 to 10.5% in 2019).

State-wise, the maximum number of Dalit undertrials in jails were in Uttar Pradesh (17,995), followed by Bihar (6,843) and Punjab (6,831). Most ST undertrials were in Madhya Pradesh (5,894), followed by UP (3,954) and Chhattisgarh (3,471). The maximum Muslim undertrials were in UP (21,139), followed by Bihar (4,758) and Madhya Pradesh (2,947).

A similar analysis for convicts showed the largest Dalit numbers (6,143) in UP, followed by MP (5,017) and Punjab (2,786). Most tribal convicts were in MP (5,303), Chhattisgarh (2,906) and Jharkhand (1,985). At 6,098, the largest number of Muslim convicts were in UP, followed by West Bengal (2,369) and Maharashtra (2,114).

Source Courtesy: The Indian Express
 Deeptiman Tiwary, New Delhi
 August 31, 2020

(Continue from page 2)

you meet the immunization requirements for the schools."

According to the Centers for Disease Control and Prevention, immunization rates have plunged since March when states began adopting stay-at-home orders to slow the spread of COVID-19.

"COVID-19 has disrupted so much of our lives, but we must still make preventative health care services priority. Not getting your children vaccinated will make them more vulnerable to diseases like whooping cough, the flu and measles. Staying-up-to date on vaccinations should be a priority in order to reduce overcrowding in hospitals that are already busy taking care of patients with COVID-19," said Kasiryee.

By following the Centers for Disease Control and Prevention (CDC) recommended immunization schedule for your children, you help protect them from preventable disease outbreaks.

Vaccines for Young Children (Newborns through 6 years old):

During the early years of life, your children need vaccines to help protect them from diseases that can

be very serious, even deadly. Learn about the 14 diseases we've almost forgotten about — thanks to vaccines! You can find out what vaccines your children need by reviewing CDC's recommended Childhood Immunization Schedule.

Vaccines for Preteens and Teens (7 years old through 18 years old):

Three vaccines are recommended specifically for preteens:

HPV vaccine protects against HPV infections that can cause cancer later in life.

Tdap is a booster shot to help protect preteens from whooping cough, tetanus, and diphtheria.

Meningococcal conjugate vaccine protects against meningitis, and bloodstream infections (bacteremia or septicemia). These illnesses can be very serious, even fatal.

If your teen hasn't received one or more of these vaccines, make an appointment for them to get caught up today.

The Sacramento County Immunization Assistance Program is available to provide information about immunizations for school and provide assistance in obtaining immunization services for children and adults in Sacramento County. The program

also provides referrals for clients to immunization resources, consultation services, and conduct flu vaccine clinics each fall, as well as providing State-supplied vaccines during vaccine-preventable disease outbreaks.

The CDC also has online resources and tools to help you make sure your kids are up to date on recommended vaccines and protected from serious diseases. If you don't have health insurance or your insurance policy doesn't cover all recommended childhood vaccines, your child may be eligible for vaccines through the Vaccines for Children program.

The school immunization law affects all students in public and private schools. Transfer students from

out-of-state entering any grade level (K-12) in California may need additional immunizations to meet California requirements. Though valid medical exemptions are allowed with the enactment of Senate Bill 277, personal-belief and religious-belief exemptions are no longer permitted. Parents should call their child's school for more information about the law.

To celebrate the importance of immunizations for people of all ages and to make sure children are protected as they grow up, Public Health will be recognizing the month of August as National Immunization Awareness Month.

The Sacramento County Immunization Assistance program is in the process of confirming flu clinic sites for fall 2020. Precautions will be taken at every site to prevent the transmission of COVID-19. Please check back to our website for the final list of locations, dates, and times.

Learn more about the Sacramento County Immunization Assistance Program and vaccinations, by calling 916-875-7468, Monday - Friday, 8 a.m. to 5 p.m.

Sue Frost

RAU COMMITTEE REPORT

The Hindu Law Committee, set up to evolve a uniform code of Hindu Law, has recently submitted its report to the Government of India. The Committee consisting of Sir. B.N.Rau (Chairman), Dr. Dwarkanath Mitter, Principal J.R. Gharpure and Mr. T.R. Venkatarama Sastri (Members) and Mr. K.V. Rajagopalan (Secretary) began its labours in January 1944. The reforms suggested by the Committee are very important and deserve careful examination. The Committee could not be unanimous in its opinions and Dr. Dwarkanath Mitter has recorded a dissenting minute opposing the codification of Hindu Law and the changes proposed in the draft code on the main ground that there is no demand for them. In answer to this objection of Dr. Mitter, the majority report says: "The eyes of the world are upon her now and it would be more than a misfortune if, at this juncture she were to fail to enact within her own borders a Hindu code in which there was equality before the law and in which disabilities based on caste or sex were no longer recognised". The report adds: "Road accidents in a city may be few, but humanity requires that provision should be made for them when they do occur. And so the real question to be considered is not how many or how few demand the changes proposed, but whether the proposals themselves are on the right lines and worthy of acceptance".

An important recommendation of the Committee is that the right by birth and the principle of survivorship should be abolished and that the Dayabagha Law should be substituted for the Mitakshra throughout the country. In making this particular recommendation the Committee has been moved by the paramount need for taking a definite step towards

evolving a single law for all Hindus in India. This and other recommendations relating to succession of property must be read subject to the important qualification that they do not apply to agricultural land.

In regard to intestate succession to the father's property, the Committee has expressed the opinion that the half share provided for the daughter (whether married or unmarried) in the Bill prepared by the Hindu Law Committee of 1941, is the best solution for the present. The daughter, however, is to get double the share of the son in the mother's property as a make-weight for the half-share in the father's property.

The Hindu woman's present limited estate is to be converted into an absolute estate. The Committee does not believe that Hindu women, any more than others, are incapable of managing property and that they are likely to be duped by designing male relatives. The reasons given in the statement of objects and reasons annexed to the Intestate Succession Bill prepared by the Hindu Law Committee of 1941, in favour of enlarging the estate to an absolute estate are in the opinion of the Committee strong and sufficient.

The Committee suggests monogamy to be introduced as a rule of law. This is suggested for the purpose of preventing the husband from deserting the wife at will and contracting a second marriage. To check the increasing tendency towards desertion and remarriage and to put men and women on an equal footing as regards the marriage tie, the Committee recommends that the time has now come to prohibit polygamy among Hindus by law. The Committee points out that Bombay has already legislated for this purpose.

According to the Committee,

divorce is to be permitted under certain conditions, such as where either party to a marriage has, without a just cause, deserted the other for a period of not less than five years; or is of unsound mind and has been continuously under care and treatment for a period of not less than five years; or has been guilty of such cruelty to the other as to render life unsafe. The Committee observes: "We are confident that provisions we have suggested will only give relief in hard cases and cannot be abused. They steer a middle course. They do not make divorce too easy. Nor do they make divorce impossible". The Committee emphasises that "the provisions are purely enabling ones and that there is absolutely nothing to compel a woman to sue for divorce if she does not want to do so".

The Committee after quoting ancient texts points out that among various Hindu communities divorce does prevail even now as a custom. The higher caste Hindus, who have not the custom of divorce among them, can secure divorce by a temporary profession of Christianity or Islam by one of the parties. Divorce was allowed to certain Hindus of Malabar by Madras Act XXI of 1933: either party to a Malabar or Marumakattayam marriage may get rid of the tie by simply filing before a Court an application for the dissolution of the marriage. But, witnesses belonging to the communities governed by that Act, of unimpeachable credit and authority, pointed out to the Committee that the number of cases in which this provision for divorce was utilised was negligible.

A number of other changes have been proposed by the Committee. The provisions regarding civil marriages have been included in the draft code. The restrictions relating to

inter-caste, s a g o t r a a n d s a p r a v a r a marriages are to be removed. Caste restrictions regarding adoption are to be abolished.

The Bombay ruling, giving authority to a Hindu widow to adopt a son to her husband, where he has not prohibited an adoption by her, is to be extended throughout British India.

In conclusion, the majority report says: "We are convinced that the proposal to codify Hindu Law is a sound one and that as in Baroda, it will prove a boon to Hindu society. The original sources of Hindu Law lie scattered about in a multitude of works. A code which sets out in simple language the provisions of the Hindu Law and which will be accessible to all literate persons in the country, through the medium of translations will be an inestimable blessing. Moreover, we cannot afford to ignore either world opinion or India's own recent declaration of certain fundamental rights.

It seems to us that a considerable body of thoughtful opinion favours the codification of the Hindu Law and the new changes which we have incorporated in it. The code is favoured by the vast majority of the younger generation and this is the circumstance from which we have derived the utmost encouragement. For, it is the young who will be governed by the code".

Source Courtesy:

The Modern Review, Volume 81, 1947



NEERAJ PAUL
+ 91-99683-69972
Email: neerajpaul@hotmail.com

Ajaib Singh Dhaliwal Honored by Hon. Steve Ly Mayor of city Elk Grove

"The best way to find yourself is to lose yourself in the service of others" - Mahatma Gandhi

Undersigned would like to formally



and sincerely express my gratitude for the amazing & outstanding work by Mr. Dhaliwal/ Members American

seniors group of west Sacramento, CA.

He is responsible helping all members to install Zoom.us in their phone and to activate. He spends un-



limited time to teach how to use. He showed lot of patience with the members. With his endless efforts, our zoom team is working very

smooth. We meet twice a week Tuesdays and Thursdays.



Upto 500 people can join our meeting.

Every time if any member is struck and look towards help form

Mr. Dhaliwal.

His actions directly impacted the performance of the group.

I want you to know that I value the amount of effort you have put into your work. You are significantly appreciated as a part of this team. Letter of appreciation from Mayor Steve Iye is the call of the day and you deserve it. Best of luck

Once again, thank you for your hard work. I look forward to seeing your future community projects. Stay healthy and safe.

Sukhchain Singh
Chair

American Seniors citizens group
Sacramento CA

Entity: ID Corp 4172538

Phone 916 802 5776

Fax 916 897 8748

E mail :chainsukh@aol.com

Statement on Scheduled Caste status to Dalit Christians in India

The Indian caste system is probably the longest surviving system of dehumanisation in the world. The segmentation among the various castes is so rigid that no one can change from one caste to another caste. It is expected that a person born in a particular caste remains permanently confined to it until death. In addition to this segmentation, the caste system defines the nature of the occupation to be allotted to each caste. The Dalits in India have been at the bottom of this totem pole for centuries in all spheres of their lives — social, economic, and political. Owing to the entrenched and socially sanctioned nature of the caste hierarchy and its prior validation through religion, those unfortunate enough to be born in the lower castes do not even have the option of qualifying for national minority status under Indian law. This is despite the fact that they are by and large not allowed in many places to join in rituals along with the upper castes even today in India as their presence is considered polluting.

When India became a Republic in 1950, a commitment was made to secure justice, equality, liberty, and dignity for all Indian citizens. However, the Dalit Christians have been discriminated and marginalised as the special protection of the Scheduled Castes (SCs) was given only to the Scheduled Castes within the Hindu religion. The affirmative benefits and the fundamental rights constitutionally guaranteed for the Scheduled Castes in India have been denied to the Dalit communities that converted to Christian-

ity and Islam. This privilege of special protection was extended in 1956 to the Dalits converted to the Sikh religion and in 1990 to those who converted to Buddhism. Dalit Christians and Dalit Muslims continue to be kept outside of this constitutionally guaranteed programme of affirmative action.

Dalit Christians have a unique history of faith experiences because of their caste identity. They embraced Christianity as a faith affirmation against caste-based slavery and these experiences vary according to regional contexts. It is not only common knowledge but also borne out of numerous extensive research studies that the Dalits are unfortunately still identified first by their caste by a large section of the Indian society. As the National Council of Churches in India (NCCI) recently observed, all other identities of the Dalits, arising from their religious, regional, linguistic, and other affiliations are secondary identities that do nothing to displace the severity of the caste-based discrimination and violence that they suffer. It appears that reservation laws in India are designed not to assure equal status to its minorities but to penalise national minorities that do not accept political assimilation at the bottom. Christians, Muslims, non-Hindu Dalits, etc., are not entitled to the affirmative action quota and education opportunities especially for professional courses or for government jobs.

As a result of decades of struggle and advocacy initiatives at various levels by the Dalit Christians, a Writ Petition (180/2004) was fi-

nally filed in the Supreme Court of India by the Centre for Public Interest Litigation challenging the Presidential (Scheduled Castes) Order, 1950. The Writ Petition is also looking for justice from the apex court to allow and extend the Scheduled Caste status to Christians of Scheduled Caste origin for availing special privilege in education, getting scholarships, employment opportunities, welfare measures, affirmative actions, right to contest in the reserved constituencies from local administrative bodies, the panchayats, as well as State Legislative Assemblies all the way up to the national parliament. It is also expected for availing the legal remedy/protection under Scheduled Castes and Scheduled Tribes (Prevention) of Atrocities Act, 1989, which was amended in the year 2018.

The Supreme Court of India agreed on 7 January 2020 to examine the plea that Dalit Christians or Christians of Scheduled Castes origin should enjoy the same quota benefits reserved for Scheduled Castes. This is an encouragement for all those who have been advocating the rights and dignity of Dalit Christians. It is also a positive sign of hope that the Chief Justice of India has issued notice to the central government that reservation for government jobs and admissions in educational institutions should be made 'religion-neutral'. These measures will be necessary for helping the Dalit Christians overcome centuries of discrimination and oppression they have been facing. The Constitution of India through its Ar-

ticles 25 to 28 guarantees freedom of religion for all Indian citizens. However, freedom of religion has been denied to millions of Dalit Christians and Dalit Muslims who

continue to suffer social stigma and the horrors of untouchability.

As the Dalit Christians in India have been continuing their struggle for justice over the past 70 years, the Christian Conference of Asia (CCA) supports their ongoing advocacy efforts to repeal the Presidential Order 1950, paragraph 3, and include the Dalit Christians and Dalit Muslims in the Scheduled Caste list.

The CCA joins with NCC India and all CCA member churches in India to share their hope, "The Supreme Court of India will act on a monumental opportunity now to render justice to millions of Dalit Christians and Dalit Muslims who continue to suffer from social stigma and the horrors of untouchability."

CCA affirms that Scheduled Caste status to Dalit Christians in India is the need of the hour.

Source Courtesy:

Mathews George Chunakara, Gen. Sec.
CCA Christian Conference of Asia



NEERAJ PAUL
+91-99683-69972
Email: neerajpaul@hotmail.com

'Scheduled Caste status to Dalit Christians is a need of the hour', affirms the Christian Conference of Asia

As the Dalit Christians in India have been continuing their struggle for justice over the last 70 years, the Christian Conference of Asia (CCA) extends support to their ongoing advocacy efforts and expresses solidarity to all those who are engaged in the struggle to earn the Scheduled Caste status for Dalit Christians.

While endorsing the advocacy initiatives of the National Council of Churches in India (NCCI) and other members of the wider coalition against the discrimination of Dalit Christians, the CCA General Secretary Dr Mathews George Chunakara stated that the CCA joins with the NCC India and all CCA member churches in India to share their hope that the Indian judiciary will act justly as the opportunity has now come to render justice to millions of Dalit Christians and Dalit Muslims who are deprived of their basic human rights and continue to suffer from social stigma and the horrors of untouchability.

The CCA General Secretary

has added that it is encouraging to see the positive response of the Supreme Court of India on 7 January 2020, to examine the plea that Dalit Christians or Christians of

has issued notice to the central government that reservation for government jobs and admissions in educational institutions should be made 'religion-neutral'. These meas-

officially abolished in India, it still continues in social practice and is pervasive across wide swathes of the country. The socioeconomic, political, religious, and cultural oppression that the Dalit populations continue to suffer due to the deeply entrenched nature of the discriminatory practices against them is also allowed to persist, not least owing to the extremely poor implementation of the relevant laws by the ruling elites over the past seven decades in India across the political spectrum.

The Constitution of India, through its Articles 25 to 28, guarantees freedom of religion for all Indian citizens. However, freedom of religion has been denied to millions of Dalit Christians and Dalit Muslims.

The NCC India observed 10 August 2020 as Dalit Rights Day to remind the world about the injustice of 70 years of discrimination against Dalit Christians and Dalit Muslims on the grounds of religion.

Source Courtesy:

Christian Conference of Asia |
13 August 2020

70 Years of Discrimination based on Religion

We Demand

REPEAL THE INFAMOUS PRESIDENTIAL ORDER 1950 (AUGUST 10th) PARAGRAPH 3

INCLUDE DALIT CHRISTIANS AND DALIT MUSLIMS IN THE SCHEDULED CASTE LIST

National Council of Churches in India

Scheduled Castes origin should enjoy the same quota benefits reserved for other Hindu Scheduled Castes.

"It is also a positive sign of hope that the Chief Justice of India

ures will be necessary for helping the Dalit Christians overcome centuries of discrimination and oppression they have been facing," added Dr Mathews George Chunakara. Although untouchability has been

Why SC status for Dalit Christians, Muslims should not be linked to religion

They are denied the Scheduled Caste status because of what is written in the Constitution, and the problem should be addressed with consideration for human rights and based on reality

Franklin Caesar Thomas

Irrespective of their religious affiliations, the poorest among Christians and Muslims with Scheduled Caste origin (converted Christians and Muslims) continue to be confined to descent-based menial jobs — manual scavenging, washing, cremating/burying bodies, drumming, cobbling on road sides, working as agricultural slaves and so on.

They are denied the Scheduled Caste status because of what is written in the Constitution, and the problem should be addressed with consideration for human rights and based on reality.

Paragraph 3 of the Constitution (Scheduled Castes) Order, 1950, states, "Notwithstanding anything contained in paragraph 2, no person who professes a religion different from the Hindu, the Sikh or the Buddhist religion shall be deemed to be a member of a Scheduled Caste."

This acts as a stumbling block in extending the Scheduled Caste privileges to them, even though their castes are listed in the Schedule of the Order. While it is widely argued that religion-based reservation should not be allowed, the above paragraph makes religion the main criteria for according the Scheduled Caste status.

Now, let us consider some myths and lay out the reality.

(1) Christianity and Islam do not recognise the caste system. For all practical purposes, untouchability exists among Indian Christians. Just as the upper caste Hindus, the dominant, elite Christians and Muslims (upper caste) also treat members of their religion with Scheduled Caste Origin as untouchables because of the menial jobs they do, the stigma of untouchability that gets attached to them through birth, and the casteist mindset of some sections.

No upper, dominant caste Christian, Muslim or Hindu will treat Dalit Christians and Dalit Muslims as touchable and equal.

As per the SC/ST (Prevention of Atrocities) Act 1989, anyone/anything promoting untouchability should be prosecuted. Here again, the Hindu religion should not be treated as the only

source instigating/recognising untouchability. It is wrongly interpreted

that only Hinduism gives licence to practise untouchability and that the other religions do not as they link it to Hindu ideologies and dogmas about castes.

In effect, it means if a well-educated, socially, economically and culturally forward Dalit Christian reconverts to Hinduism, Sikhism or Buddhism, he will forthwith become socially, educationally, economically and culturally backward. Also, if he again converts to Christianity, he will become socially, educationally, culturally and economically forward. This is contrary to Articles 14, 15, 16 and 25 of the Constitution.

Following this circular, about 5 million Dalit Christians (from 1950 till the present day) have been forced to reconvert officially to Hinduism, Sikhism and Buddhism for availing Scheduled Caste benefits. The home ministry order and the interpretation of the anti-conversion laws of various state governments engender forced conversion for material benefits. This is nothing but religious allurements. The state is indirectly indulging in forcible conversion in a diplomatic way (by making people stick to Hinduism, Sikhism and Buddhism). This goes against the religious freedom offered by the Indian Constitution.

When Dalit Christians seek privileges, it is said the 15% quota would be insufficient. It is, however, argued that the reservation would be sufficient if all Dalit Christians convert to Hinduism, Sikhism and Buddhism; some even say the quota can be increased in such an event.

(3) Christians and Muslims of Scheduled Castes Origin want to benefit from both Scheduled Caste and religious minority rights. Buddhist and Sikhs of Scheduled Caste Origin can exercise rights as both religious minorities and Scheduled Castes. Many enjoy multiple other benefits simultaneously along with caste privileges — ex-servicemen, physically handicapped, linguistic minorities, women (gender-based reservation). In the same way, Dalit Christians and Dalit Muslims can also avail of Scheduled Caste privileges along with religious minority rights.

(4) Sikhism and Buddhism do not recognise caste system, but Sikhs and Buddhists of Scheduled Caste Origin were given the Sched-

uled Caste status since the two religions are offshoots of Hinduism as per Article 25 (1) of the Indian Constitution. If Sikhism and Buddhism are the offshoots of Hinduism, then Sikhs and Buddhists of Scheduled Caste Origin could have been granted SC privileges in 1950 itself. There would have been no need to make separate amendments in the Constitution (Scheduled Castes) Order, 1950, Paragraph 3, in 1956 (for Sikh Dalits) and 1990 (for Buddhist Dalits).

As per Article 25 (1) that protects personal laws in matters such as marriages, etc, Sikhism and Buddhism are treated as offshoots of Hinduism; but as per the National Commission for Minorities Act, 1992 (Act approved by Parliament), Sikhism and Buddhism are separate religions.

Like Sikhs and Buddhists of Scheduled Caste Origin, Christians and Muslims of Scheduled Caste Origin should also be given the Scheduled Caste status through an amendment to the 1950 Order or by deleting, through amendment in Parliament or through judicial intervention, Paragraph 3 of the Order that denies Christian and Muslim Dalits the SC status.

(5) The extension of Scheduled Caste status to Christians and Muslims of Scheduled Caste Origin will lead to sudden mass conversion from Hinduism, Sikhism and Buddhism to Christianity and Islam. Absolutely not. When Sikhs and Buddhists of Scheduled Caste Origin were given the Scheduled Caste status in 1956 and 1990, respectively, Hindu Scheduled Caste people did not convert to Sikhism and Buddhism in large numbers. Similarly, providing the SC status to Dalit Christians and Dalit Muslims will not result in mass conversion of Hindu, Sikh and Buddhist Scheduled Caste people to Christianity and Islam.

The religious values of Hindus, Sikhs and Buddhists should not be disrespected and defiled with such wrong perception. Also, the self-respect, dignity, cultural and spiritual values of the Hindu, Sikh and Buddhist Scheduled Caste people should not be underestimated and degraded.

(6) Article 17. Abolition of Untouchability, and the demand for Schedule Caste status for Dalit Christians and Muslims "Untouchability" has been abolished and its

practice in any form is forbidden. The enforcement of any disability arising out of 'untouchability' shall be an offence punishable as per law.

Since the President of India abolished untouchability based on historical caste discrimination on January 26, 1950, (Articles 15 (1), 15 (2) (a), 15 (2) (b) bar all forms of untouchability), Hindus, Sikhs and Buddhists of enumerated castes have availed of the Scheduled Caste status without creamy layer restrictions even if they are socially, educationally and economically advanced (because their caste names are listed in the Schedule).

Christians and Muslims of Scheduled Castes Origin should also be given the benefits as they, too, inherited the untouchability stigma because of the castes their forefathers belonged to. Moreover, the castes that these people belong to are listed in Schedule. They should, therefore, be accorded the Scheduled Caste status by declaring Paragraph 3 of the Constitution (Scheduled Castes) Order, 1950, unconstitutional.

Discrimination based on caste affects over 250 million people in various countries, including the Dalits of India, Nepal, Bangladesh, Sri Lanka and Pakistan; certain Buraku people of Japan, the Osu group among Nigeria's Igbo people, Romas of Europe and some cluster of groups in Senegal and Mauritania. So, social exclusion is different from religious sanctioning. Casteism is found not only in India; it is prevalent globally. It should not be linked to Hindu, or any other, religion. Christians and Muslims of Scheduled Caste Origin inherit 'impurity' by birth because of the caste they belong to. Racism is prevalent in America and Europe, even though African American people and the White people mostly follow Christianity. So, casteism and racism are different forms of social exclusion. They should not be linked with any religion, including Hinduism, which is a way of life.

Untouchability and apartheid prevail because of this social exclusion. They are descent- and job-based discrimination and should not be mixed with any religion.

(The author is an advocate practising in the Supreme Court and a representative of National Council of Dalit Christians)

Source Courtesy: The Federal August 15, 2020

EXTREMELY RARE PHOTOGRAPHS



A rare photograph of Nehru and the First Lady Jacqueline Kennedy watching a snake charmer



A rare school picture of Sachin Tendulkar and Vinod Kamble



Pictured on the deck of British Navy in Kenya, 1967, is this Cockrel-Fighter, Sir Mohinder Dhillon from Pujab, who was also one of Africa's greatest cameramen



Two Indian men being hanged by British during the First Freedom Struggle of India in 1857



A Glucose-D biscuits ad poster featuring Amzad Khan aka Gabbar Singh



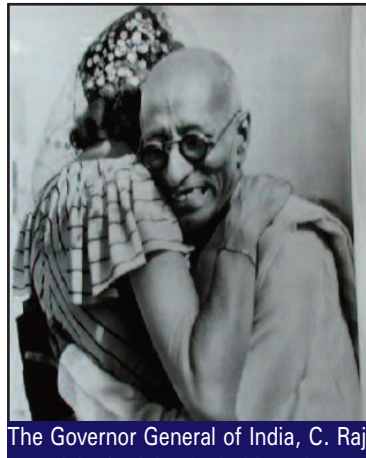
An Air India advertisement with Zeenat Aman as their poster girl



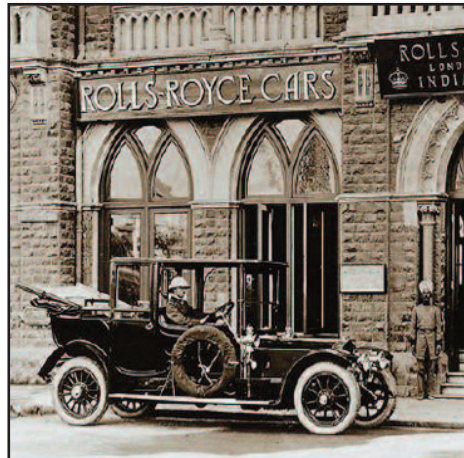
One of the first pictures of Vivekananda in America with Narsimhacharya (standing) alongside himself at the desk



M. S. Dhoni when he was still at school



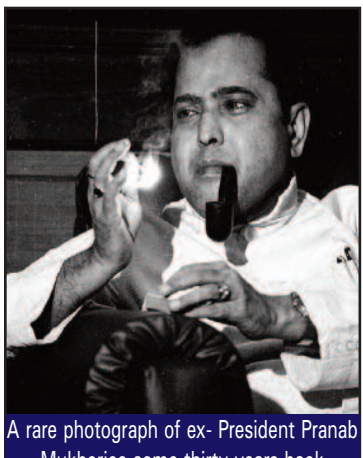
The Governor General of India, C. Rajgopalchari, giving Lady Mountbatten a farewell embrace, 1948



The Rolls Royce Depot in Bombay



The first Indian team to tour England. The Parsi team, 1886



A rare photograph of ex-President Pranab Mukherjee some thirty years back



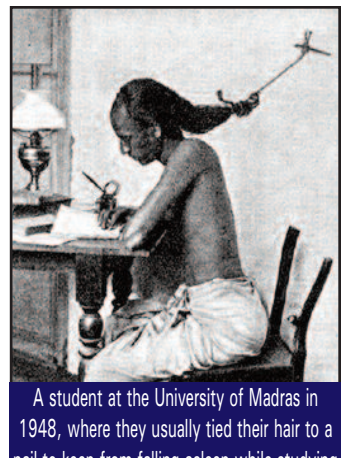
Subhash Chandra Bose with parents



The last photograph of Mahatma Gandhi



A picture showing the first Indian woman to become a pilot, Sarala Thakral. She was just 21 years old then.



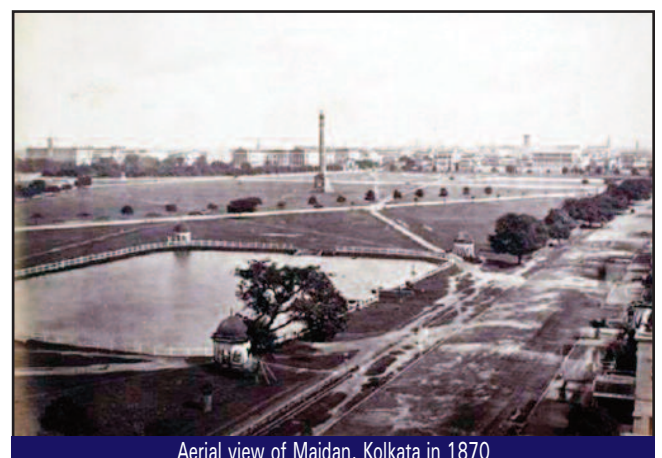
A student at the University of Madras in 1948, where they usually tied their hair to a nail to keep from falling asleep while studying



Indian cricket team after winning the first cricket world cup.

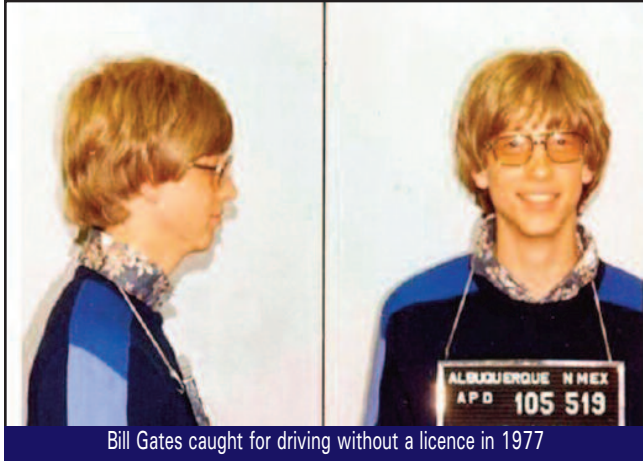


Jawaharlal Nehru Meeting Albert Einstein At Princeton, USA, 1949



Aerial view of Maidan, Kolkata in 1870

EXTREMELY RARE PHOTOGRAPHS



Bill Gates caught for driving without a licence in 1977



Queen Elizabeth posing during World War 2 service



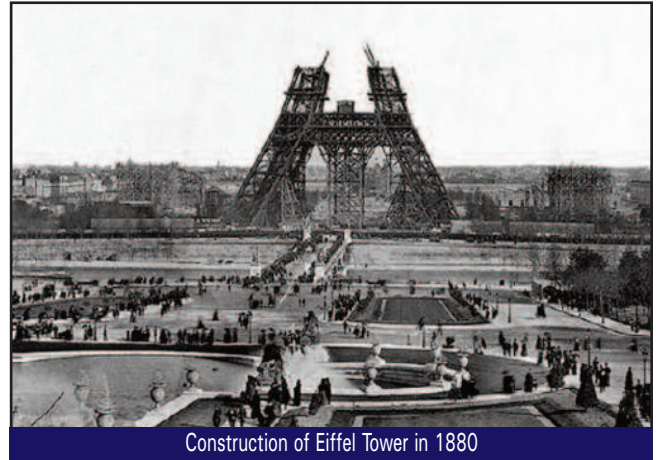
Osama bin laden in 1970's. From the right second last in green shirt.



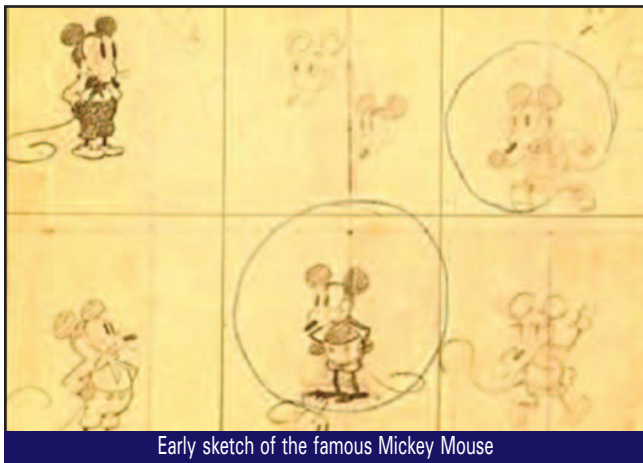
Steve Jobs discussing future of computers with Bill Gates in 1991



First Modern Olympics runners held in Athens, Greece - 1896



Construction of Eiffel Tower in 1880



Early sketch of the famous Mickey Mouse



Walt Disney on the day they opened Disney Studios



Che Guevara enjoying a drink



The last known Tasmanian Tiger (now extinct) photographed in 1933



German air raid on Moscow in 1941



Winston Churchill out for a swim



The London sky after a bombing and dogfight between British and German planes in 1940



Martin Luther King, Jr removes a burned cross from his yard in 1960. The boy is his son.

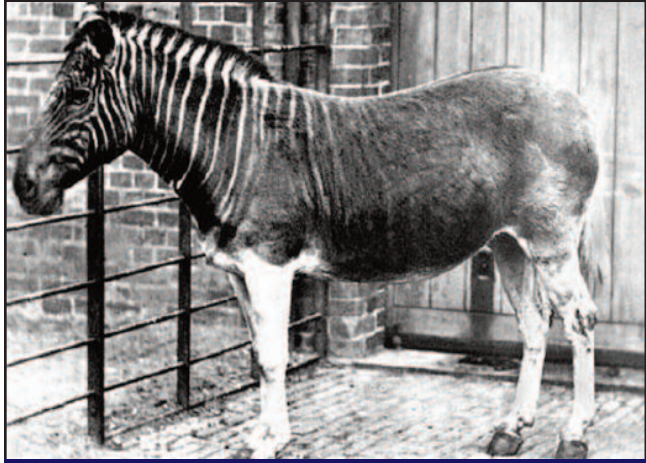


Google begins.



Nagasaki, 20 minutes after the atomic bombing in 1945

EXTREMELY RARE PHOTOGRAPHS



The only photograph of a living Quagga (now extinct) from 1870



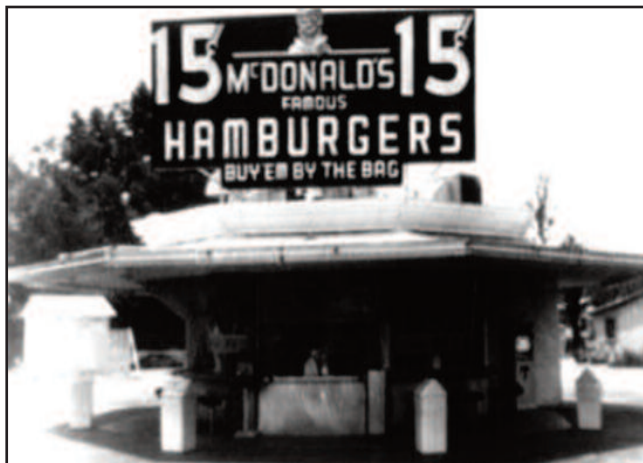
Hitler's bunker



A Japanese plane is shot down during the Battle of Saipan in 1944.



The original Ronald McDonald played by Willard Scott



The first McDonalds



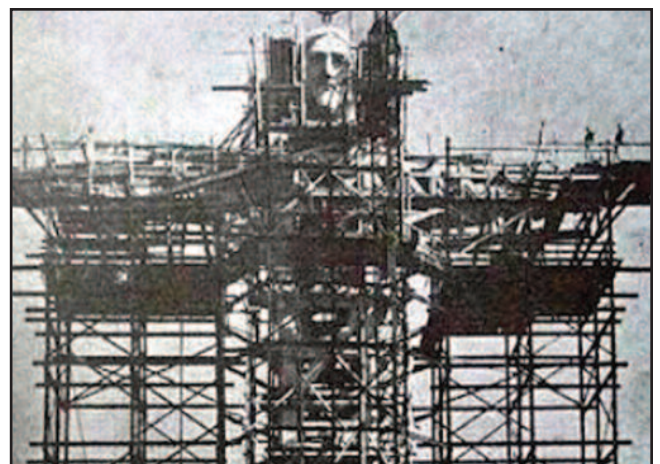
California lumberjacks working on Redwoods



Construction of the Berlin Wall in 1961



The first photo following the discovery of Machu Pichu in 1912.



Construction of Christ the Redeemer in Rio da Janeiro, Brazil



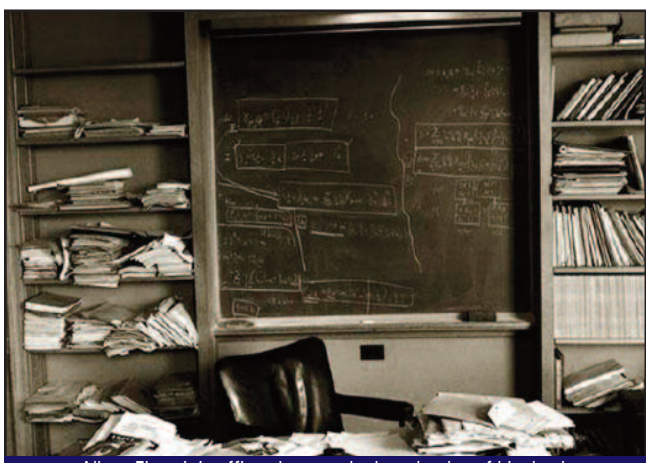
Leo Tolstoy telling a story to his grandchildren in 1909



Arnold Schwarzenegger on the day he received his American citizenship



Construction of the Statue of Liberty in 1884



Albert Einstein's office photographed on the day of his death



liberated Jew holds a Nazi guard at gunpoint.



breaking of the Berlin Wall in 1989