

(Bettiah): I beg to move for leave to introduce a Bill to provide for the payment of minimum wages and for welfare of agricultural workers.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill to provide for the payment of minimum wages and for welfare of agricultural workers.

The motion was adopted

SHRI DHARMESH PRASAD VARMA: I introduce the Bill.

15.44 1/2 hrs.

AGRICULTURAL WORKERS (MINIMUM WAGES AND WELFARE) BILL*

[English]

SHRI SATYAGOPAL MISRA (Tamluk): I beg to move for leave to introduce a Bill to provide for the payment of minimum wages and welfare of agricultural workers.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill to provide for the payment of minimum wages and welfare of agricultural workers."

The motion was adopted

SHRI SATYAGOPAL MISRA: I introduce** of the Bill.

15.45 hrs.

CONSTITUTION (AMENDMENT) BILL*

(Insertion of new article 16A)

[English]

SHRI AMAR ROYPRADHAN (Cooch Behar): I beg to move:

"That the Bill further to amend the Constitution of India be taken into consideration."

This Bill is for insertion of Article 16A, that is, Right to Work in the Constitution. I think, this insertion of the Article in the Constitution is of urgent necessity. By inserting Article 16A I would like to say that every citizen within the age limit of 18 years to 50 years shall have the right to work so as to provide employment and remuneration therefrom.

In my Statement of Objects and reasons, I have clearly stated that unemployment is one of the biggest challenges that our country is facing today. This unemployment problem is the problem of the problems of our country. This problem is driving our youths to destructive channels. The country is trembling with this problem. There may be explosion at any time. The entire country should be aware of it. I know that when these youths are taking the other paths, we may find so many wrongs in them. But one thing we must have to appreciate, one thing we must have to think that these youths of our country are not seeing any light before them and so they may get ready without hesitation to put out the light of the country. Can we imagine how long these youths of our country will stand in the queue of the employment exchanges? On the one hand, we have been celebrating the forty-three years of our independence with pomp and grandeur and, so on the other hand, forty-three millions of our youths are in the queue of the employment exchanges. Though the right to work is

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** Introduce with the recommendation of the President.

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mentioned in the Directive Principles of our Constitution, but it remains outside the purview of the law. Sir, you being a lawyer you know it very well. On this Article 41 of the constitution court. So, we should like to have this right to work as a Fundamental Right, with the insertion of article 16 A in the Constitution.

So far as this right which is mentioned in the Directive Principles is concerned, it means that just as you are having a lollipop or a toy before the children, in the same manner you are having this right before the youths of our country who are the future of our country. We have forgotten that these youths are the engineers of our nation-building.

Now, Sir, what is the total figure of the unemployed youths in our country? Here is a list. It is a Government list. I think this is the latest report from the Labour Department. The source is the Ministry of Labour - D.G.E.T.—S—13095/7/1988-89. According to that report, the total number of unemployed youths who have registered their names is 3,10,18,000. In Andhra Pradesh, the number of unemployed youths is 27 lakhs; In Karnataka, It is 11 lakhs; in Kerala—in your State, Mr Chairman— it is 30,49,000; in Madhya Pradesh, it is 17,94,000; in Maharashtra, it is 27,83,000; in Uttar Pradesh, it is 29,49,000 ; in West Bengal it is 43,37,000. I do not mention the other States, I do agree that it is the highest in number in West Bengal. But there are so many reasons and you cannot deny that partition is one of the reasons. Sir, just imagine what is the condition of these people who are unemployed youths, whether they have registered their names or have not yet registered their names. There may be some talk that this number is not correct. It may be that those who have registered their names with the employment exchanges, may not bother about getting their names deleted from the register after getting a job. But, it is also a fact that in the backward areas, these people do not go to the employment exchange regularly to have their names regis-

tered. What is the condition of these people? I think their condition is beyond description. If you go before a Blood Bank, you will find that there are so many youths who are on the queue to sell their blood. They have been regularly going there to earn some money to save their family members. I can only quote a few examples here. In search of money, they are forced to do that because that they have to save their family. This is the tragic condition of the youth of our country. They have got no other alternative to look after their ailing parents.

Sir, if we go through the record, we will find that 'Right to Work' has been discussed so many times in this House. If we go through the record, in the Constituent Assembly Debates, on 23rd and 24th November, 1948 so many Members spoke regarding the Right to Work' as a fundamental right in the course of the discussion of the Article 32 and Article 38A now numbered as Article 41 and 48 respectively in our Constitution. In this august House, we discussed on this issue in 1966, 1977, 1978, 1983, 1987 and 1988. This problem has been dealt with in the Employment Guarantee scheme of Maharashtra and Karnataka also. We debated and debated but we did not proceed with this to have a legislation in this regard. 'Right to Work' is no longer a mere pious wish to those who think of the welfare of the weaker sections of the society.

Sir, the United Nations unanimously passed the Universal Declaration of Human Rights long back regarding promoting and encouraging respect for human rights. In its Article 13 of UDHR, it says:

" Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and the protection against unemployment."

Taking up this issue, UNO held two international seminars, one in 1966 and another in 1976, in the seminar of the 19th December, 1966, again it was stated in Item-6 of the Resolution:

" The States Party to the present Convention recognise the Right to Work, which include the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts and will take appropriate steps to safeguard the right."

Though the representative of the Government of India was present in these conferences and seminars, what they did for so many years? They say, there is a mention in article 41:

"The state shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want".

It is clear that the article place upon the state the responsibility of finding work for all people and also to provide for education, giving relief in case of unemployment giving relief at old age, at the time of sickness and what not. But I would like to draw your attention to the words " within the limits" put in article 41. If the state says, "I have no capacity, economic capacity, then the youth are helpless. This is the condition. My Congress friends should know as they were in the power for such a long time, for 43 years, that what they did for the youth except mentioning of article 41 in such a manner.

Sir, not to speak of-U.S.S.R or East European Countries, where the right to work is a fundamental right, I would like to mention about those countries namely, albania Algeria, Argentina, Bolivia, Turkey, Mongolia Kenya where they have such provisions for right to work. With your permission, I would like to sum up their Constitutions.

They are following the guidelines of the U.N.O documents on Human Rights.

under article 25 of the Albania Constitution, the State guarantees to the citizens the

right to work for a remuneration according to the amount and quality of the work yielded .

In Algeria, the State guarantees the right to join a trade union, the right to work ; to protection; to security; to health and education. In Argentina, all the inhabitants have the right to work and exercise any legal trade.

In Bolivia, every person has the following fundamental rights in accordance with the laws which regulate their exercise:

to work and to engage in commerce, industry etc.

If we come to Egypt, I think, Egypt economic condition is no more better than India. Even then, under article 13 of the Egyptian Constitution, work is a right, a duty and an honour guaranteed by the State. In Turkey, Labour is the base on the social order and every able-bodied citizen has the right and the duty to work to the best of his ability.

MR. CHAIRMAN: The point is, in many of these countries, the population is so small that there are not enough people.

16.00 hrs.

[Translation]

SHRI YAMUNA PRASAD SHASTRI (Rewa) : Mr. Chairman, Sir, there is provision of right to work in China also whose population is much more than that of India.

[English]

SHRI AMAR ROYPRADHAN: My friends on the Right got some allergy on that and about China.

SHRI EDUARDO FALEIRO (Marmugao) : We appreciate the socialist countries. They have done the things. Nobody can deny that they have achieved many things.

SHRI AMAR ROYPRADHAN: They question "What are the steps to be taken to implement the right to work if it becomes a fundamental right? It is an abstract proposal. Mr. Pradhan, how are you bringing such a legislation?" But, whatever is said I brought this Bill knowing fully well that it will have constraints in the Budgetary provision of the Government. Even then I move the Bill. Somebody questions "How do you implement? Where from the money comes? Where are the job opportunities in India? There is no such opportunity. Why are you bringing this Bill? Will you give any allowances? Under the Minimum Wages Act, if you provide some allowances to these unemployed people of this country, then it will require", according to their calculation", about Rs. 62 thousand crores of money to provide wages to the unemployed youth."

Before I deal with this question, I would like to state that the present party in power, National Front Government, and also the Prime Minister today, reiterated that they are very much for the common man and that right to work must be made a fundamental right of the Constitution. I think that the National Front Government who are in power today are fully aware of the constraint of funds. Even then, why have they taken it up? It is not just for the sake of propaganda. But they have got some idea about it. The hon. Minister will speak later on and will describe the position at length.

However, in the National Front Lok Sabha Elections, 1989 Manifesto, they have clearly stated:-

" The National Front believes that every citizen has the right to productive and gainful work in order to live meaningfully and with dignity. The social and economic policy of the National Front will be geared to the realisation of the " Right to Work" as a fundamental right of the citizens of India".

If this is the position, then, naturally I prefer to bring this legislation with the hope that the

entire House will support this legislation that the right to work be a fundamental right in the constitution. But, what programme should be taken up to implement the right to work if it becomes a fundamental right in the Constitution? First of all, I think what is very much necessary is the work culture must be started because in our country those who are having education, those who are at graduate and post-graduate level, they do not think that they will go to the field, the agrarian field, and they will have the plough in their hands and they will be on agricultural land. This is work culture. All those who are graduates and post-graduates think that they must have a job, they must be in any Service, IAS, IPS or IFS but somehow it must be a job in the offices. This work culture must be changed in our country. In order to improve the employment of educated people, the present educational system must be revamped. For a long time we have been saying so many things. But nothing has been done. At the same time I would like to say that job-oriented technical education should be imparted right from the elementary stage itself. Right to work should also be there. Dignity of labour must take a high place in our Society.

The next point I would like to make is about ban on recruitment. I would like to say that the ban on recruitment must be lifted. At present no recruitment could be made in the departments on account of this ban. That must be lifted very soon. All the vacant posts must be filled up within a short space of time. Overtime must be stopped. No person should unnecessarily be allowed to sit late. If the Government do all these things, then there is scope for adequate employment opportunities.

Next, I would like to touch upon the condition of the poor youth. Their condition is beyond description. Therefore, I would suggest that there should not be any age bar for the youth to enter Government service. Now the age bar is prescribed as 28 years, 35 years etc. This age bar should not be there in respect of Government Public Undertakings and other Departments and Defence

and Police services may be made an exception to this provision. I would also like to say that there should not be any fees for recruitment examinations. At present, the candidates are charged a fee of Rs. 15/- , 20/- etc. Let it even be one rupee. That should be done away with. There should not be any fees because they are the poor people, jobless people. They do not have any means of earning. Wherefrom will they get money to apply for a job?

Now I come to the Agricultural Sector. This sector has got vast scope for employment opportunities. I have got the details. But it will take much time if go on quoting the figures. But I would like to say that if we take this sector seriously, then we can provide employment to more than 50 per cent of our unemployed people.

Regarding land reforms, we have been talking for so many years,. But what did we do far so long a period? Of course, it is true that in Sixth Five Year Plan there was mention about land reforms that there would be proper distribution of lands, and the records in that connection would be made ready within the year 1985. My hon. friend Shri Faleiro is here. May I ask my friends on the right side in which year we are now? Now we are in the year 1990. What was there in the seventh plan? No word was mentioned in that. They avoided it knowing fully well that they could not do anything about land reforms. If they had done this Job properly on land reforms, then I can assure you that there could have been vast scope for employment opportunities. Sir, you will agree with me that only one third of our total agricultural lands in this country is under irrigation. Somewhere it is done through tube-well. In some places, there are small irrigation facilities. In some places there are minor irrigation facilities. In some select places, there are big irrigation projects. Most of the lands depend on seasonal rains. There is the dry-land farming. If the Government take proper steps to have irrigated land all over the country, then they could get not only one crop but two or three crops. At present in most of the fields one crop is grown. We can

have two or three crops if proper facilities are done. In that case we can create vast scope for employment.

Forest is another area where we can create more employment. Forty million people are earning their living through these forests. They are not taking the wood. They are earning their livelihood through fibre, foods, oil etc. If you take forestry properly, there is ample scope to provide more employment. I can give you an example. There is a minor forest product called 'Tendu leaves' which are used for preparing Bidis and this generates Rs. 510 crore of revenue annually. So, there is vast scope in the forestry. If you can exploit it, you can get better results.

Regarding industry, new industries must come up particularly in the backward areas. During the Sixth Five Year Plan, there were 103, no industry districts'. During 1985-90, when the efficient Government was at the centre, the number of 'no industry districts' come down of 103 to only 94. There are so many districts which are 'no industry districts' in the country. The country should feel that Amethi is not the only place to set up industries. Industrialisation should be made throughout the country. Measures must be taken for opening the closed mills and factories. The condition of the sick mills must be improved. The lock-outs and closures must be lifted. Modernisation must be there to maintain the health of the industry without curtailing the existing levels of employment.

In the past, there was a committee on unemployment. It submitted a report. In that report, it made total of 221 suggestions. There are some valuable suggestions. We should adopt those suggestions to have more scope for employment. I hop[e, we shall get more valuable suggestions once we adopt the Bill to an Act. We have spent long 43 years with this question of 'Right to work'. We have every time debated and debated whether it is to be voted or not be voted. We have spent much time in this

[Sh. Amar Roypradhan]

dilemma. We should not suffer in indecision any more.

You may remember that long back, on this question of unemployment, at the Azadi Congress, Pandit Jawaharlal Nehru raised one slogan. What was that slogan? The slogan was 'socialistic pattern of society.' (Interruptions)

MR. CHAIRMAN: The total time allotted to this Bill is two hours. You have already taken more than half an hour. How much more time do you want?

SHRI AMAR ROYPRADHAN: Only five minutes. What is the net result of that? After that in 1971, Shrimati Indira Gandhi, the then Prime minister gave a call 'Garibi Hatao'.

What is the net result of the slogan *Garibi Hatao*? After that in 1980 again they have raised slogans, namely, one family—one job. Have they been able to give one job to each family? No. Then in the Tal Katora Gardens New Delhi in the year 1986 or 1987 there was a new slogan, namely *Bekari Hatao* and *Berojgari Hatao*. But what are the measures that they have taken in this direction? Has *Berojgari* been ousted? No. I think we should not spend much more time by debating it, by making slogans about it. This is the time for action.

It is the commitment of the National Front Government that the right to work must be a fundamental right. I appeal not only to the left Front, those who are supporting the National Front Government, but also to the Opposition members—whatever fault they may have committed in the past - to come forward and save the youth of our country, those who are suffering and those who are disgrace.

With these words I bring this right to work Bill before the House. I hope all the Members will support this Bill.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Constitution of India, be taken into consideration".

SHRI EDUARDO FALEIRO (Mormugao): I thank the mover of this bill for providing this House an opportunity for a timely debate on the right to work. I said this debate is timely because from what read and understood, the Government is committed and has promised to bring a constitutional amendment on these lines to provide the right to work in the Constitution in the course of this session itself. Therefore this debate is very timely and I congratulate the hon. Member for having provided us with this opportunity to debate on this issue.

I have no quarrel and I do not dispute the good intentions of the Member. He has quoted the experience of the socialist countries and then he said our benches are allergic to these countries. That is obviously not correct. We are committed in letter and in spirit to social democracy. Even in these days we admire the great achievements done by the socialist countries particularly for the underprivileged, for the downtrodden and for the people of their countries.

We must also learn from the mistakes, mistakes that are being more and more clearly exposed now with Perestroika and Glastnost in the Soviet Union, in the East European countries and in fact all over the world wherever there are socialist countries. One of the mistakes that they have committed and admitted to have been committed is to have provided jobs and employment irrespective of the productivity and irrespective of the need. Therefore what we see today in Eastern Europe, what we see today in the socialist countries is large scale retrenchment of people employed because they were found to be surplus, because they found that there never has been any justification for this and because they have found and realised that merely providing employment is not possible, this cannot be sustained unless there is productivity and unless there is growth. Therefore, I caution this Government not to indulge in populist slogans, not to

indulge in populist measures at the cost of growth. Because I found that the question of growth in the present Government's priority is being pushed to the background. What I say is that do not push the question of growth, do not push the question of production, productivity to the background because then what you will have to distribute is nothing but poverty. You will distribute poverty and poverty alone unless you produce goods, Unless economy grows and unless productivity and efficiency increases.

I shall be brief now. I think there is really not much to be said on this except to identify one fundamental question and answer that question. The question is this. By including the right to work in the Constitution, are we in any manner, whatsoever, improving the condition of the unemployed? Are we, in any manner, whatsoever, benefiting the poor and those who want employment, by including the right to work in the Constitution? Are we going to provide employment to the people?

As the hon. Mover of this Bill pointed out it is not for the first time in this parliament that a Bill on these lines—to provide right to work in the constitution—is discussed. There have been any number of Bills including the very first one, when I and my colleague were in this Parliament which was in 1977, on these lines. At that time, late and very distinguished Member of this House Shri Jyotirmoy Basu had brought—as far as I recall—a Bill for amending the Constitution, precisely on these lines. The Bill was then rejected by the Janata party Government and I do not think that the reasons which were there, were sound in my submission.

SHRI YAMUNA PRASAD SHASTRI (Rewa): That is not correct.

SHRI EDUARDO FALEIRO: It is. In 1977.....

SHRI YAMUNA PRASAD SHASTRI: It is not right.

SHRI EDUARDO FALEIRO: Then it is

another Bill.

SHRI YAMUNA PRASAD SHASTRI: It was moved by me and the Bill was circulated for soliciting the public opinion. By the time public opinion could reach here, the Lok Sabha was dissolved and the Bill, I believe, was not rejected by this House.

SHRI EDUARDO FALEIRO: My recollection is that there was such a Bill. I may be wrong, but really that is not the point. It is only my recollection that there was a Bill moved by Shri Jyotirmoy Basu, which was rejected. But I am not on that point and that point is not material because many such Bills have been moved in the past and they have been rejected. In fact, this very question—whether right to work should be a Fundamental Right or not was even presented in this country before the Parliament came into existence. In the Constituent Assembly, one of the Members Mr K.T. Shah raised this question that the right to work should be made a Fundamental Right. It was in 1946 and this suggestion was, at that time, opposed by another Member Shri B.M. Rao and suggested one thing, which was ultimately accepted and enshrined in the Constitution that there should be two types of Fundamental Rights as if it were. One would be those Fundamental Rights which would be enforceable in the courts of law and justiciable. Other would be those Fundamental Rights which would impose a duty on the Government and on the State, corresponding duty which would not be justiciable. The second category of Fundamental Right was described, ultimately, in the Constitution as Directive Principles of the Constitution as Directive Principles of the Constitution and that is how we have the words 'right to work' already in the Constitution under Article 41 of the Constitution wherein it says:

'The State shall within the limits of its economic capacity and development make effective provision for securing the right to work and so on to education and so on and so forth'.

Therefore, in fact, since the very incep-

[Shri Eduardeo Faleiro]

tion of this Constitution, there has already been a sort of right to work enshrined in the Constitution. The only difference between this right to work from the other Fundamental Rights enshrined in the Directive Principles is that they are not enforceable and not justiciable. I shall be brief because the question which this House must address itself is very simple, very fundamental and very brief. And the question is this. By including the right to work in the Chapter of Fundamental Rights, are we advancing on the existing position or not? If we are advancing on the existing position, then it is well and good. If we are not advancing on the existing position, permit me to say this. This is what everyone of us must say and this is what every citizen of this country will say. If we are just creating this right to work in the Fundamental Rights, without advancing the Constitutional position as it exists today for the benefit of the citizens and of the unemployed, then we will be committing a Constitutional fraud; we will be playing a political attack on the people of this country; we will be accused and accused rightly of merely trying to entice the people and the voters without giving them any benefit. The position as it exists today is that the right to work cannot be made a Fundamental Right, in the sense that it cannot be made enforceable or justiciable. In fact, I read from the newspaper a very interesting statement of the Minister of Labour and Welfare, Mr. Paswan. he had been quoted as recently as on 12th January, 1990 in the *Patriot* as saying, among other things, that:

"Right to work does not mean the right to a job."

That's what the Labour Minister of this Government, that wants to introduce the right to work in the Constitution says:

"In this scheme of things, pay is secondary and work in primary."

It means, he has a very clear approach apparently to right to work. Right to work for

Mr. Paswan Means, you can work. But about the pay, there is no guarantee of pay at all. It is not material. That is what he says. In his scheme of things, pay is secondary and work is primary.

This is a very deceptive way of looking at the right to work. Right to work has to be if it is to be included in the constitution—an enforceable right, a justiciable, a right to work and according to remuneration, a right to remunerative work and right to adequate remuneration. Are you in a position to provide this? Have you done at least any exercise to identify the enormous, gigantic, tremendous proportions of this task? It is a dream; it is a beautiful dream. But can it be realised today? Can it be realised even in the near future? Have you calculated the size of the unemployment in this country? If you are just to provide any employment to the unemployed, are you in a position? Are you at all in a position to provide adequate employment with appropriate and adequate remuneration for this work? How do you intend to do this? Have you got an idea? I think, you do not have an idea because no survey had been conducted on these lines—a survey which is really speaking and which can be fully relied upon. So, please don't play a constitutional fraud on the people of this country.

We were talking about 1977. Measures were there in 1977 and we made a big noise here. We meaning you, gentleman, who were here on the other side—the ruling side—in 1977 saying that 'socialism' was included in the Preamble of the Constitution by the Congress Government during the period of Emergency without say indication of improving on the existing situation merely as an eyewash. That was the argument. Then, that was removed from there. Now, please don't do anything that you condemned yourself. Don't play with these tricks. Don't put this right to work merely as and eyewash—to use your own expression at that time merely as a populist slogan, merely without any advance on the present situation. You canto bring to reality this dream, that is, the dream of all of us. You have not even done

the basic work. And it is not possible. I do not blame you because it is not possible to identify exactly what is the dimension of unemployment in this country and much less it is possible to identify exactly what are the dimensions of adequate employment required in this country because the problem of unemployment if it has to be fully analysed—is also of under-employment.

Now, let us give the people not right to work without work. People would be very happy if we give them work. You see, right to work can come later. Let us address ourselves to this question. Provide work to our people, provide adequate remuneration to our people. But Mr. Paswan Says: "Work doesn't mean the right to a job." This scheme of things is his scheme of things: "Pay is secondary and work is primary." This is not at all the concept that this House should accept. This House has to accept the concept that we are not here for slogans. We don't want empty rights. We would rather have substantive work opportunities being provided rather than empty rights. We think it is very important that people should not merely have a right to work simpliciter but should have a right to remunerative work and adequate remuneration for their work. We have not done this exercise. I say 'we'. I say 'we' advisedly because this is not an issue in which we should break the ranks. This is an issue where the entire national energy and leadership from all sides must and will necessarily agree. Employment is like life. It is the right of every citizen. The Mover of the Bill has pointed out how the Resolutions of the United Nations themselves speak of the right to work. They speak of the right to work. It does not concern only certain individuals. It concerns the mankind. Every human being must have adequate means of livelihood. And therefore, for this priority task, we are with any Government. We will enjoin you in this task and share with you your responsibilities. We should concentrate on providing employment and work to the people which by itself is a gigantic task.

The Mover of the Bill has been unfair to

us. They say that the Congress Government has done nothing. I am sure that he, having travelled the countryside and his own constituency, has not said this with great sincerity. He must be like me. I have visited every single village of my constituency in the course of these years more than once. I have seen the enormous benefits that is, in terms of economic benefits, in terms of self-reliance, and in terms of creating a spirit of enterprise. Schemes of rural development such as IRDP, RLEGP, NREP and TRYSEM have been brought for the rural people. There are many snags which we ourselves, in the Congress Government, identified in the operation of these schemes. But you cannot deny the benefit of these schemes and the principles of these schemes. You can see the reality on the ground that these schemes have benefited materially and spiritually in the sense of creating and developing a sense of enterprise among the people of the country, particularly the poorer sections in the rural areas. Your memory is so weak. How can you forget the Jawahar Rozgar Yojana which we brought just a few months ago? It was a tremendous exercise. Mr. Minister, are you in a position to deny that this scheme is not a sound and good scheme, that this scheme is something that this Government will maintain? You are not in a position to deny this point.

SHRI AMAR ROYPRADHAN: The hon. Member should go through the wanchoo Committee Report, what is the position of the landless labourers in Madhya Pradesh and Orissa?

SHRI EDUARDO FALEIRO: I am not saying that we have solved all the problems. What I am saying is that efforts were made and efforts cannot be condemned as having produced no results at all. Results have come and efforts have been made. Schemes cannot be condemned *in toto*, Wholesale by any Government. The minister is a very sensible man with long experience in rural development and will surely appreciate these schemes. I would like to say something in the context of what the hon. Member has said. It is regarding graduates and post-graduates

who are not working in the fields. You have created doctors, graduates and post-graduates, You have created expectations that they will get adequate employment, meaning thereby that employment commensurates with their qualifications. We must look into this matter. This is a very connected matter with the question of employment and our educational system. Education must be employment-related and job-oriented. If we produce right, left and centre, viz., graduates, post-graduates, doctors and so on, however their calibre may be, we are creating a large number of frustrated elements. There are so many terrorists in different parts of the country. Reasons are many. One of the main reasons is unemployed youth who are frustrated do not get employment. Crimes and criminal activities are increasing. People who are frustrated have no outlet to utilise their skills they have developed. Therefore, they get into the streets and commit crimes. Therefore, to meet the economic problem of employment, we must also address to the educational system and reform the educational system so as to make education related to job. At one time, I was in the Consultative Committee of the Ministry of Science and Technology and we realised that all the I.I.T. graduates, who are the cream, best brains of the country, were going to other countries after they came out of the Indian Institutes of Technology. The best brains of the country go to these Indian Institutes of Technology in different parts of the country. On each one of them we spent lakhs of rupees. They are the best brains in the country and secondly, tremendous amount expenses are incurred out of the limited resources in giving this education to these people. We found that the entire batches of these boys, who come out of these Indian Institutes of Technology, who are the best brains in the country, they migrate in full batches and leave the country. They go to the United States and other countries. That shows that we create these people, educate them but do not give them adequate employment opportunities. They go out of frustration. It is not merely a question of getting more money. Many times, we say that they go to these countries because

they get more money. It is also that they go to these countries because of job satisfaction, they can do research and produce things. Therefore, education must be related to the employment opportunities and our limited resources must be canalised on these lines to see that infrastructure is there to absorb these people, whom we educate. We cannot blame them, and say that now that you are graduates, you do not want to do the work, your father or grandfather were doing; to go and plough the fields and do manual work. It was good for their fathers and not for them! "Why are you not doing? You have become too important just because you are a graduate." This is entirely a wrong approach, and letting insensitivity. The fault is not of these students, the fault is of us opinion makers and decision makers. We have to link education to jobs.

There are several other aspects, but in view of the limited time, I want to mention just one thing on which employment can be provided and social objective of a different nature achieved, and that is housing.

Food, clothing and shelter are the three basic requirements. We have done extremely well as far as the food is concerned. I particularly remember that whenever I visited different countries, I found that every single agricultural university of the developing countries study the green revolution of India as an example, as to what a developing country can do to reach the condition of self-sufficiency in food from conditions of great famine and difficulty. In clothing also, we have done quite well. But I admit that on the point of shelter, we have remained far behind. And this is very important for providing employment. This is also connected with the right to work. We must consider among the different avenues and opportunities building of houses and housing. It serves two purposes; provide shelter which is essential and provide employment because it is an employment-oriented line of activity.

In conclusion, I once again caution the Government against playing a constitutional fraud on the people of this country, and

against indulging in political tricks, which are found sooner or later. You know it and I know it. We must provide work to our people have a blueprint with you. We are with you. We do not dispute and we are not against the right to work. How can we? We are committed to social democracy and it is the duty of any State, particularly a welfare State to provide the right to work. But is this the time? Are we not putting the cart before the horse? Let us first have a blueprint that is effective Let us work In this direction, otherwise right to work will provide work only to the lawyers and everybody will go to lawyers. Lawyers will get the work and nobody else.

On this note, I will conclude by saying that let us sincerely address ourselves to this question of providing work, which is effective rather than right to work which would remain on paper only.

[*Translation*]

SHRI HUKUMDEO NARAYAN YADAV (Sitamarhi): Mr. Chairman, Sir, I was listening to Shri Faleiro very attentively. There is a couplet of Kabir which reads as follows:

"Jo darshan Karna chahiye to darpan manjat rahiye,
Darpan me lagi hi kaai, to dars kahan se pai."

If your vision is not clear you cannot see anything. The society and Institution, the environment in which you are born, brought up and educated gave you a cultural background and shaped your thoughts and ideas to develop your identity and it is difficult to change it, You said that if right to work was incorporated in the constitution as a fundamental right it would be a fraud. How can it be? Today the people of our country are craving for equality. It is so not only in India but all over the world in this last decade of the 20th century which will bring in either an era of equality or the total destruction of this world. Either of the two is destined to take place. The present situation will not continue for long. So this cannot be a constitutional fraud. There is deep craving among the people. In order to satiate it, the Govern-

ment, this House and this Institution shall have take certain steps. Is this House meant only for having discussions with a fixed daily routine of assembling here at 11 O' clock and leave at 6 P. M. with a lunch break of one hour and getting a daily allowance of Rs. 150 for a work of five hours only. While on the other hand when we happen to think of our voters living in the rural areas whom we represent here in this House, We find that the poorest of these poor people manages to make his both ends meet on a meagre income of eight annas a day and his representative who receives an attractive amount of Rs. 150 as his daily allowance happens to participate in the discussions on 'Garibi Hatao' in this House. But when the voice of the poor will rise direct for the huts then you shall have either to satiate them or the very existence of this House will be endangered in the wake of the fury of the havents. You will not be able to resist it. Therefore we have to a look at the grim situation of unemployment and the people who are starving for want of food. On the other hand there are crores of people who are enjoying a luxurious life in the sky scrapers in Delhi. Such people visit clubs and enjoy cabaret dances and indulge in all sorts of merry making. They dance and drink together. In order to statiate their primitive passions. They enjoy young girls dancing in nude but when the question of providing employment opportunities to the unemployed, they take the plea of scarcity of resources. Birlas, Tatas, Dalmias, Singhanias, the Hindustan Lever Ltd. Company and Shri Shanti Prasad Jain are the top industrial magnet of this country. When India got her freedom in 1947, the value of total assets of Birlas was Rs. 45 crores, which has now touched the mark of Rs 6,000 crores. After all where from he has earned all this huge wealth? On the other hand the son of a poor farmer whose grand father used to cultivation land, continues to cultivate it from one generation to the other. Has his condition undergone a change? Instead, the son of a farmer whose grandfather used to cultivate a vast stretch of one hundred acres of land, has been left with a small farm of 5 acres only Now he had been brought down to the level of a small farmer Power of ditermination.

[Sh. Hukumdeo Narayan Yadav]

Swami Vivekanand had said that if there is What a strange situation it is. But the present state of affairs can be changed only if there is power of determination Swami Vivekanand had said that if there is only one man with a strong will power, he can change the entire world. But he requires a strong will power and firm resolve for the same. He can do all this with strong will power. You say that it is not possible. But it is possible A provision to that effect in the constitution will not do it. Dr. Lohia had said that we have always been raising the slogans of socialism. We seek to provide 'one man-one job'. But if a member of Parliament continues to be the member of the House on one hand and also enjoys the benefits of bus permits on the other besides the ownership of a petrol pump and one thousand acres of land and his son holds the post of an I.A.S. and his grandson happens to be a Deputy Collector and so on for how long it will continue. So there are a number of families where all the powers have concentrated. This vicious circle should be broken, because with the decentralisation of power and wealth, the unemployed will get employment and concept of 'one man, one job' will be turned into a reality. If you do not provide them with jobs, they will forcibly grab the land. The Government has given several bus permits covering many routes to certain individuals whereas it should be only one man one but permit as it can provide employment to thousands of the unemployed. But this can be achieved only when there is a will to do so. In case intentions are not good, it cannot be possible. You have stated the Government will give right to work. Dr. Lohia has said that we should raise a land army to give job to the unemployed for the optimum exploitation of crores of acres of fallow and barren land in the country. With the provision of money machines and irrigation facilities for the same, these people can convert the barren stretches of land into a greenland. In this manner that barren land will be utilised. But it requires a change in the way of thinking. Because the people who have been deeply influenced by the Lord Macaulay consider themselves to be the English and

they think that right to work amounts to right to service and service means Government job for them. But our Government should tell them that they will be given employment but not Government jobs. Instead they will be given work in fields, factories and the work of turning the barren land into a fertile one. If they are in need of work, there should be no difference for them between a white collar job and a manual work in the field. After reading a book Mahatma Gandhi had derived a conclusion that all the jobs—be it the job of a barber who does a manual or that of a lawyer who pleads the cases in the courts are basically the same and carries equal significance because both of them are the means of earning a living. But the job of a clerk fetches an income of Rs. 3,000 per month, whereas a labourer who work hard can earn meagre income of only Rs 15 per day inspite of his strenuous work for 15 hours a day. This is something unjust. Hence law should be a to ensure wages commensurating to the amount of labour put in by the concerned individual and a man doing a white collar job will get comparatively less amount. With that change in our approach, there will be a total change in the entire set up of the country. Today a revolution is taking place in the communist countries, why? The old set up is collapsing because a privileged class of bureaucrats has emerged there which does not allow any body else in the society to assume a place of significance and when this section of people who are enjoying a life of luxuries are cut to size and denied the privileges enjoyed hither to by them, other will be able to get facilities because these are the people who make an unnecessary show off their money on the occasion of the marriages and other functions and their houses are illuminated with the rows of electric bulbs, like the bridal make up of a bride. There is yet the other side of the coin because crores of people living in the huts in India have no light even at the time when they sit to take their food. See this contrast of life in Delhi where on one hand, there are highrise buildings which are illuminated with innumerable rows of bulbs like a birds while on the other hand, there are huts of the poor which have no provision of

light. Hence we shall have to bring in a change with the provision of electric light in huts. Today farmers do not get adequate supply of power for their tubewells but in cities, peoples happen to instal air-conditioners at their residences just to combat the weather effects for a luxury sake. But it needs a change if we want to bring in a change in the society. Only then, we will be able to say that now we are in a position to provide work to each and every hand.

[English]

MR. CHAIRMAN: Now you are on the public platform. You please come inside the house and speak on the Bill.

[Translation]

SHRIHUKUMDEO NARAYAN YADAV: I am speaking on the Bill only. They say that we cannot give work and it is just a gimmick but I would like to say that we will make an amendment to that effect in the constitution and provide work to the people. It is also a public platform.

Please go through what Choudhary Charan Singh has written in his book-'Economics Nightmare of India—Causes and Cures. In the case of big factories investment is more and employment opportunities are less e.g. with an investment of Rs. 1 lakh in cottage industries greater number of people say 14 workers as compared to that of one in the big factories can be provided employment. Per capita share of an individual in the land is very low in India. Hence we should not copy others living in foreign countries. There are three types of people in the world, one who always look to others and the second one who have their eyes on future and the third one look to their past. You, the people in the Congress have been looking either to your past or always have a look on others. You have never thought of future. While having a retrospection of the past you make repeated references of what your predecessors, your grandfather and great grandfather or Pandit J.L. Nehru, Motilal

Nehru or Indira Gandhi had done, in the past or what Rajiv has done now. It is what they call looking back and what actually the words 'looking at others' imply is as to what Russia is doing, what Japan is doing or what Israel is doing. Our Government does not belong to either of these two categories. Instead we always look to the future. It means that we envisage the future shape of our society. So we look to the future. We will set up cottage industries for the indigenous production of consumer goods. Gandhiji had said that all such consumer items which can be produced in the cottage industries, should not be allowed to be manufactured by the big industries and the goods thus produced will be sold in the Indian markets and the goods manufactured by the big industries will be sent abroad to complete in the international market. When cottage industries are capable of manufacturing needles and shoes, cotton ginning, weaving and dyeing of cloth surely then, if a network of cottage industries is established throughout the country, 16 crore families out of a population of 80 crores would be able to set up one or the other cottage industry. This would improve the economic condition of the farmers apart from providing work to the unemployed. How can't it be possible? We can do it by framing law through an amendment in the constitution. Government service could be limited to a period of twenty years only so that no one remains in the Government service for more than twenty years. Government service has become a prized profession for the people. If people are not ready to step down after twenty years of Government service, then how others would get employment? Even if the Government employees get angry over it, this should be done because they receive their salaries from the taxes we pay. They would render their services for twenty years and then they would be replaced by others. We can get things done only if they are not allowed to continue in Government service beyond twenty years.

In the end, I would like to mention my last point which relates to the definition of skilled and unskilled labour which the Prime Minister (Interruptions)

[*English*]

SHRI EDUARDO FALEIRO: Will it be applicable to MPs also?

MR CHAIRMAN: He is asking, 'is it applicable to MPs also'.

[*Translation*]

SHRI HUKUMDEO NARAYAN YADAV : Yes, yes when we say these things, it is applicable to one and all. A Member of Parliament is not a different creature. An M.P. is also a part of the society or at least, that is what I believed when I spoke about it. Is it that you do not consider yourself a part of this society?

Mr. Chairman, Sir, the Prime Minister has written about skilled and unskilled labours. It is high time to change the definitions of skilled and unskilled labourers. One is considered a skilled person because one is an engineer with a five year training in a particular discipline, whereas another person is considered an unskilled labourer even though he got his training in ploughing since childhood under the supervision of his father, who himself was a peasant. While the farmer is called an engineer just because he has a certificate with him, the latter is called unskilled even though he is apt in using the pick-axe and other agricultural operations. A person is unskilled if he does not know how to plough, even if he is an educated person, a doctor, an engineer, an I.A.S. or an I.P.S. officer. In fact, it is we, who are the specialists in ploughing, in using the pick-axe, harvesting, in milching cows and buffaloes, in providing fodder and water to the cattle. That's why I say, do not ridicule the illiterate farmers of the villages by calling them unskilled labourers. What rose of graduation is it that educated and well-dressed. English speaking persons are called as unskilled, though we are adept in our skills. Therefore, we should be put in the category of skilled labourers.

With these words, I support the Bill introduced by Shri Amar Roypradhan in the

House. Through this Bill, you propose to bring about some changes in the constitution. I understand that the Government is taking some action in this direction and is about to bring forward some proposals. Hence there should be a debate on the Bill brought forward by Shri Amar Roypradhan and after the debate, this issue should be left with the Government, there is no need for a voting on this Bill, as the Government itself is going to introduce an Amending Bill. I would like to conclude with these words that a debate on this Bill is necessary and the hon. Member should withdraw his Bill after the debate and leave the rest to the Government.

[*English*]

SHRIMATI MALINI BHATTACHARYA (Jadavpur): An hon. Member in the opposition bench has stated that insertion of Article of Right to Work in the Constitution would be a mistake and it would be a socialist mistake.

SHRI EDUARDO FALEIRO: I am not against the right to work being in the Constitution. I am against the right to work being in the Constitution. without being opportunities for work. We do not want paper rights.

SHRIMATI MALINI BHATTACHARYA : I just want to point out that socialists regard unemployment as a social problem to be solved whereas the hon. Member regards unemployment as an act of god, something about which there is nothing to be done.

Once again, on this question whether it is a Constitutional fraud, I think, it is not a fraud. It is promises a constitutional promise. Many of the articles in the Constitution are in the nature of a promise which perhaps cannot be fulfilled overnight but which can be regarded as an admission of human dignity. This amendment can be regarded as an admission of the fact that there is work and there are hands waiting for work, but somehow the State and the Government have not been able to coordinate these two things.

In Article 16 we find equality of opportu-

nities in matters of public employment are embodied. It is difficult to stand by this article when there is a continuous shrinkage of opportunities, when there is a continuous pressure of people waiting for jobs and on the other hand, there is a shrinkage of jobs. The result is that some people necessarily become more equal than others and everyone does not get equal job opportunities. So, I think, in the interest of making Article 16 a real article, something that exists in reality and not just on paper, it is necessary to introduce this amendment. However, the question is not really of putting it into the Constitution as a fundamental right. The question is that of translating it into reality.

17 hrs.

As I have said earlier, certainly this is not a very simple task. Practical difficulties cannot be lost sight of. In the creation of job opportunities, the responsibility of the Government is very great. When asked the question whether this is going to be justifiable, well, what should the Government do when the right to work becomes a Fundamental Right in the Constitution and when people come immediately asking for jobs? So, this question whether this is justifiable or not is a very important question. However, I think that there are certain short term immediate methods by which we can, for the time being, obviate the difficulty regarding justifiability. For instance, we can certainly obviate it by providing unemployment benefit where jobs are not available. I know that unemployment benefit is no substitute for a job; it is merely a compensation. It is an admission of the fact that the State has a responsibility for providing employment to its citizens. However, as I have said, this is not a solution, only a short term measure. Secondly, there is also the likelihood of instituting certain programmes whereby some work can be provided immediately for those who are in most need. Here, of course, the question arises that such jobs would be gift horses for beggars who cannot look into their mouths. So, such programmes also are not the ultimate solution and we do think that for the ultimate solution of the problem, a very

radical change in the socio-political structure is needed. However, even within the Constitution as it is, there are certain small steps which can be taken—steps towards the fulfilment of a promise. As I have said, the promise cannot be fulfilled overnight, but the promise has to be made seeing that if the promise is not made, then it is destructive of human dignity. So, there are certain ways even within the framework of the Constitution. Certain things can be done to provide job opportunities. Since in our country a very large section of the population is in the agricultural sector, of course, the most important step within the framework of this Constitution would be land reforms, whereby land can go to the landless so that they would not be reduced to beggary but would be able to stand on their own legs, would be able to stand on their dignity. At least that much can be assured by instituting land reforms which are Constitutionally accepted.

Here, Sir, I would like to present the case of West Bengal where the State Government has indeed, by taking certain Constitutional measures, been able to generate jobs in the agricultural sector, for instance, by implementing the Food-for-work Programme—food not given as charity but food given in lieu of work. Earlier on, 10 or 15 years ago, there used to be streams of people, influx of people from the agricultural areas to the cities in the lean seasons. However, the West Bengal Government has been able to stem this influx during lean seasons by providing work through Panchayats for the people on the land itself. So, that is one way in which employment can be generated. Next, we find that as a result of certain policies of the Government which was in power at the Centre for a long time, there had been freeze in employment in the public sector. The public sector industries—many of them—are not being used to their full capacity. So, now this new Government has to consider how the public sector, which is the single largest employer in this country, can move so that employment is generated. In my own constituency, there are people suffering from the freeze of employment in the public sector vacancies which were cre-

[Smt. Malini Bhattacharya]

ated by superannuation are not being filled up. The public sector industries are not fully at work and also as a result of import of advanced technology and computers, there is a cut-down in jobs. While such import of advanced technology cannot be altogether ruled out either in the public sector or in the private sector, there has to be labour intensive investments side by side. We can refer back to the Mahalanobis model, the twin sector model, whereby there may be a development of capital intensive industries with hi-tech. At the same time, equal emphasis should be placed on small scale industries and cottage industries supplying jobs to a large number of people. If you remember, recently in the newspaper we have seen that the Chief Minister of West Bengal, in a speech made to the Chamber of Commerce, has given this as an alternative model for planning. I think that there should not be advanced technology for its own sake, but encouragement should be given for indigenous technology adaptable to the public sector needs. As a result of the anti-people policies of the earlier Government, we have come to a pass, whereby the population of the unemployed has increased as never before.

Now, I would just end with one point and that point is one which is opposed to an argument offered from the Opposition bench. An hon. Member from the Opposition benches suggested that by cutting down or curtailing education—particularly higher education—we can stem the tide of the unemployed people as if unemployment on the rise because people are selfish enough to want to get educated. I think, that this kind of argument is now acquiring a kind of global respectability because even in some of the advanced countries, there is curtailment of higher education in the name of improving it. I would say that we should not go by it particularly in a poor country like ours because this curtailment of education would not mean stemming the tide of the unemployed. It would simply mean that there would be a proliferation of uneducated un-

employed rather than educated unemployed. So, I think, it is rather through the institution of land reforms, by giving encouragement to industry, by expanding public sector investment that these problems can be eased.

As I have said, the problem of unemployment cannot be solved overnight. But I would state again that unemployment for us is a social problem. It needs to be solved and has to be solved. If we cannot solve it, then there is no hope for our country.

With that, I completely agree with this Constitution Amendment Bill.

[*Translation*]

SHRI HARISH RAWAT (Almora): Mr. Chairman, Sir, it seems that our leftist friends, who sit in between the ruling party and the opposition, have started playing the role of middlemen. What I mean to say is that they should work for maintaining a balance between the aspirations of the people and the Government. I congratulate Shri Amar Roypradhan for introducing this Bill, though, it is a Bill which expresses sympathy only through its wordings. It would have been better, had his intentions been sincere. He has been presenting his views in a forceful manner. When he was talking about incorporating Article 61A, he should have also said that those who are unemployed, who do not have either a Government job or agricultural land, who do not have a permanent source of livelihood they should be given some allowance, so that they could fend for themselves, but it seems to me that from the day Shri Amar Roypradhan and company be friended those sitting in the treasury benches, they are intentionally missing out those issues which affect the Government. It has become the endeavour of Shri Amar Roypradhan and Shri Somnath Chatterjee to apply the least possible pressure on the Government.

SHRI SOMNATH CHATTERJEE: What do you want?

SHRI HARISH RAWAT: Today, while

speaking on the Motion of Thanks on the President's Address, the Hon. Prime Minister said with a fervour and an emotional touch that the "right-to-work" would be included in the Constitution.

SHRI YAMUNA PRASAD SHASTRI:
You will speak against this also.

SHRI HARISH RAWAT: We are not against this. On the contrary we have thanked him and lauded his efforts in this direction. Shri Shastri, you could share with him the experiences gained by you in the years of struggle so that the government may bring a Bill in this Session on the subject of unemployment allowance. Hon. Shri Ram Vilas Paswan should at least... (*Interruptions*)... give unemployment allowance to those who are registered in the employment employment exchanges. To-day the issue is not just limited to an amendment in the Constitution. The mover of the Bill said here that such a provision exists in Article 14 also. It is also mentioned in the Directive Principles of State Policy and the Government has also declared its commitment in this direction more than once. Our party had also spoken of its commitment in this matter. Today, our party is criticized of not playing its role in this direction. But we too had criticized our Party then and demanded that provisions should be made for the unemployed, the under-employed and the landless.

Sir, merely amending the Constitution will not be of any consequence. A poor man who has nothing to eat cannot be expected to run to court carrying his letter of authority demanding that his right to work be protected, who will meet his court expenses? Perhaps Shri Amar Roypradhan or Shri Somnath or Shri Harish Rawat or Shri Son-tosh Mohan Dev may do so. Who will ensure that the people's right to work is protected? And they talk of including the right to work in the Constitution. The Government is trying to play a cruel joke on the people. If this concept has to be transformed into reality, it is necessary that every hon. Member of this House should convince the Government of the importance of bringing a Bill on the

subject of unemployment allowance. The Government may not be able to do much initially and may not be able to pay Rs. 200/- or Rs. 500/- but a beginning has to be made somewhere. As Shri Amar Roypradhan suggested, first of all, the ban on recruitment should be lifted. The next step can be taken by Shri Ram Vilas Paswan by arranging an all-India survey of employment exchanges because they are in a very bad condition today. Shri Ram Vilas Paswan and myself are bosompals. So I was pained to hear that he had been given the labour portfolio. It would have been better to have given him some other portfolio. A sincere person like him had to be made Labour Minister when corruption is rampant in the employment exchanges of our country. When young graduates approach the employment exchanges, their names are not registered. They have to endure a lot of hardships in getting their names registered. The subsequent process to get an interview call is even more troublesome. After a seemingly endless wait when they receive a call-letter for an interview they can express their gratitude towards their parents for having spent their hard earned money on their child's education and making him capable of facing an interview. Sir, the hon. Labour Minister and all the hon. Members on both the sides are well aware of the problems involved and the hush money to be given for getting a call letter for an interview. I would urge Shri Ram Vilas jPaswan.....

THE MINISTER OF LABOUR AND WELFARE (SHRI RAM VILAS PASWAN): In this connection, I invite Shri Harish Rawat and other hon. Members to write to me directly if any complaints come to their notice. I assure them that I will take action within three days... (*Interruptions*)... I can understand your feelings but I must have a definite application or proof.

SHRI HARISH RAWAT : Sir, the hon. Minister has his own problems. I sympathise with Shri Ram Vilas Paswan but as Members we too have problems. In future whenever they get a chance to sit on this side, they will say the same thing as I am saying now. I

[Sh. Harish Rawat]

request the Government to conduct an all-India survey that should cover both the unemployed as well as the employed and expand the comprehensive social security scheme initiated by the Congress Government. An all out effort at the national level is required to assist those who come under the purview of this scheme. We assure the Government of our full support.

Mr Chairman, Sir, Shri Amar Roypradhan has given many suggestions. He said that there should be a class culture. I would say that more than a class culture, we should have respect for the worker. In our society, a person who does menial jobs is looked down upon. A Government employee, a junior engineer gets more respect than an agricultural labourer, a mason or a construction worker. This attitude can be attributed to our social structure. A person appointed on high-post commands awe and respect from people. So there is a need to create the concept of dignity of labour among the people in the society.

It was mentioned that the education system would be vocationalised. A beginning was made in this direction by the Congress(I) and it remains to be seen as to what further action will be taken by this Government. I can only give an example which shows the attitude of this Government in this matter. Till now this Government does not have an Education Minister. So one can imagine how much of attention will be paid in this direction on the type of education policy that would be framed. But our Government had taken steps to vocationalize education. I urge this Government to take some firm steps in this direction. More technical institutes, I.T.I.'s and Handloom and Handicraft training centres should be opened. Institutions like the K.V.I.C. and Gandhi Ashram need to be strengthened. K.V.I.C. can play a major role in generating employment opportunities in our country. We should see that these institutes should function in such a way that they should succeed in achieving their real objectives. But the way it is functioning at present, creates apprehension in

our minds. Since we have been in power for a long time we have been fighting for this cause.

Along with this, Shri Amar Roypradhan has also suggested that over-time allowance be stopped. I would ask them to give this suggestion to Shri Somnath Chatterjee or Shri Indrajit Gupta both of whom are associated with trade unions. I shall praise them for their courage if a resolution comes from their side. Merely saying in the House that over-time allowance should be stopped will not do. On one hand, they fight on behalf of the trade unions over this issue and on the other hand, they merely pay lip-service to the matter.

As far as agricultural reforms are concerned, the agricultural section has the maximum capacity for generation of employment. Today, it is easy to say that the Congress(I) did nothing for the development of the agricultural sector or for land reforms. In 1947, land was in the possession of 'Zamindars' or other influential people. At that time, the Congress Government committed itself to bring about land reforms in all the States of our country. I hail from Uttar Pradesh and I am familiar with the way the Zamindari Abolition Act was implemented there. If we start finding fault with each other and accuse the Congress (I) of being dishonest, it will not do... (*Interruptions*)... you are talking of West Bengal, how much of land has been distributed there. Even today, there are 376 cases regarding land disputes that are pending in the West Bengal High Court. But the West Bengal Government is unable to pursue these cases and help the poor people... (*Interruptions*)... If you interrupt, I shall have to add that West Bengal has the highest rate of unemployment. The people who are defending the charge of unemployment on some pretext or the other have been there for a long time. But the fact is that the rate of unemployment continues to be the highest of all States.... (*Interruptions*)..."

[*Translation*]

Sir, the irony is that when we fire volleys towards the treasury benches the reaction is

noticed on the faces of some sitting on this side.

We, however, appreciate the good deeds of the Government of West Bengal. The problem is not confined to West Bengal only. It cannot be solved by one or two States. It requires efforts at the national level. The Government in power may be that of Janata Dal or Congress, they have to take measures in this regard.

I have a charge against industry, private industry in particular. As compared to the investment made in the private sector, employment generated has been very nominal whereas the position in this respect in comparison to the public sector should have been far better. If we compare the two, we feel disappointed in regard to the performance of private industry.

I would like to urge upon the Government that in the process of bringing about modernisation and technological change we must exercise cautious that we do not proceed blindly. I criticised this aspect even when Congress Government was in power and today again I stress that we should apply a brake to this approach. We should bring about industrialisation suiting Indian conditions. We should try to restrain ourselves. Our efforts to strengthen the country by means of modernisation may not create further unemployment and other problems. We must be cautious in this regard. Unless the private industry is disciplined and kept under full control; unless this industry contributes to solve the problem of unemployment, we will not succeed in our aim.

Mr. Chairman, Sir, I once again appreciate and welcome the sentiments of Shri Amar Roypradhan which have prompted him to present this Bill in the House. But I would also suggest that while supporting the Government, he should display boldness in bringing pressure on the Government to take measures which may prove beneficial for the unemployed in the real sense. The foremost among these measures should be the lifting of ban on recruitment. Secondly,

unemployment allowance should be given to unemployed persons. Thirdly, financial assistance should be provided to revive the small industries. Land should be allotted to the landless in the agriculture sector. Thereafter social security scheme can be implemented assuring fixed income to the agricultural labourers. A time bound schedule should be worked out to register the names of those, who are unable to register their names in the employment exchanges. The Government can succeed in this regard only when these measures are taken.

With these words, I support this Bill.

DR. LAXMINARAYAN PANDEYA: (Mandsaur): Mr Chairman, Sir, the hon. Member has brought forward a Bill for insertion of a new Article in regard to the right to work in the chapter of the constitution relating to fundamental rights. A number of hon. Members have expressed their views in this regard. Bills on the same subject have been presented in the past also. It is necessary from the point of view of formation of a society free from exploitation and based on equality. We are facing a number of problems and the Chief among those is that of unemployment of the youth who are educated as well as those who are illiterate, those who are skilled and those who are semi-skilled. It is on this account that BJP has been raising the slogan - 'Samvidhan mein jodo dhara, Rozgar adhikar hamara'. In this manner we have been repeatedly pleading for the insertion of an Article in the constitution guaranteeing right to work. But since intentions of the previous Government was were not good, how could their policies be good. It was natural that the results could not be positive. The consequences are before us. Plan after plan was prepared, and so far seven Five Year Plans had been prepared but unemployment went on increasing continuously and now it has assumed a proportion difficult to control. Unemployment problem has not arisen in a single day. Actually we did not move in the right direction, we did not follow proper policies, our priorities were misplaced and thus our plans were not effective. The result of all these lapses is that

[Dr. Laxminarayan Pandeya]

besides many other problems unemployment has created an alarming situation. I would like to draw your attention towards the fact that not only on human considerations but for setting up a strong society also right to employment is essential. Is it not my right or the right of an individual to get the right to work and if it has been clearly mentioned in the directive principles what objection can be there in adding it to the fundamental rights in the Constitution?

Sir, today the situation has deteriorated to such an extent that the more the schemes for removing unemployment prepared, higher the number and the percentage of people living below poverty line rose. In the prevailing circumstances more than 50 per cent of the total population is living below poverty line. Most of the people do not get two square meals a day. They go without food. How this situation was created in the country? We will have to go into the factors responsible for it, and decide an appropriate approach, and resolve to eliminate unemployment. I am confident that the present Government is heading in this direction with firm resolution. Hon. President has also referred to it in clear words in his Address. He has stated that the Government propose to explore possibilities and ensure that the people are provided with the right to employment and earn their livelihood and thus contribute in building the nation. The Government propose to introduce a Constitution Amendment Bill to this effect. Hon. Prime Minister has also mentioned in his speech that right to work would be made a fundamental right and suitable constitutional amendment would be considered and very soon it would be brought before the House. In my opinion on the basis of all these pronouncements we must feel assured that the present Government is moving in the right direction, their priorities are rightly placed. My submission is that if the previous Government had chosen right priorities, if they had given priority to agriculture and considered agriculture as the nodal area and focal point of economy the situation would not have become so grave. In a sense,

agriculture is also an industry which employs the largest number of people, about 80 per cent of the total population. The remaining 20 per cent are employed in other fields like factories, industries, offices etc. Indifferent attitude was adopted towards 80% of the people engaged in agriculture. The present Government propose to give the status of industry to agriculture. It would be a purposeful and meaningful action which would enable agriculture to make progress and ultimately this would offer more opportunities for employment. Thus it is essential to strengthen it.

What is the condition of agriculture at present irrigation facilities are not available, farmers are not getting remunerative prices for their produce, they remain under the burden of heavy debt and agriculture has been becoming extremely uneconomical. If situation is improved in regard to these problems it will prove to be the most powerful source for removing unemployment. We want decentralization of economy, our economy had not been heading in the right direction. In the past big industries were set up with investment of millions and billions of rupees but they did not generate as much employment opportunities as was expected. I do not think that our economy is decentralised. The Government never paid attention to build a decentralised economy. There is a need to encourage cottage industries, small scale industries and medium industries. What happens is that in the face of stiff competition between the big industries, the small industries loose ground and thus suffer loss and become sick and are ridden with heavy debt. Such small scale and medium industries should be given protection.

Different areas of manufacturing should be allocated to various types of industries. The small scale industries, cottage industries and medium industries should have their own areas of manufacturing. A clear line of demarcation should be drawn between the industries so that one does not encroach upon the other's area. This will create more avenues of employment. Just as there is decentralised economy in the

country, the industrial system should also have a decentralised structure so that we could create more and more employment opportunities.

I am happy to say that the hon. Prime Minister has made efforts in this regard. The present Government not only wants to change the image of the country but also to change the fate of the country. What image have they given to the country? What is the image of our country abroad? Our country is rich in all minerals and metals like gold, silver, iron, diamond, emerald etc. It is also rich in forest resources. Thus it is a very rich country. Despite all these things it is called a poor nation. We want to change this poor image of the country and present it as a rich nation i.e a nation with self pride and sovereignty. We will change the fate of this country. We find today that foreign capital and multi-national companies have flooded the country. With the entry of these companies, experts from abroad are dominating the field of production which with the result that national wealth is being drained out and our foreign exchange reserves are declining. Had these multi-national companies not been allowed to operate in this country, we could have set up a number of indigenous industries and in the process we would have provided jobs to our youths and given them an opportunity to display their skills. Today we are facing the problem of braindrain in this country. Consequently talented engineers and technicians are going abroad for employment and brighter career prospects. This situation was created by the previous Government, which invited multi-nationals to invest their capital in this country. They were granted monopoly in production of many items like cold drinks, cars etc. Even if our people wanted to set up their own industrial units, they were asked to collaborate with the foreign concerns. There is no dearth of talent in our country. There are good engineers and talented men who could prove in the long run their mettle in every field. They have proved that they can shine in every field whether it is in the industrial sector or nuclear energy sector. Our youths and scientists have given a new thrust to these fields. They

have shown new ways to the world and proved that India is the country of the genius and our talented scientist could shine in every field. Give them opportunities and then see, how capable our scientists are?

We should feel proud of our talented scientists and those great sons who earned a prestigious position for our country in the international field. Sir, I would like to tell you once again that it is not an ordinary Bill. It is a Bill which would fulfill the aspirations of crores of youths and honour their sentiments. It is a Bill which would provide solace to the unemployed youth who were anxious to get some kind of assurance about their future. They expected someone to console them and come to their help at a time when they were totally disappointed. Now that time has come. I would request all the hon. Members to extend their support to the Bill which has been brought forward by the hon. Member Shri Roy Pradhan. Here, I would like to state briefly that an indication has already been given twice by the government as also the hon. Prime Minister and by the hon. President also in his Address that right to employment will be made a fundamental right. This has provided solace to crores of our youths. In this regard, we have all along been pleading that the right to work should be included in the list of fundamental rights in the constitution itself. It will reduce the long queue of youths seen in front of Employment Exchanges all over the country. A day will come when the problem of unemployment will be totally solved and people will get new opportunities of employment. This will lead us towards the setting up of a socialistic society based on equality. With these words I would like to request the hon. Member not to press for his Bill, because an assurance to this effect has already been given by the Government. I would also like to request the hon. Prime Minister to take steps to fulfill the assurances he has given to the people.

SHRI M.S. PAL (Nainital): Mr. Chairman, Sir, I support this Bill and also express my gratitude, especially to my friend, Shri Amar Roypradhan who has moved this Bill. One fourth of our country's population re-

[Sh. M.S. Pal]

mains unemployed throughout life. Even today lakhs of people run from pillar to post in search of employment. This Bill seeks to include the right to work in the fundamental rights through an amendment to that effect in the Constitution. As my earlier speaker was saying that once right to employment was included in the Fundamental Rights, where would the people ultimately go after obtaining a decree from the court. Naturally, after they receive court decrees, it will be binding on the Government to either provide a job to the aggrieved or pay him unemployment allowance. Just now my earlier speaker, Shri Harish Rawat was telling that the Government of West Bengal has created more unemployment and failed to provide employment. I am not aware of it. I come from the some area where from he comes and I can say that ninety per cent of the population of the constituency he represents, is still jobless. Not only that, due to non-availability of employment opportunities the people of that region have resorted to making a demand for the creation of a separate State of Uttarakhand. Mr. V.P. Singh's Government itself is a favour of small States. But the Congress Party has all along been opposing the move of creating small States. With the passage of this Bill, people in every walk of life, whether they are highly educated or less educated, and irrespective of the section to which they belong, will have a right to claim employment from the Government depending on their qualifications. In case of the Government failed to do so, they would try to seek justice for themselves from the courts of law. They will have full right to knock the doors of justice and demand employment befitting their qualifications. In case they obtain a decree from the court, the Government will be compelled to provide employment to them. If the Government fails to do so, it will have to grant unemployment allowance to them. It will be their Fundamental Right. That is why I support this Bill. Not only this, it will also make a departure from the old practice which has been hitherto in vogue for a long time and enable the Government to formulate a policy under which each and every individual

will be provided a job according to his qualifications. I have seen that people holding B.Sc. and M.Sc degrees approach the leaders several times for getting employment. Even their parents and guardians approach the leaders to make their fervent requests to them to get one or the other employment for their words. This amendment will bring an end to the old practice of making requests to the leaders for getting one or the other employment for their sons.

I support this Bill. I am also sure that the Bill to be brought forward by my Government in this connection will be widely supported. With these words I conclude.

[English]

MR. CHAIRMAN: Now, the time allotted for this Bill is over. Would the hon. Members like to extend the time further?

SEVERAL HON. MEMBERS: Yes. Let us extend it by another two hours.

MR CHAIRMAN: The time allotted for this Bill is extended for another two hours. Now, Mr. Ramesh Chennithala may speak.

SHRI RAMESH CHENNITHALA (Kottayam): Mr. Chairman sir, I fully agree with the spirit of this Bill moved by Shri Amar Roypradhan. I welcome the step to include the right to work as a Fundamental Right. There will be no result by simply amending the Constitution by incorporating it as the Fundamental Right. Mr. Faleiro has rightly pointed out that right to work is included in Article 41 of the Constitution and it is also mentioned in the Directive Principles of the Constitution. The question is whether we can eradicate unemployment which is a major problem concerning the nation. If we are not able to sort out this problem, then the election promise will become a political gimmick. I will cite an example which happened in Kerala which is about the frustrated youth of India. The Government there had promised during the last election that they will provide ten lakh jobs per year for the youth of Kerala. Till now, this promise has not been fulfilled.

This promise has now disappointed the youth of Kerala. Unemployment is a burning problem. The number of unemployed youth registered in the employment exchanges is 4.5 crores. The number of unregistered youth is more than this figure. This problem is leading our younger generation into frustration. In this situation, how can we expect that the younger generation will participate in nation-building programmes? We can see that there is complete moratorium on recruitment in the country. Vacancies are not filled in by the concerned departments. A lot of vacancies are arising every year. But there is complete ban on recruitment. This is creating a lot of problems among the younger generation. The vacancies through the Public Service Commissions are lapsing without any recruitment. The Mover of the Bill has pointed out something about the overtime. Banning the overtime will create more employment opportunities. Ban on recruitment has to be lifted immediately. The unemployment dole has to be distributed properly all over the country. If I remember correctly, the dole is distributed in Bengal and Kerala only. This unemployment dole has to be distributed all over the country for the youth who are registered in the employment exchanges. There are certain existing schemes, which are generating employment. But there is lack of proper concurrent evaluation for all the schemes. It is the duty of the Government to conduct concurrent evaluation and find out the defects and rectify them.

Secondly, special programmes are to be formulated for generating employment for educated and uneducated youths of the country. There are certain existing schemes also. Previously, there were IRDP, RLEGP and NREP schemes which were generating employment in the rural areas and also creating permanent assets in the rural areas. Concurrent evaluations were made; lots of defects were detected and rectified. Now these programmes have been changed into Jawahar Rozgar Yojna. But a concurrent evaluation is very necessary for this and any other programme. Proper monitoring needs to be done. Without proper evaluation and monitoring, these programmes cannot be

implemented successfully.

Thousands of youths are getting assistance for starting self-employment programmes. There we must ensure proper implementation; proper evaluation and monitoring are very necessary for these programmes to be successful. Industries Department has also planned certain programmes, but because lack of proper monitoring, sixty per cent of the schemas are failing. Special programmes are, therefore, to be formulated for generation of employment and as I said, these programmes must be properly monitored and concurrent evaluation done and defects rectified. This must be done as the country is faced with a serious and major problem of unemployment.

[*Translation*]

SHRI RAMASHRAY PRASAD SINGH(Jahanabad): Mr. Chairman, Sir, I would like to express my thanks to my hon. friend, Shri Amar Roypradhan for bringing forward a Constitutional (Amendment) Bill. He has drawn the attention of the entire House by introducing this Bill at a very opportune moment. The hon. Prime Minister has also admitted in a recent statement that right to employment will be included in the Fundamental Rights and a Bill to that effect would be brought during this session itself. It is a matter of great joy. This Bill has further supported the hon. Prime Minister's statement. It is a fact that it will be a great victory of the youth if right to employment is included in the Constitution. It will be of great help to the unemployed youth. During the course of discussion, several hon. Members have expressed their apprehensions regarding the Bill. They want to know whether jobs could be made available to people in the real sense when right to employment is included as a Fundamental Right in the Constitution. I do agree that with the mere incorporation of such a provision in the Constitution, it would not be possible to provide jobs to youths. Once this right is included as a Fundamental Right, there will be problems before the Government—be it the the present Govern-

[Sh. Ramesh Chennithala]

ment or any other Government. Hence it will be our primary concern to grant this right in a positive manner since it has been guaranteed to the people under the constitutional provision. For this purpose, we shall have to launch job-oriented programmes and other schemes which will require funds. Now the question, arises at to wherefrom to mobilise the resources. As several hon. Members have raised their doubts about its as we are facing many financial constraints and our coffers are empty and the hon. Prime Minister has himself admitted this. Yet there are people who possess huge sums of black money. If the Government has the courage and wants to include right to employment as a Fundamental Right, it has to seize this black money from these people. Where from did the Reliance Company get the huge funds they possess now? It is black money only. such companies should be prevented from carrying on their present practice of accumulating black money. The parties which have been launching a struggle to include right to employment as a Fundamental Right will be very happy to see the introduction of this Bill and it will also strengthen their confidence that their struggle was for a right cause and in the right direction. Though it took 40 long years or so yet ultimately the Government had to accede to their demand

Mr. Chairman, Sir, today the problem of unemployment is increasing. With the increase in unemployment the people are taking recourse to crimes, extremism, terrorism and secessionism. They are going stray, away from the national mainstream. Such youths who are cutting asunder from the national mainstream have created a big problem for the country, which has came up in various forms viz. the Kashmir problem, the Punjab problem etc. These problems have not been created overnight. It is also not possible that these problems would be solved overnight. These problems have come up over a pretty long time. These are the results of some wrong economic policies and wrong programmes and misdeeds. If we fail to solve these problems, we cannot

maintain the unity and integrity of the country. But the point is as to how to solve these problems. These problems can be solved only when there are plenty of employment opportunities. The people should have ample opportunities to run their own business. Merely providing a Government job will not solve the problem. Japan has adopted this policy. Today, Japan is one of the most advanced countries in the world. The Japanese people are under taking up petty jobs in their houses. It is strengthening the very base of their economy and it has strengthened their country. It is, therefore, necessary that we should also set up small scale and cottage industries in every village.

Mr. Chairman, Sir, there used to be a number of industries in the villages and a large number of people earned their livelihood from these industries. Some Government officials were deputed to supervise the functioning of these industries. Instead of rendering any valuable service to these industries, these officials became the leaders of the village artisans and indulged in corruption. Resultantly the industrial structure broke down. The Government will have to look into all these aspects. It should take steps to see that corruption is rooted out totally

Mr. Chairman, Sir, since time is very short, I would like to bring only one thing to your notice instead of taking up any more issues. I have just received a letter from my constituency and I am reading out the same to you. You will come to know from the contents, as to what the new Government is doing. The letter reads as follows -

"To

Shri Ramashray Prasad Yadav,
Jahanabad, Constituency.

Subject:- Bungling in loan distribution.

Sir,

I had applied for a loan of Rs. 12,000 for setting up a poultry farm and my application

was sent to the Bank of India's Branch at Sarthua by the Harijan Vikas Nigam, Jahanabad vide their letter No. 29 dated 5.6.89. My application was sent back to Harijan Vikas Nigam for certain modification 4 to 5 times from August, 1989 till date.

Since August 1989 I have been shuttling between the Bank's Branch at Sarthua and the Harijan Vikas Nigam and I am completely broken down. The Branch Manager, Mr. Raju is responsible for all my troubles. Now he says that he will not sanction loan for poultry farming. Sir, for your kind information I would like to say that I have received training in poultry farming at Poultry Training Centre, Patna. Apart from certificate of training in poultry farming and I have also experience in this line. The Branch Manager says that he will grant a loan for the setting up of a flour mill. But I have no experience of running a flour mill."

Sir, that boy wants to start his own business and become self-reliant, but the widespread corruption does not permit him to do so. Please let me know as to how to implement this scheme into practice; the government should also think about it.

18.00 hrs.

Just now our hon. Minister was asking us to cite even one instance. Thousands or lakhs of instances need not be cited. Only one instance is enough. Are you aware, sir, that in a number of cases a loan of Rs 35,000 per person was given to people in Jahanabad under the employment scheme. But there is not a single case in which a person has started his own business. I have thrown a challenge to the hon. Minister of Finance to go into the veracity of my charge. After all, what is the reason? The reason is that 10 to 20 per cent commission has been

charged on the amount of loan.

[English]

MR. CHAIRMAN: Please resume your seat. You can continue your speech next time.

18.03 1/2 hrs.

[English]

MEMBER SWORN

Shri Atinder Pal Singh (Patiala)

18.04 hrs.

[English]

CONSTITUTION (AMENDMENT) BILL*

(Amendment of Article 81 and 82)

SHRI BHAJAMAN BEHERA (Dhenkanal): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India.

The motion was adopted.

SHRI BHAJAMAN BEHERA: I introduce the Bill.