

Lakshman Kadirgamar Memorial Lecture 2017

The Evolution of India's Constitutional and Democratic Polity

by

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at

Lakshman Kadirgamar Institute of International Relations & Strategic Studies, Colombo, Sri Lanka

15 January 2018

The Evolution of India's Constitutional and Democratic Polity

I am singularly honored today for having been invited to deliver the prestigious Lakshman Kadirgamar Memorial Lecture, held every year in the memory of one of the most outstanding intellectual, jurist and influential diplomat of our times. He was not only a towering figure in Sri Lankan polity but a true south Asian giant.

2. He used his legal training to full effect in his role as Sri Lanka's per-eminent diplomat, serving twice as the Foreign Minister, when he forged a global consensus against terrorism and violence. He was respected across the globe and had friends all over.

3. Lakshman Kadirgamar was a true friend of India. He believed that a strong India-Sri Lanka relationship, which he described as irreversible excellence, was in the mutual interest of both countries. He enjoyed excellent rapport and confidence of several prominent Indian leaders cutting across party lines, including our former Prime Minister, Shri Atal Bihari Vajpayee.

4. My warm personal regards to Mrs. Suganthie Kadirgamar who was gracious enough to come to New Delhi to personally invite me. I am deeply touched by her extraordinary gesture.

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5. I have consciously chosen the evolution of India's Democratic and Constitutional Polity as the topic for this memorial lecture today. The winds of change which brought about India's extraordinary freedom movement, found its eloquent resonance in Sri Lanka too. This was but natural, because the two countries share abiding values of civilizational and cultural heritage.

6. Lord Buddha was born in Nepal, got spiritual enlightenment in Bodh Gaya, which is my home state Bihar, and initiated an extraordinary spiritual transformative movement based upon compassion and love. This shared heritage of Buddhism, which has a very profound presence in Sri Lanka, bears a voluble testimony to our common heritage. The story of Lord Ram is equally central to our shared heritage. The majestic statue of lord Hanuman located at Galle, which draws many visitors from India, is also a reflection of our shared heritage.

7. The meaningful meeting of two of our eminent social and spiritual leaders; Swami Vivekananda of India and Anagarika Dharmapala of Sri Lanka was yet another manifestation of our shared heritage. I get nostalgic today when I recall that in my last visit to Sri Lanka, when I was in the opposition, I was invited to the inauguration of a postage stamp on Swami Vivekanand by the Sri Lankan Government and a request was made to me that the Government of India must bring out a stamp on Anagarika Dharmapala. I had promised then that I will do my best.

8. However, the majestic hand of destiny had something else in store for me. When the government led by Shri Narendra Modi came to power in 2014, it was my duty as the Communication Minister of India, to get published a postage stamp featuring Anagarika Dharmapala and have it released by Shri Pranab Mukherjee, the distinguished former President of India. 9. Our relationship of history, heritage and sharing is profound, strong and enduring. Both countries also had the misfortune to suffer colonial rule and our urge for independence also took on contours, which in many ways, was similar in nature. The same ethos of democracy, liberty and peace that propelled the freedom movement of India also fired the imagination of Sri Lankan freedom fighters. The leaders of the freedom struggle of India kept close links with their counterparts in Sri Lanka and the two sister movements grew in strength together. Like the Indian freedom movement, the struggle in Sri Lanka was more than merely for casting off the colonial bond. It was to create a new nation- free, sovereign and proud but also to create a society that was inclusive and humane.

10. India-Sri Lanka relations in recent times have matured to become a model template for good neighborly relations. I recently had the pleasure of welcoming the Prime Minister of Sri Lanka when he graciously agreed to be present for the inauguration of the GCCS 2017 by our Prime Minister. The rapport and understanding shared by our top political leadership is reflected in the deepening of our bilateral relations and development cooperation programmes.

11. This morning, I have signed a MoU for extending our cooperation in IT and ITeS sector that will open doors for deepening our cooperation in a range of IT related issues.

12. India has been and will remain a steadfast and true partner to the people of Sri Lanka in their quest for progress, peace and prosperity. Our approach has not been one of demanding privileges or rights to projects, but rather a desire to contribute to the achievement of Sri Lanka's development objectives as they are established by Lankans themselves. India has sought to develop innovative mechanisms for implementing these initiatives, such as grants and concessional Lines of Credit, which are tailored to the requirements and capacities of our partners in Sri Lanka, to ensure that these do not become another channel leading into a debt trap.

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13. It is now more than seventy years that India has become free and has been governed by a democratic polity under a Constitution. I only thought it appropriate that the evolution of India's democratic and Constitutional polity in the last seventy years should be the theme of this memorial lecture today.

14. India is a vast country with thousands of years of cultural and civilizational heritage. The core philosophy of India was espoused in the Rig Veda with the profound comment- "*Ekam Sad Vipra Bahudha Vadanti*"- truth is one, the wise interpret it differently.

15. Its essence is that the final destination is one, wherein lies the ultimate truth, eternal omnipresent, irrefutable and perennial while one can take different paths to reach this destination. Giving the freedom to pursue one's path and respecting the pursuit of each other's path has been in the centre of India's philosophical core. This has sustained our heritage and engendered aspiration for a society which must be humane, compassionate and inclusive. From this flows the time cherished concept of '**Vasudhaiv Kutumbakam'-** the whole world is a family which informs our concepts of development, 'bahujan hitaay, bahujan sukhaay' – for the welfare and happiness of all, and 'Sarve Bhawantu Sukhina' – let all be happy.

16. India is a land of extraordinary diversity on account of regions, languages, dialects, religions etc. Yet amidst this wide diversity there is also a unifying thread. In the modern times, democracy has become a great leveler which acts as a powerful bridge amidst extreme diversities of languages, castes, communities and religions.

17. India is secular not only because our Constitution says so, but because our heritage resonates with the value of 'sarva dharma sambhavv'- respecting the other's way of life. We celebrate secularism because respecting each other's views has been ingrained in our ethos. This civilization has been the birth place of three great religions of the world namely- Hinduism, Buddhism and Sikhism. Today, India is also home to the second largest population of believers of Islamic faith. India has allowed all different religions to flourish on its soil- numerous sects, faiths and beliefs have peacefully coexisted in India ranging from monotheism, polytheism to atheism. This underlines the ethos of democracy and the age old tradition of secularism as inherent in the world's longest surviving civilization.

18. At the time of independence, India was home to nearly 20 major languages, each one spoken by a substantial number of people in their own regions while less spoken languages and other dialects exceeded 16,000. Obviously Hindi was spoken by the majority of Indians. Apart from this vast religious, cultural and linguistic diversity, there was a daunting challenge to incorporate in the Constitution 562 Princely states; most of which had their own monarchical tradition with many bordering on the divine.

19. Another challenge was to incorporate the imprint of the various shades of the freedom movement into the wider identity of the democratic India which the Indian Constitution sought to establish. Under the leadership of Mahatma Gandhi, satyagraha-insistence on non-violence in pursuit of truth and justice- became a powerful tool for freedom. Yet, there were elements in the freedom movement equally dedicated who had different ideas of achieving independence. Their aspiration could not be ignored altogether. However, a very reassuring feature of India's heritage has been that effort for violent transformation has never become mainstream and the proponent of these ideas had to assimilate themselves into the larger narrative of peaceful change. It is for this reason Mahatma Gandhi continues to be a global icon even now who inspired generations of freedom fighters world over.

20. Indian freedom movement was singularly fortunate for being led by iconic leaders of extraordinary integrity and commitment. Jawaharlal Nehru, the first Prime Minister of free India had his own pre-eminence but we need to emphasise the monumental role of Sardar Patel in forging the foundations of unified India and merger of more than 562 Princely states. The Commitment of Maulana Azad, in spite of pulls for Pakistan, to the idea of India and the iconic role played by Subhash Chandra Bose can hardly be minimised. It is a tribute to India's temperance that even those who believed in violent revolution like Bhagat Singh, who was hanged through a judicial process which is still being questioned today, continues to remain an important part of India's psyche.

21. Mahatma Gandhi and other great leaders of the freedom movement trusted the innate goodness of ordinary Indians and believed that they must be given a stake in the democratic and Constitutional evolution of India. Therefore, in spite of forceful contrary plea, the authors of India's Constitution took the extraordinarily bold step of giving all adult citizens the right to vote, making India the world's first large democracy to adopt universal adult suffrage from its very inception. We remember today with gratitude the vision of our founding fathers, for whom democracy was an act of faith.

22. I need to recall here that gender justice was firmly ingrained in the ethos of our Constitution making. Men and women both, regardless of their literacy, religion or financial station, were given right to vote. I hardly need to state that in many countries right to franchise to women came much later.

23. We in India admire the achievements of Sri Lankan democracy, particularly with regard to the political empowerment of women. As South Asians, we feel proud of the fact that one of the first head of state in the modern world came from Sri Lanka when it elected Sirimavo Bandaranaike as the Prime Minister way back in 1965. India too elected its first woman Prime Minister Smt. Indira Gandhi in 1966. Mandatory representation was given to women in village councils and municipalities through Constitutional amendments in 1992. A similar exercise for the Parliament remains work in progress. Gender justice is a core policy of my government and today we are proud that we have six women Ministers in our Cabinet and two as Ministers of State. India's key Ministries such as the External Affairs, Defence and the post of Speaker of Lok Sabha, the lower house of our Parliament, are all held by very distinguished women.

24. Another noticeable characteristic of our founding fathers was the large heart and sense of endurance which they committed to the continued success of this Indian experiment. One needs to recall that India had to face the scourge of partition right at the onset of independence. Nearly one million people were killed and nearly ten million displaced. This partition was on religious lines, was disruptive on many levels with cataclysmic consequences. Some observers have commented that India had every justification and every provocation to convert itself into a religious state but India, again true to its civilizational heritage, rejected theocracy. The abiding principle which governs our Constitution is that the State will have no religion and that no one shall be discriminated against on grounds of religion.

25. As eminent authors Pratap Bhanu Mehta, Sujit Chaudary and Madhav Khosla have rightly observed in their erudite study of the Indian Constitution,

"Almost all the issues that arose in the course of thinking about law in modern Constitutional democracies find their most intense expression in the evolution of India's Constitutional law. India's Constitution was the framework through which the world's largest democracy was brought into being".

The authors go on to say that,

"The future of Constitutionalism in the world depends a good deal on the future of Indian experiment."

26. India's Constitutional framework not only creates the architecture for governance, not only trusts ordinary Indians by giving them fundamental rights of Speech, Expression, Movement, Equality, Security of life and liberty as also the Right of Faith- It is a profound charter of non-discrimination and quest for empowerment for the deprived and marginalised. It would be appropriate for me to recall the eloquent words of B. R. Ambedkar, one of the main architects of India's Constitution who is now revered as an iconic social leader in India and I quote,

"Political democracy cannot last unless there lies at the base of it social democracy. What does social democracy mean? It means a way of life recognised liberty equality and fraternity as principles of life. These principles are

not to be treated as separate but they form a union of trinity in the sense that divorce one from other is to defeat the very purpose of democracy."

27. India's Constitution therefore is a fine embodiment of charter of democracy and rights of ordinary Indian creating norms of governance based on the profound philosophy of equity for social inclusion.

28. A question arose how this great project will work. I recall the inspiring word of Dr. Rajendra Prasad, the President of the Constituent Assembly who rose to become the first outstanding President of India. Dr. Rajendra Prasad said, and I quote,

"After all a Constitution like a machine is lifeless thing. It acquires life because of men who control it and operate and India needs today but nothing more than a set of honest men who will have the interest of the country before them..... It requires men of strong character men of vision men who will not sacrifice the interest of the country at large for the sake of smaller groups and areas and who will rise over the prejudices which are born out these differences".

29. I am proud to state today that in spite of ups and downs in the last seventy years India has found leaders both at the national and regional level who have contributed in their own way to the fulfilment of expectations which Dr. Rajendra Prasad outlined for us. I am equally proud to reiterate further that India today is being led by our Prime Minister Mr. Narendra Modi who is not only a very popular global leader but is fulfilling a task of transforming India as an important player in the global economy and polity.

30. The Indian Constitution and the institutions that it created have allowed the Indian democracy to thrive. One such institution has been the Election Commission of India which has played a stellar role in consolidation of Indian democracy. After granting the right to vote to every adult citizen of India, the makers of the Constitution felt it necessary to guarantee effective and impartial exercise of right to vote by citizens. That is how they decided to create an independent Election Commission of India for conducting elections, which was given a separate statutory existence.

31. The magnitude of the conduct of election in India is a challenge to any institutional framework. Election Commission of India has done a commendable work in managing this biggest festival of the world's largest Indian democracy. During the first General Election in 1951, there were 173 million registered voters voting for 53 political parties. In the year 2014 there were 834 million registered voters voting for 465 political parties. Election was conducted through 930,000 voting centres managed over 6 million personnel. It has been rightly called the largest exercise in democracy ever.

32. There was a time in history of Indian democracy when the electoral process suffered due to violence and electoral malpractices such as booth capturing or denying opportunity to vote to political opponents by using forceful means. Indian election system has since become mature. Now events of booth capturing or tampering with election process have become few and far between. We are happy that technology is being deployed in ensuring free and fair elections.

33. Two more important institutions of India have equally contributed in the evolution of India's Constitutional and political journey. The first obviously is judiciary of India. We are proud of the pivotal role played by the judiciary in upholding the fundamental and other rights of common citizens. In our journey of last 70 years, many complicated issues of race, region, religion, ethnicity and empowerment arose. Many of them landed

for adjudication before our courts and our judiciary, from High Courts to the Supreme Court, pronounced thoughtful and learned judgments, which in many ways acted as a great balm to challenges of competing emotions.

34. Public interest litigation is an important innovation of India's judicial system to uphold the rights of the marginalised and deprived. While the extraordinary contribution of this novel experiment cannot be minimised yet there is a need for caution, namely, that this extraordinary tool in the hand of the poor and deprived to seek genuine accountability should not be misused for extraneous reasons. Even the Supreme Court in many of its judgement has disapproved of the frequent abuse of this forum.

35. The founding fathers of Indian Constitution clearly recognised that governance must be left to those elected to govern and also accountable to the people of India. Same is the case about law making. Governance and accountability go together and accountability means accountability to the Parliament and accountability to the people who are the final arbiter during elections. In the famous Keshvanand Bharti case, the Supreme Court espoused the principle of basic structure which means that the Parliament even while amending the constitution, cannot transgress these basic features. Democracy, Rule of Law and Republican form of government are some of the constituents of the basic structure. Supreme Court has also outlined Separation of Power as part of basic structure. Independence of judiciary is a cornerstone of our polity and we stand fully committed to it.

36. Another important institution that has played an important role in the evolution of democracy is the media. It is often said that India is a very 'newsy' country and Indians are very 'newsy' people. Today India is home to some 882 TV channels, about 200 of which are news channels. Many of these are 24X7 channels. There are 99,660 newspapers and periodicals. Many of them are critical of the government policies while many also advise, counsel, caution, appreciate and also moderate. TV media is an asset for immediate news but also poses its own challenges. The independence of media in India is now recognised as integral to our polity. There are problems- of misreporting and of doctored and paid news, but we believe that the inherent strength of our institution and political traditions finds befitting answer and ultimately it is the people who give the final verdict.

37. Our democratic framework has provided the required space for associative activism and in a benevolent cycle, the development of civil society has also contributed to India's democratic deepening and invigorated a norm of vibrant civic engagement with the state. Some of the noticeable legislation that India has adopted in recent times like giving the citizens the Right to Information and the Right to Free Basic Education-have, in part, taken shape through the civil society activism.

38. In the march of last 70 years, the story of India has seen many challenges. These challenges range from getting millions of Indian out of abject poverty, to providing them access to health and quality education, to extremism, to secessionism, to a small group seeking to overthrow India's democratic polity through the power of gun such as the Left Wing Extremists. Yet the abiding faith of the people of India in peace remains our biggest asset. Those who are actuated by violent means still remain on the margins of the political spaces. None of these organisations has had the courage to participate in the elections and seek popular support. Some of the fringe tried and miserably failed because their violent ideology has no popular sanction.

39. Today, terrorism has become the major impediment to development and threatens us all. No cause justifies the indiscriminate killing of innocent civilians. Yet there are countries that still use it as an instrument of state policy. We must show zero tolerance for State sponsored terrorism. The perpetrators, organizers, financiers and sponsors of terrorism must be isolated and face action of all societies that cherish freedom.

40. 1975 saw the biggest test for the democracy when national emergency was proclaimed after the one of the High Courts found the then Prime Minister guilty of electoral malpractices. Freedom of speech was suppressed, restriction on the media was imposed, and independence of judiciary was curbed. As a student leader, I was involved in the fight for restoring democracy. Once the emergency was revoked and elections were held, people of India defeated that Prime Minister and elected a new government. The biggest lesson of emergency is that no political leader and political party today can even think of subverting democracy.

41. Indian democracy has a beauty of its own which I have seen closely in my experience as a student activist and in my political life for more than 30 years. People of India give their support to political formations at the national or the regional level depending upon their ability to persuade the people to take their cause. However they also expect those trusted by them to show political maturity and foresight in their conduct and appreciate the idea of India. Those who have failed to recognise this message never could get a long innings in the politics of India.

42. There is one more narrative which I need to mention here. Many western thinkers were apprehensive whether India will survive as one in the wake of the turbulence of its creation. 70 years down the line India is not only one, but India is also an effective, accountable and functional democracy. To quote V. S. Naipaul in his famous book A Million Mutinies,

"People everywhere have ideas now of who they are and what they owe to themselves."

The 1.30 billion People of India know today that they can unseat any political party howsoever powerful in centre or state or remove any political leader howsoever popular by the power of their franchise. The people of India know that they can re-elect any party or leader who delivers. This recognition, of their extraordinary right, by ordinary Indians is the biggest political lesson of Indian democracy.

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43. Spread across 70 years, I see three distinct phases of Indian democracy:

Phase I: Politics of want

Phase II: Politics of identity

Phase III: Politics of aspiration.

44. The first phase that started immediately after the independence was the phase where India was struggling to deal with the poverty, illiteracy, disease and lack of economic development that were the legacy of 190 years of colonial rule in India. India's economic development during this phase was largely state led and the state had to perform a range of activities- from making and distributing bread to operating road, rail

and air transport systems. The State was the only prominent source of investment, not only in physical infrastructures like power generation, irrigation, bridges, railways, production of steel, etc., but also in the social sector by building schools, colleges, universities and hospitals. The State became all pervasive. This process indeed led to modest economic growth but the growth was lopsided. Regional and social disparities increased as the economic development benefited only a few regions and few sections of the society.

45. Phase two was a logical consequence of the phase one. I call this phase the politics of identity. This phase witnessed assertion of caste, regional and religious identities in a substantial manner. As a result of the system of institutionalized open political competition, the historically marginalized segments were mobilized to challenge the societal status-quo. Rising social and regional disparities gave voice to the regional political demands and to the marginalised and the deprived. Dominance of a single national party started waning and regional parties formed government in some states which not only brought the regional issues to the national forum but also represented the voices of those sections of society which were ignored in the process of development. Regional leaders became stronger and era of coalition government started. The federal political structure was further reinforced in the passing of the Seventy-Third Constitutional Amendment, that took democracy to our village panchayat level and helped ensure the accommodation of regional aspirations.

46. This phase also, partly because of compulsion and partly because of innovation, saw the start of the process of economic liberalisation and growth of India as a major exporter of information technology services. In the process, the state led development paved way for greater participation of the private players in the economic activities. India's domestic as well as international economic activities expanded. However, due to conflicting interests of the regional political parties governance suffered. Corruption and political wrangling affected the pace of development, which failed to live up to the rising expectations of the young population of India.

47. The politics of identity soon faced a challenge from the quest for growing aspirations. Those who got their identity recognised now wanted their aspirations to be fulfilled. There was a cry for good governance based on inclusion and efficient delivery in a transparent manner. This idea came to dominate the political discourse. This conflict continued till there emerged the powerful message of aspiration in 2014, which led to a historic mandate for my party and my leader when a single party got full majority for the first time after 30 years.

48. Prime Minister Narendra Modi was acutely conscious that to transform India and further to empower ordinary Indians, it was important to employ technology, particularly information technology tools. He laid the ground during campaign itself when he gave his vision for India where IT + IT = IT i.e. India's Talent (IT) +Information Technology (IT) = India Tomorrow (IT). This vision was further significant to strengthen the great asset of demographic dividend where 65% of the population are below 35 years of age. Program like Digital India, Start-up India, Skill India are all designed to transform through the power to technology.

49. Digital India also has larger philosophical constructs. First- we may have missed the other transformative revolutions which propelled the world but we do not want to miss the digital revolution. The second- India's digital story is designed to bridge the digital divide between digital haves and digital have nots. Thirdly- Digital India is for

digital inclusion. Therefore the focus is to innovate and adopt technology which is affordable inclusive and developmental.

50. With this framework 250,000 gram panchayats or village councils in the country are being linked with optical fibre network, India also has a large technological base in the shape of 1.21 billion mobile phones, 500 million internet users and 1.19 billion Aadhaar, that is verifiable digital identity, kept in safe and secure condition, backed by Parliamentary law.

51. With these assets, our government came with further ideas to empower the common people:

- i. Banking the unbanked
- ii. Funding the unfunded
- iii. Pensioning the unpensioned
- iv. Securing the unsecured
- v. Giving voice to those on the margins

52. It works very simply, Ladies and Gentlemen. We opened 300 million bank accounts for those who did not have bank account; linked it with Aadhaar and seeded them mobile phones and started delivering their welfare entitlements directly into the bank account. In the process we have saved around \$ 9 billion. About 150 million Indians have been given a very low cost insurance and pension by application of technology. About 100 million Indians have benefited by Mudra scheme, where they got soft loans for business, totalling to USD 62 billion in last three years.

53. Technology is being employed to increase access to healthcare and education in a substantial manner. Pro-people digital delivery of services like eHospital, eScholarship, digital market for farmers, soil health card are all new initiatives which are re-telling the story of digital inclusion.

54. India today has emerged as an IT powerhouse in its own right on the global stage. After the extraordinary performance of Indian IT companies in 200 cities of 80 countries, India has emerged as a large digital market for the world. Facebook and Whatsapp have the largest user base in India. India has the largest download of android mobile apps. Twitter, Instagram, Amazon are all growing rapidly in India.

55. Our digital literacy program called PMGDISHA is aimed at imparting basic digital training to 60 million adults. More than 270,000 Common Services Centres are providing over 300 digital services to the people in villages of India, and creating employment for over 1 million youth. Our incentives to develop ITes and BPO centres in small towns of India have created jobs to the people in small towns without the need for migrating to big cities.

56. Simplification of taxation and implementation of nationwide single direct tax called the Goods and Service Tax, in which technology is playing a significant role, has developed India into a unified single market. Our digital policies have prepared the ground for the launch of our digital economy to its true potential of a Trillion Dollars over the next few years.

57. The combined result of all these initiatives has been that India's growth story, substantially driven by technology, is finding its resonance at the global stage;

- According to the World Bank, the Indian economy will grow at 7.3% and become the fastest growing economy in 2018.
- India has moved up 42 places in the Ease of Doing Business Index of the World Bank from 142nd place in 2014 to 100th place in 2017.
- India has witnessed the highest ever Foreign Direct Investment in 2016-17 at \$ 60 billion. The Foreign Direct Investment (FDI) Confidence Index 2017 ranked India at 8th positions among 25 countries¹.

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58. The abiding lesson of 70 years of working our Constitutional and Democratic polity, if I were to sum up, would be profound recognition among common people of India of their rights, their sense of empowerment, their abiding faith in the democratic process, their growing awareness in seeking accountability and their repeated reminders to those who have their consent to govern that they would have to perform to retain their trust.

59. There would be political debates, there would be heated exchanges also, there would be muscle flexing also at times in the streets yet amidst the noise and chaos, what India's Democracy and Constitutional ethos have taught ordinary Indians as well as those who are in public life is that despite the extra-ordinary diversity and numerous differences of caste, creed, faith, language, region or economic stature- India must remain one as it marches ahead with confidence.

60. The eminent Indian sociologist, M.N. Srinivas had called Indian democracy,

"A secular miracle of the modern world and a model for other developing countries".

Another eminent thinker of our times, Lord Meghnad Desai has said and I quote,

"What makes India survive and thrive is the willingness of people to talk to each other, to take advantage of the ballot box and to tell their rulers frequently where the limits of their tolerance and patient non-violent conduct are located."

61. Seven decades after independence, the miracle of Indian democracy continues to shine like a beacon of hope for those who cherish freedom with its foundation in basic human values.

62. I once again thank the organizers for giving me this opportunity and I thank this distinguished audience for their patient hearing.

Long Live India-Sri Lanka friendship.

Thank You.

{Please check against delivery.}

¹Report published by A.T. Kearney, 2017.



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