

Patil, Shri Uttamrao
 Pushpa Devi, Kumari
 Rajhans, Dr. G. S.
 Rath, Shri Somnath
 Sahi, Shrimati Krishna
 Saikia, Shri Muhiram
 Sankata Prasad, Dr.
 Sathe, Shri Vasant
 Shah, Shri Anoopchand
 Sankaranand, Shri B.
 Shastri, Shri Hari Krishna
 Singh, Shri Lal Vijay Pratap
 Sukhbuns Kaur, Shrimati
 Sultanpuri, Shri K. D.
 Suman, Shri R. P.
 Suryawanshi, Narsing
 Tewary, Prof. K K.
 Variale, Shri Madhusudan
 Vyas, Shri Girdhari Lal
 Yadav, Shri R.N.

MR. CHAIRMAN : Subject to correction, the result* of the division is : Ayes : 17, Noes : 47.

The motion was negatived

*The following Members also recorded their votes :

AYES : Shir Anand Pathak, Shri Satyagopal Mishra, Shri Balwant Singh Ramoowalia Shri Bhadreswar Tanti.

NOES : Shri Abdul Ghafoor, Shri Bhola Raut, Shri Janak Raj Gupta, Shri Keyur Bhushan, Shri Digvijay Singh, Shri L. Balaraman, Shri I. Rama Rai, Shri Lachhi Ram, Shri Satyendra Chandra Guna, Shri Jagannath Patnaik, Shri Radhakanta Digal, Smt. Sunderwati Naval Prabhakar, Dr. P. Vallal Peruman. Ch. Sunder Singh, Shri K. H. Ranganath, Shri Sirpati Mishra, Shri Ram Singh Yadav, Shri J. Chaudhary. Shri M.A. Sodi, Shri P. Shanmugam, Smt. Sumati Oraon, Smt. Sheila Dixit, Shri Mohan Lal, Shri A.P. Sethi.

16.20 hrs.

CONSTITUTION (AMENDMENT) BILL

(Insertion of new article 16A, etc.)

[English]

MR. CHAIRMAN : Now we shall go to the next item. Shri G.M. Banatwalla.

SHRI G. M. BANATWALLA (Ponnani)
 Mr. Chairman, Sir, I beg to move :

“That the Bill futher to amend the Constitution of India, be taken into consideration.”

Sir, Article 41 of the Constitution says :

“The State 1, 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 case of unemployment, old age, sickness and disablement, and in other cases of undeserved want.”

This Article appears among the Directive Principles...*(Interruptions)*

SHRI SAIFUDDIN CHOWDHARY ;
 He has now moved a very good Bill.

SHRI G.M. BANATWALLA : I always move very good Bills. Only your thinking is to be adjusted accordingly.

Sir, this Article 41 is among the Directive Principles enshrined in our Constitution. As such, the article is not mandatory in the sense that there cannot be its enforcement at law. No individual can have a recourse to the court for the enforcement of his right to work as also the right to public assistance in case of old age sickness, disability and undeserved want. The present Amendment Bill which I have moved before this House seeks to move this right from among the Directive Principles, to the Chapter under the Fundamental Rights. In other words, the Bill that I have moved today seeks to make the right to worke a Fundamental Right of each and every citizen of our conutry, a right which can be enforceable at law. I need hardly add at this juncture that many countries of the world have already accepted the right to work as a fundamental right. Not only

the socialist countries but also others, like Japan and France and several others, have already accepted the right to work as a fundamental right. Moreover, India is committed to the Universal Declaration on Human Rights, and I would like to draw the attention of the House to Article 23 (1) of the Universal Declaration of Rights, 1948 which says, "Everyone has the right to work, to free choice of employment, to just and favourable conditions of work, and to protection against unemployment". India being committed to this Declaration, the United Nations' Declaration of Human Rights, we should not fight shy, therefore, of making an effective provision in our Constitution so that our citizens have this right to work in reality and not only on paper. I may say that today we have reached a stage where it is necessary that the right to work should be enforceable at large. I need hardly add that if a complacent attitude continues in this respect, we will have a situation very disturbing to the entire nation. The right to work arises because of the widespread unemployment in the country having assumed alarming proportions, this problem needs to be given a serious thought. The problem of unemployment is massive, menacing and explosive. To say the least, unemployment is the basis of poverty. If this problem of unemployment is not solved, then, one shudders to think of the consequences that may follow. There may be chaos; there may be disturbance, because, as I said, unemployment is the basis of poverty and poverty means denial of life itself. Poverty in this sense is the very negation of the right to live. I do concede that the Government is fully aware of the alarming proportions of the problem of unemployment. A lot is being done for which due credit should go to the Government. There is a tremendous activity on the part of the Government in order to face this question of unemployment and it will be unjust not to give credit for the fight that has already been launched with respect to the problem of unemployment. We know that there are in operation important employment beneficiary oriented programmes for specific target groups such as National Rural Employment Programme, Integrated Rural Development Programme, Rural Landless Employment Guarantee Programme, Training Scheme for Rural Youth for Self-employment, Scheme for providing

self-employment to Educated Unemployed Youth and various others. The efforts of the Government in this respect are commendable.

I must also in all fairness to the Government and to the positive efforts that are being made by the Government, say that a lot is being done in order to tackle this question of unemployment. But the dimensions are still alarming in spite of all that is being done. I must concede that even if we look at the National Rural Employment Programme alone, we find that there is a generation of employment to a considerable extent. In the year 1981-82 the target was to generate employment to the extent of 335.73 million man days. My congratulations to the Government. Government has exceeded even the target and the achievement was 354.57 million man days of employment being generated. Similarly we find that in the year 1982-83 the target was 353.22 million man days. The achievement was 350.10 million man days. In 1983-84 the target was 322.23 million man days. The achievement was 302.02 million man days. In 1984-85 the target was 309.13 million man days. The achievement was 349.90 million man days. Therefore, Sir, in all fairness we must concede that a lot is being done by the Government in order to fight this question of unemployment. Not only that. We must also be fair and appreciate that in the Budget that we have just had there is a massive increase of 65 per cent in the plan outlays for major programmes, anti-poverty programmes, the allocations for the IRD and related programmes are up by 51 per cent, similarly the allocations for National Rural Employment Programmes are up by 93 per cent, as also the allocations for the Rural Landless Employment Guarantee Programmes are up by 58 per cent. Therefore there is no denial of this fact. I have no reason here in this House to deny and to charge the Government as being indifferent to the entire problem of unemployment. Their efforts are commendable. The point that I am making is that despite all that is being done and a lot is done, the dimensions of unemployment have to be fully understood. We find that as many as 8.22 million persons will still be unemployed at the end of 1989-90. In the case of educated unemployed, if there is no deterioration

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in the unemployment rate, then there is apprehension that the number is expected to go up from 3.7 million at the beginning of 1985 to 4.9 million by 1990. Therefore, I say that we have an alarming situation with respect to growing unemployment. I may only here, as a matter of instance, refer to this sad thing that even this new year 1986 opened with the news that about 1,32,000 people had applied for enlistment of unskilled labourers of Calcutta Corporation. And then only 300 were to be empanelled and that too on daily wages, and for these 300 to be empanelled and that too on daily wages, we had 1,32,000 applicants only taking the Calcutta Corporation as an instance. And there also we find that a large number of candidates were graduates. They even held Law degrees. So, persons holding Law degrees were found applying for work as daily labourers, as unskilled workers of Calcutta Corporation. That is the situation. And when the time came to distribute the application forms, we even have the sadder news that there had to be a lathi charge and then so many people were injured. This is the situation that is developing and it is necessary that developing situation is taken up with all the seriousness that is there at our command.

Sir, I must say that the right to work, no doubt, has to be ensured by national economy. Left to myself I would not like these unemployment doles. There was a time when people used to be ashamed to say that 'I am without work, I am unemployed'. They would like to hide this. Today, looking at the western countries, in the western countries people declare from the housetops that 'I am unemployed, give me my dole'. So, that is the value change that has also come. Left to myself, therefore, I would not like this unemployment allowance or unemployment dole. The best way is to see that the national economy itself ensures, and it operates in such a manner that it ensures the right to work. Then, that is the wish. If the wishes were horses beggars would ride. The stark reality of the situation is that despite various efforts of the Government, the economy is unable to provide work to all willing hands. The present economy of ours is not in a position to provide work to all. There is a failure on the part of our economy to see

that work is provided to every willing hand that comes forward. It is not only that. But it is a sad commentary to say that even the growth rate of employment generation has fallen. So, while on the one hand we declare our will to combat, to have a war against unemployment, and if we look at the documents of the 7th Five Year Plan, the relevant chapter begins by saying that the principal objective of the Plan is progressive reduction of unemployment—while on the one hand we want progressive reduction of unemployment, on the other hand, the stark reality of the situation is that the rate of growth with respect to employment generation is on the decline. The growth rate of employment generation during the Sixth Plan period works out to 4.32% per annum. It is unfortunate that in the case of 7th Plan, we expect a growth rate of only 3.99% per annum. Therefore, even while we are planning, we are planning for a lower growth rate of employment generation. This is a factor which must be taken note of in a very serious manner and it is a sad commentary on our efforts towards the planned economy. I therefore say that when the situation is that even the 7th Plan aims at a lower growth rate of employment generation and when the problem of unemployment has already assumed such an alarming dimension, it is a matter of absolute practical necessity that we have short-term measures also in order to see that there is no failure of our economy. Here, I may refer to a quotation from the Sixth Plan document. About unemployment, the Sixth Plan document says at page 202, para 13.28:

"The employment opportunities have not been adequate in the recent past either for the educated manpower or for overall production. Even in terms of long-term employment as indicated by the usual status estimate, the position has not been satisfactory. Therefore, the employment policy during the Sixth Plan has to meet the two major goals of reducing under-employment for the majority of labour force and cutting down on the long-term unemployment. Though a lasting solution to these problems could be found only within the framework of a rapid and employment oriented economic growth, suitable measures are also to be evolved in short-term in a coordinated way.

particularly for the benefit of the weaker sections."

We, therefore, find that, when the national economy is not in a position to abolish unemployment and when our own efforts are marked with a decline in the growth-rate of employment generation, it becomes necessary to have short-term measures to tackle this explosive situation of unemployment and we must also have an efficient system of public assistance in case of unemployment.

I do understand that here are limitations of resources. This is the usual reply we always get on the floor of the House. I have, therefore, anticipated this reply even at the time of moving my Bill for consideration.

It can be said that if right to work is made enforceable in law and when the economy is not in a position to provide work to every willing hand, then public assistance in case of unemployment would mean a great drain on our resources and would also mean a great drag on our efforts in various other directions. This is a very usual excuse that is put forward.

But I must tell the Government to apply itself seriously now to this particular question. Unemployment cannot be allowed to grow in the manner in which it is growing now. If this trend continues, the nation will have to pay a very heavy price for the same. Therefore, I shudder to think of the consequences. If there is a will, there is a way, a way from among the resources and it should be possible to mobilise the resources that are necessary for the sustenance of this right to work as a fundamental right.

I may say that there are vast areas which can be tapped. What is the position with respect to the arrears of income-tax and of excise duty? Look at the evasion of taxes in excise revenue. The Wanchoo Committee, as you know, has estimated black-money to the tune of Rs. 20,000 crores. What effort is being made to tap black-money?

Here I may point out that in the year, 1983, in reply to a question in this House, the then Labour Minister had said that, if the unemployment allowance is agreed to,

it would require Rs. 629 crores per annum. It may be more. I do not know the basis on which that was calculated. But then we were told in this House that Rs. 629 crores per annum would be needed if unemployment allowances are to be paid.

I want to draw your attention to the sad state of affairs that even the excise duty arrears on 31st of December, 1985 amounted to Rs. 637 crores. Even the tapping of one source would give you more than what is wanted in order to meet the situation.

The income-tax arrears is another area which, as on 31st December, 1985 amounted to Rs. 1,558 crores. These are not my figures. I have found it out from the various questions that have been answered on the floor of this House. I must, therefore, submit that what is wanted is the necessary courage, the courage to declare a war, to declare a war on poverty, to declare a war on unemployment. There are various areas which can be tapped and tapped for the resources. I may even go to the extent of suggesting that there may be a Central Employment Fund with subscriptions from industrial employers, Central Government, the State Governments, the nationalised banks, public sector undertakings and there may be even contributions from the private sector and they can be given incentives to contribute to this Central Employment Fund through concessions in the income tax.

Therefore, I have suggested that once we accept this basic principle that the society owes a duty to every individual and that the individual cannot be left in a state of want, for no fault of his, then, in that case, schemes can be worked out. Let there be a beginning, even a small beginning, And if there is a beginning, I am sure even a small beginning towards, even a phased beginning towards public assistance in the case of unemployment can also help us in tackling effectively a very big problem that is looming large over us.

One can go on speaking about unemployment. One can go on speaking about the consequences of unemployment—poverty, so on and so forth. But I would like to restrict myself and not like to be carried away by my own eloquence on the

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subject. Suffice it to say that this problem of unemployment demands a serious consideration. Declaring a war on unemployment brooks no further delay. We see in our own country the various untoward things that are happening—that are happening because of the aggravation of the problem of poverty that we have.

This Bill not only seeks to give this right to work a fundamental basis and to secure for every citizen this right to work as a fundamental right so that it can be enforceable at law but the Bill also seeks to secure as a fundamental right public assistance in case of old age, sickness disablement and undeserved want. The Bill says that this should be a fundamental right. No person can be left to languish in aging condition or in conditions of sickness or disablement. I may hardly emphasize that the problems of the aged are also growing and need adequate attention. As you know very well, with the break up of the joint families because of the impact of western civilisation as also the economic pressures, this problem of the care of the aged is becoming acute. Of course, joint family is the best system to take care of the aged.

But then, the point is that in a profit-motivated society the lot of the old people once they are out of the rat race, is bound to be miserable and lonely. The most important issue, therefore, is how best to provide economic and social support to the aged. Sir, in India, the number of people aged 60 and above has risen from 5 per cent in 1961 to 6 per cent in 1971 and is expected to be 7 per cent by 2000 A.D. We, therefore, find that this problem of ensuring decent life to the old people—I must say to the senior citizens of our country—is assuming great importance.

You know, very well Mr. Chairman, that the Boothalingam Committee on Wages, Income and Prices had also drawn the attention of the Government to the problems of the aged. The various Five Years Plans have also emphasised the need for a comprehensive scheme for the aged, for the senior citizens of our country. I think almost all the States except the State of Arunachal, subject to correction, have schemes for payment of pension to the

indigent old in the unorganised sector subject to several restrictions. But you know all these are small dents that are being made with respect to a very big problem that looms large and hovers over us. Today we are having a very healthy attitude towards human resources. The Ministry is now re-named as the Ministry of Human Resources Development with wider functions. We appreciate that this is not mere re-naming of the Ministry but it is a revolutionary change in the very outlook and the outlook today is of the development of human resources and the Ministry has wider functions. I must, therefore, urge upon the Ministry, the Ministry of Human Resources Development.....

AN HON. MEMBER : Sir, we are having a war on unemployment
(Interruptions)

MR. CHAIRMAN : Other people also want to take this war on unemployment.
(Interruptions)

SHRI G.M. BANATWALLA : Sir, I was saying that we welcome the creation of the Human Resources Development Ministry with a revolutionary outlook with wider functions. But then, I must urge upon the Ministry that keeping with its revolutionary objectives, let this Ministry of Human Resources Development try to draw up a national policy for the aged, for the senior citizens of our country. Let there be greater and substantial allocations for the welfare of these senior citizens.

Sir, the Bill also seeks to make it a fundamental right to public assistance in case of disabled, sick people and in other cases of undeserved want. I need not emphasise the need for this. Today the situation is that disability, in our present state of society is thrust upon an individual. Terrorism is taking place. A person walking down the street is suddenly rendered disabled for the rest of the life. Is the society going to throw up its hands and say that it will have no duty towards such an individual ?

Therefore, adequate provisions should be there for public assistance. These are the minimum social security programmes that must be there, not merely on paper as a matter of Directive Principles, but

must be translated into action. The people must have confidence that their standard of living would be maintained despite special hazards. Hence, the need for public assistance in cases of disablement and undeserved want, as I have just explained.

MR. CHAIRMAN : Please conclude.

SHRI G.M. BANATWALLA : In deference to your bell, I would refrain from further comments. I have not brought this Bill in any spirit of confrontation with the Government. We say : 'Let the Devil have its due'. But here it is not a question of the Devil but a Government that has undertaken several programmes, as I have mentioned earlier, for the alleviation of poverty. They are doing their own work. Government deserves all credit for the same. The point that is being emphasized is that the time has come when we should tackle this unemployment problem in accordance with the proportion that it has assumed these days. Let a war be waged on unemployment and let every citizen know and be assured of a decent livelihood and a standard of living even in cases of disablement and undeserved want.

With these words, I commend my Bill for the approbation of the House.

MR. CHAIRMAN : Motion moved :

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

Shri Mool Chand Daga has given notice of an amendment. Is he moving ?

SHRI MOOL CHAND DAGA (Pali) : Yes, Sir, I beg to move :

"That the Bill be circulated for the purpose of eliciting opinion thereon by 8 August, 1986."

MR. CHAIRMAN : Shri Raj Mangal Pande.

SHRI RAJ MANGAL PANDE (Deoria) : Mr. Chairman, Sir, I owe my gratitude to you for the favour you have done to me by calling me to speak on this vital subject which really affects the millions of people who are unemployed in this country. I may be allowed to say that the Bill is not so simple as it apparently looks. I may further be allowed to say that Shri

Banatwalla is genius enough or shrewd enough to put us further into difficulties as he has done in the case of Shah Bano. Who does not know that with all our development schemes we are so short of resources that in spite of our wishes not to raise taxes, either direct or indirect, we have had to go in for strict measures much to the annoyance of our people as a whole, to the Members of Parliament here and even to our friends and people outside ? We have had to do it because we have to mobilise resources. And if a further burden of Rs. 1000 crores or more in this developing economy is thrown, it may well be that many of our developmental schemes will not be completed or they will be stayed or their period of completion will be prolonged further so much so their cost will escalate and what we shall gain from this, we shall lose afterwards. Even if we try to do so, there are many hindrances on the way. Mr. Banatwalla has given us extensive figures about the income-tax arrears and excise arrears. It looks as if all the courts will be closed to realise those arrears because when we say or Mr. Banatwalla says that the courts should be given independent powers to deal with matters as and when they so required.

17:00 hrs.

Shri Banatwalla says that the Government should have power over the courts to take all the things where arrears are there in courts. Courts are going to decide whether the levies so pending in the courts are justiciable or not. Could we realise all these thousands of crores ? May I humbly ask Shri Banatwalla that even if the power is transferred to him in some way or the other, can he wipe out the powers of the High Courts to realise all those arrears ? I think nobody could do it. So long as we have an independent system of judiciary, so long as the people have a right to go to the court, we cannot do it. So, this thing is out of question.

Naturally in a developing economy we have to see many things as to how we could mobilise the resources. What are the resources, what are the avenues left open to us ? We found that in the State Assemblies it is a serious problem. People are so much taxed that they don't find avenues to add to their resources. But

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the Planning Commission, day after, day, year after year has been asking, demanding them to do so. Our limit has reached such an extent where the people are not going to tolerate any further burden. A serious disrespect is going to be there.

In this case, Shri Banatwalla is trying to land us into further difficulties or trouble by putting us a further load of thousands of crores, if not today, tomorrow or the day after. Today he starts with an humble beginning of Rs. 5 lakhs or so. Tomorrow he says that it will cost about a thousand crore or like that. Especially in our economy, in our social structure where the educated youth don't like to have manual job, what will happen?

Even in your district you will find that thousands and thousands of M.A. B.Ed. who somehow or other pass, have been teaching classes for a basic salary of Rs. 50/- for the last eight years. Because they think that the social structure demands them not to take manual jobs. What will happen to this country? When the educated youth are not taking up manual job, when the educated youth are not going to take up that kind of job, even the right to work is to be guaranteed hereafter. What kind of work they will be allotted to? Will they be allotted some kind of a seat or a chair to do the job? Many Economists' contentions are that with the staff that we have either here or in the Secretariat or Parliament or in the State Legislature, if even 50% staff is reduced, the work can be more effective and more smooth running than what it is.

17 04 hrs.

[SHRI SOMNATH RATH *in the Chair*]

My friend says that even those people who don't have the work should be given work. What will happen? Even in Scandinavian countries where the unemployment dole is there, they feel that those people have got a tendency not to work and have the State Insurance benefit or other benefits. In this country where doing the work is taken to be a sign or symbol of degradation, we cannot afford to give them that type of work which makes

them sit on a chair, in an office. Could this economy of this country go to that extent of affording this kind of luxury? I take it as luxury because we have work for every person who wants to do it manually. We are short of labour. We are short of millions of labourers. You will find that Biharis, UP people and Assamese labourers are going to Punjab and doing the job over there. They are getting hardly Rs. 20 per day. There is no dearth of work for manual labourers. The only difficulty is with the educated unemployed youth. Of course, considering all these aspects the Government went in for certain schemes like IRDP, NREP, etc. Even the unemployed youth were given Rs. 20,000/- to start their own business. We do admit there are certain difficulties in getting the finance but all the same schemes are there. The Government is serious to seeing that the unemployed youth who do not get a job can at least get some financial assistance to start their business and be respectable citizens of this country.

Now, I would like to draw the attention of the House to Article 41 of the Constitution :

"The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work..."

The Constitution makers had the apprehension that the economy of the country unless developed to such an extent the right to work cannot be included in the Fundamental Rights. So, they put it as a 'directive'. They directed the State to ensure to conduce such type of conditions as right to work becomes possibility. That possibility could be there when country has developed to a stage where we could afford a thousand crores of rupees as a surplus amount so that we may invest it in other activities for 'unemployment dole'.

Sir, the idea is noble but all the same there are many noble ideas. Who does not want that his neighbour should be helped? But a person who does not have enough clothes for his own children and family how could you expect him to help his neighbour. So, is the case with

the Government. The government which does not have funds or resources to meet its own contingencies how could be expected to afford such a luxury to invest a thousand crores of rupees to give as a dole to those persons who do not like to work. I think no government worth the name can do so under the present circumstances.

Sir, this is true that there are many people who get invalid either in accidents or otherwise. Of course, the Government is liberalising the insurance policy for such a section of population. We are even going in for development of rural economy by going in for insurance. Someone was telling that we are looking to the other aspects where this insurance business could be done to see that all those persons who suffer from some kind of infirmity get benefit under insurance. We have many schemes under consideration. But all those schemes need careful scrutiny, constant vigil and huge amount because it is well known that the amount we are investing on many of these schemes a fair portion of it does not go for the purpose it is meant. A fairly large percentage either goes as a waste or down the drain because of the corruption that is prevalent in the society and government structure in the machinery itself.

S, we have to take care of all these things before we can do such a thing. I would like the hon. Member Shri Banatwalla to remember that we are in the process of development. When we come to the category of those countries which are absolutely developed, then we could go in for such a scheme. The people of this country who are unemployed, disabled and are facing a lot of miseries, every respectable Indian would like them to be given the benefit. Nobody will have any objection. But at this stage, when the country is finding shortage of resources to maintain its line of communication, to give electricity to its industries, to give electricity and power for many other useful purposes, in my opinion, priority need be given to these things. We could do things as the hon. Member has suggested later when country has become fully developed. In view of what I have stated, I would like the hon. Member to withdraw his Bill.

SHRI DIGVIJAY SINH (Surrendranagar) : Mr. Chairman, Sir, I thank you very much for giving me this opportunity to speak on this Bill.

I feel that my hon. friend, Shri Banatwalla, is fortunate to get priority in the ballot and to have an opportunity to put across his Private Member's Bill today.

I would like to focus attention on one aspect which perhaps others may or may not do so and which is the aspect of population explosion and how population explosion is commensurate with unemployment.

I have been a little unfortunate for not getting priority for my Private Member's Bill, which is the Constitution (Amendment) Bill, demanding introduction of family planning as a Directive Principle of the Constitution. There is another amendment, not a Constitution (Amendment) Bill, I call it a Family Welfare Bill, which may or may not come at all, because there are three other Bills on the anvil and it is listed after that on the agenda of the Private Members' Bills.

What I am trying to say is that how can you talk of the right to be employed when you reproduce at random, the way you like and create such tremendous pressures on the employment potentiality of this country. It is something which is paradoxical. Which person in his senses would not like to see every Indian employed gainfully? But there are certain things which can be classified either as utopian or altruistic. It must be looked from the angle of our resources as against the existing population and the growth of population which is still high despite the fact that our birth rate is going down. I can say that this is a utopian idea in a country like India with all the financial constraints and existing high population and which is growing. Unfortunately, even today, the growth rate is 2 per cent. You cannot talk and think of such a scheme; it will be a totally utopian idea.

I would not take more than half a minute in making a suggestion to the hon. Member that if he wishes that such a Bill does get credence, simultaneously, we

[Shri Digvijay Singh]

should also undertake a legislation, whereby we amend our Constitution and introduce family planning as a Directive Principle to go hand-in-glove.

[Translation]

SHRI RAM PYARE PANIKA (Robertsgani): Mr. Chairman, Sir, although I oppose the Bill which has been introduced here by Shri Banatwalla, yet I support the sentiments and views expressed by him while moving the Motion for consideration. At least the Bill has given to Members an opportunity to express their views on the serious problem of unemployment. I also express my thanks to Shri Digvijay Singh who has drawn attention to a basic issue, while speaking on the Budget, that the growth of population is taking place at an alarming pace. It is true that on the one hand we are taking measures to remove unemployment and on the other hand the population is increasing at a very fast pace. In such a situation the problem can never be solved.

Shri Banatwalla has given an example here that in response to an advertisement for the vacancies of 300 unskilled labourers more than 1 lakh candidates had applied and lathi charge was ordered to control the rush. We also see such things when we visit our constituency. 75 per cent of our visitors comprise unemployed youth who want letters to recommend them for a job somewhere. Sir, it is true that if serious thought is not given to the problem the matter will definitely go worse in the coming days.

Sir, with these objective our Government under the leadership of hon. Prime Minister Rajiv Gandhi have formulated the Seventh Five Year Plan and we can say that it is an employment oriented document. There has been an increase of 65 per cent in the funds earmarked for the anti-poverty programme. Also, significant increase has been effected in the amount earmarked for the scheme initiated by the late Prime Minister, Shrimati Indira Gandhi for the educated unemployed. This shows that the policy and the motive of the Government is very clear and Shri Banatwalla will praise the Government for it.

Our hon. Prime Minister, Shri Rajiv Gandhi has said about taking the country into the 21st century. The motive of the Government behind this is that this population of 75 crores may not become a curse for us. So we shall have to gear ourselves to enter the 21st century from now itself. That is why a Ministry of Human Resource Development was established. Under this Ministry we are going to bring about changes in a lot of things. For example, changes are being brought in vocational training. New education system is being introduced from the ensuing session. There is a proposal to open model schools in every region from the next session in which children belonging to Adivasis and backward classes and those living in remote areas will be able to receive education. In this way those people will also get an opportunity to give education to their children in good schools.

Mr. Chairman, Sir, our Constitution provides equal opportunity in the field of education to all the citizens of the country but even after 38 years of independence we have not been able to achieve that goal. But now we are working to that end. In Adivasi and backward areas, there are schools where the teachers attend the school just for two days in a week. They do not teach the students but instead take work from them. So there should be Public Schools in those areas. The new Government under the leadership of Shri Rajiv Gandhi is now giving its attention towards it and such programmes are being formulated. We have kept in mind the interests of farmers and we are trying to enhance production. We are encouraging cottage industry and the Public Sector. We are trying to solve the problem of unemployment. We propose to give employment to crores of youth in the Seventh Five Year Plan. It is true that we should make serious effort to combat this evil.

What is our duty today? How can we wean educated youth from the clutches of disruptive forces whether they are naxalities or anti-social elements. The only way to save these youth from them is to engage them in constructive work. There is something wrong with the present system of education which prepares the youth for the future. So there is need to effect basic changes in the education system.

Gandhiji and Vinoba Bhaveji had stressed a new education system. Just now Pandeji was saying that our social system has been continuing on the old pattern in which caste system is based on one's vocation. According to the old cast system the brahim will live on charity, study Vedas and perform religious rites. The Vaishya has been allocated trade. The Kshtriya will work for the defence of the country and all the work pertaining to agric has been apportioned to the Harijans. This is the basic thing in the Indian philosophy. We shall have to strike at its very root. Unless we bring revolutionary changes in it, the condition of the society will not improve. We cannot claim to be Indians, if we do not act according to our old culture, philosophy, Veds, Puranas and Upanishads. But there are certain things in it which do not fit in the requirements of the present times. The House as well as the people will have to decide how to remove those shortcomings. Henceforth it will not be possible to observe the caste system. Even now in villages the brahim performs religious rites. The son of a Thakur cannot plough the land, If he does he will be ostracised. The barber does not cut the hair of harijans.

AN HON. MEMBER : This system has now changed.

SHRI RAM PYARE PANIKA : The system has changed only in the constitution. In practice it is going on. We wish that it is implemented at the earliest. The Congress Party is committed to implement it. I would like to inform Shri Banatwalla that we shall have to legislate so that this type of bigotry is ended. If we want to take the country forward and solve the problem of unemployment, we shall have to bring legislation to curb the growth of population compulsorily. It is not the job of any single community to come forward. We all know that when people try to obstruct the implementation of programmes of national importance on the plea of their being anti-religion then we will have very cautiously and with an open mind in this respect. We are moving in a new direction and now new we shall have to formulate our programmes accordingly. If we do not change our system, even the completion of the Seventh and the Eighth Five Year Plan will

We shall have to inculcate respect for manual work in the workers. Similarly, we shall have to reform the system of education. I went to Japan, There I saw that guardians do not decide whether their ward will become an IAS officer, doctor or engineer. It is the psychologist, scientist or the expert who decides as to which field the child will enter. But in our country, an IAS officer wants that his son should become only an IAS officer.

Nowadays we find that the guardians are even ready to bribe the teachers to get their children passed. At the time of examinations, the teacher goes to every house and asks for 'Guru-dakshina'. What does this 'Guru-dakshina' mean ?

SHRI G.M. BANATWALLA ; All these things have happened in Maharashtra.

SHRI RAM PYARE PANIKA : It is unfortunate. Sir, I have full respect for the judiciary. I understand that the Maharashtra Chief Minister has resigned. Such decisions should be taken promptly. I thank the Chief Minister also that he has resigned to show respect to the judiciary.

Sir, similarly, the Allahabad High Court had held Shrimati Indira Gandhi's election void and she was given 20 days time to appeal. Thereupon certain leaders of Bihar had demanded her immediate resignation and created chaotic conditions in the country. They should not have done this. It was as if a lower court had awarded capital punishment and granted him permission to appeal to the higher court, and then a demand may be made that the person should be immediately hanged. People with such thinking sometime create disruption in the country. We should think this over seriously.

Alongwith it, confidence will have to be instilled in the public that the recruitment in the services will be made on the basis of merit and if someone comes with a letter of recommendation from some Minister or M.P., he will not be taken in service on that basis. We have seen in the States that recruitment is made on caste and communal considerations and nepotism is the order of the day. This too will have to be stopped and stringent punishment should

[Shri Ram Pyare Panika]

Thermal Power station in our area whose name I do not want to take. The G.M of this station is from Bihar and he has recruited all the drivers from Bihar. When I asked about this from him, he stated that a committee has been constituted which has appointed these persons. We shall have to make this clear to the Public Sector that nepotism in that sector will not be tolerated. I expect from the Government to issue a circular stating that if injustice is shown to the people in the matter of recruitment, then at least our party, Congress (I) and specially the youth wing, will not tolerate it. We have to create such an atmosphere in the country. We expected that legal provisions to this effect would be made that if it is found that a candidate with first division has not been taken and a candidate who has passed the supplementary examination, has been recruited, the concerned members will be expelled. I am submitting this basic question before you.

We have to remove unemployment in the country and have to take our youth forward carefully. I agree with the hon. Member's feeling. You have also appreciated the work done by the Government but in the Directive Principle also it has been provided that such steps will be taken only when the economic conditions permit. Therefore, even if you amend the Constitution the position will remain the same i.e. subject to the economic conditions of the country. I, therefore, want to tell Shri Banatwalla that there is no need to bring such a Constitution Amendment Bill. You should appreciate that how much pressure is there all over the world; in Western countries there is so much inflation that they are unable to control it but the strong hands of our Prime Minister have restricted the inflation to 4.7 per cent. Recently, statistics of ten countries were published which revealed that they have been able to control it a little with great difficulty. Just two years back when inflation in the developed countries was 21% it was only 9% in our country. Is it a small achievement? The Budget which has been presented also inspires us to this goal; it is a job-oriented Budget. We have, therefore, to take the youths into confidence and have to impart

taking the country forward. It is not necessary to open more degree colleges. We should open I.T Is, Polytechnics, Engineering and Medical colleges. The degree colleges should be opened keeping in view the number of clerks you require. Thus education should be imparted in a planned way.

Not taking much time of the House, I shall urge Shri Banatwalla to withdraw it because our Government is treading the very path envisaged by him in his Amendment—Our leaders too have the feeling, a feeling to advance into the 21st century. With these words I thank you.

SHRI HARISH RAWAT (Almora) : Mr. Chairman, Sir, I dare not oppose the Bill presented by Shri Banatwalla, as has been done by my scholar friend Shri Panika. I would like to support his feeling that it should be the right of every citizen of India to get employment and every one should be provided employment. Our founding fathers, through the medium of Directive Principles, have tried to direct the Government in this regard. But in the absence of legal sanction behind it, desired attention has not been paid towards it. It is clear from the fact that at present names of 2.5 crore unemployed persons are registered in the Employment Exchanges. If this is the number of the educated unemployed, the number of the uneducated unemployed will definitely be more. We shall have to concede that even today more than 40 per cent of our population is living below the poverty line. If after 39 years of freedom and upto the first year of the Seventh Five Year Plan, we have not been able to check poverty and unemployment, then we are not successful in anyway. The responsibility of this mistake lies definitely on the shoulders of the planners. If we do not try to rectify this mistake, our democracy, towards which we are committed, will be in danger. Therefore, through you I would like to request the Government that if we do not wage a war against unemployment and poverty, it will definitely affect our present set up.

Shri Banatwalla said that the Government has constituted Ministry of Human Resource Development. I want to say that the Government has not only

of Human Resource Development, but it has also provided funds for the Ministry of Agriculture and antipoverty programmes also. It may be NREP Programme, R.L.E. G.P. or Employment Guarantee scheme, inspite of the best efforts of the Government, we are not in a position to claim that the percentage of unemployment has been controlled. So long as we are not in a position to control unemployment, we should give unemployment allowance at least to the educated unemployed.

So far as the handicapped and old age pensions are concerned Government have made sufficient allocation for it. Ours is a welfare state and if we do not come forward to help the needy, destitute and helpless people, our main purpose of a Welfare State will not be fulfilled. I would like to request the Government that the allocation made in this fund may be raised. Efforts should be made to help the handicapped and the destitute who are aged, in some form during the current Five year plan. A time bound programme should be chalked out for the unemployed. What kind of employment that would be, is to be decided by the Government within its financial limitations. I do not say that you should give clerical job to everyone. Most of our hon. members are of the opinion that our education system produces clerks only and I too agree with them and condemn such a system. I believe that what India is today, is due to our Educational Institutions and the students turned out by these institutions. Now the main thing is to change our Education policy as per the changing requirements. Education should definitely be job-oriented. But if we condemn the present education policy vis-a-vis the job-oriented policy, it will definitely effect our achievements. When I support the job-oriented budget, I do stress the need to honour labour and work. In spite of various programmes, we could not motivate the people to derive benefit from these programmes. For this, there is need to create conducive atmosphere and we the politicians and the Government can do useful work in this regard, because so long as people themselves do not come forward to seek employment, nothing positive can be achieved. Government efforts alone cannot deliver the goods. I have already said that I do not have the courage to op-

pose the Bill of Shri G. M. Banatwalla. This Bill not only expresses the feelings of Shri Banatwalla but also the feelings and sentiments of thousands of people and reflects the auguish of thousands of persons. And this Bill has also afforded us an opportunity to share their auguish. I do not say that the Bill introduced by Shri Banatwalla should be in the form it has been introduced, because Government may face certain difficulties. But the representatives of Government, i. e. the Planning Minister or the Minister of Human Resource Development, must assure that some effective steps will be taken in the Seventh Five Year Plan to bring down the percentage of unemployment to a certain extent.

SHRI MOOL CHAND DAGA (Pali) : Mr. Speaker, Sir, I think this subject has came up three to four times for discussion in this House. So many times, such Bills have been introduced and withdrawn and should be withdrawn because what is the objective of this Legislation. Is it to pay unemployment Allowance? A demand is being made to pay allowance to the unemployed. In this way, all the sadhus, ascetics and monks can also claim that they are also without any job. In our country there is a hymn :

Das Maluka kah gaye sub ke data Ram

...(Interruptions)...They are also unemployed. Who asked them to renounce the world we have not. People do not want to work but you have to take work from them.

I have read your Bill in which from the financial implication has been put at Rs. 100 crores per year. It surprises me because our Government have made a provision of Rs. 443 crores for N.R.E.P., Rs. 633 crores for R.L.E.G.P. and Rs. 428 crores for I.R.D.P. in the current Budget and you have suggested only Rs. 100 crores in your financial Memorandum. I could not understand to whom you want to give work and you call unemployed. Will you allow all to do work of their choice? A doctor should be given the work of practising medicine. Today people should work hard. Many people in Parliament own agricultural land but do not till it. They are simply landowners. I want to say that the tiller of the land should be its owner. But

[Shri Mool Chand Daga]

there are people who own land, have their own business and are also Members of Parliament. They want to amass wealth. Every person should have some work. Socialism means that anyone who wants to work should be given work.

Mr, Speaker, Sir, you take the case of Orissa where the feudal system is still prevalent. There are people in Orissa who still own hundreds of acres of land. Shri Sunderlal also owns vast areas of land. One who does not cultivate the land should not be its owner.

What I want to say is that the Bill is a half hearted measure. He himself has quoted the figure of unemployed as seven crores and has demanded a provision of Rs. 100 crores only. Rs. 100 crores are completely inadequate to solve the problem. To my mind he does not seem to be serious.

In several States there is unemployment and in many others, legislation to grant right to work has been enacted. In the states where right to work has been provided, I would like to ask whether it has been made justiciable; I think it is not. But here you are making it justiciable. The people would go to the courts and demand the unemployment allowance, to which they are entitled, even if they do not want to work. The people of India will become dependent on the unemployment allowance which is not proper.

Once there was a Muslim Emperor. One day a mendicant (Fakir) called upon him. The Emperor invited him for dinner, but the mendicant refused the invitation saying that he earns his bread. This is the real culture of India. It is an insult to the people of India to accept allowance and beg for it. Do not inculcate such habits. One who is able to work will never beg for such allowances.

You tell me the name of any European country or take the case of America. I have read so many articles on these countries and found that nowhere right to work has been granted. Mr. Chawdhury, you are the supporter of these countries. Articles about China, Czechoslovakia, Iraq, Egypt and Japan are published in it. You tell me

where this right to work is granted? Can they approach the courts for its enforcement. If it becomes a fundamental right here, the people will directly go to the courts.

You are only talking about it, we have already made provision in I.R.D.P. to uplift one lakh and fifteen thousand families above the poverty line. In the current Plan, ten crore people will be uplifted above the poverty line. We have programmes like I.R.D.P., I.R.D. and N.R.E.P. These are the programmes for alleviation of poverty. You do not want to take advantage of these programmes. Start a campaign to popularise Khadi and thousands of people will get employment.

Kabirdas was a weaver and throughout his life he worked hard to earn his livelihood.

SHRI SAIFUDDIN CHOWDHARY :
Make law for it.

SHRI MOOL CHAND DAGA : We do not want to enact such a law. For you, religion is just an opium.

SHRI SAIFUDDIN CHOWDHARY :
Not for me.

SHRI MOOL CHAND DAGA : For you fulfilment of desires is uppermost. But we think beyond this materialistic world. It is the only thing by which India became great. You must gaze at the Moon and the stars at night and ponder over it. We must learn to appreciate nature. There has been an increase in the desires of man. You say that law should be enacted. During Congress regime, land was distributed.

SHRI SAIFUDDIN CHOWDHARY :
It was not done.

SHRI MOOL CHAND DAGA : If it was not done it is because of you. In West Bengal you used to beat them.

SHRI SAIFUDDIN CHOWDHARY :
Much has been done there as compared to other States.

SHRI MOOL CHAND DAGA : If these land reforms had been implemented properly, the poor and the landless would have got land. We want family planning

but you do not observe it because your religion does not permit it.

SHRI SAIFUDDIN CHOWDHARY :
Nobody forbids it....

(Interruptions)

SHRI MOOL CHAND DAGA: He must interrupt, that is the only thing.

[English]

MR. CHAIRMAN : No cross talk.

[Translation]

SHRI MOOL CHAND DAGA : They have been given the right but it is not justiciable.

SHRI SAIFUDDIN CHOWDHARY :
In those countries, when they get work, why will they approach the courts.

SHRI MOOL CHAND DAGA : Now I would like to ask you, whether you want it to be a fundamental right? Old age pension of Rs. 40/- per month and some where it is Rs. 100/- is already being paid to the destitute. Similar assistance is being given in other places also.

SHRI SAIFUDDIN CHOWDHARY :
Where such help is being given?

SHRI MOOL CHAND DAGA : It may not be given in your West Bengal but I know about Rajasthan where it is being given.

SHRI SAIFUDDIN CHOWDHARY :
To how many people is it being paid?

SHRI MOOL CHAND DAGA : All those who are destitute and have no source of income. We believe in joint family system. You want both the help from the Government as also from your sons. I would say that in India, only those persons should be given pension who have no source of income. Those who live in joint families with earning sons, should not be given any pension and thereby Government can save crores of rupees. Pension should be given only to those who do not have any source of income. Today, even an

affluent person is getting pension after retirement. Why is he being given pension when he has enough wealth and his sons are also earning. If Government save crores of rupees being paid as pension to such persons and invest it for providing employment to the poor, it will prove to be more useful.

One more thing I want to say that it would be much better if no unemployment allowance is paid. They say that community assets should be created.

Under N.R.E.P., dams, roads, and schools are built and social forestry is undertaken. These will become your assets and will be useful to eradicate poverty. Give work to the agricultural labourers during lean season and do not make them indolent by giving allowances. 'Idle mind is devil's workshop'. You are giving unemployment allowance. Any old man can demand allowance on the plea that he is unemployed. On making an inquiry you will find that one of his son is an I.A.S. officer and the other is also on a good post. If you want India to be self-reliant economically or to hold its head high, this Bill would certainly hurt the feeling of self respect. It is provided in the Constitution that State must control all the means within the State and these should be in the hands of the people. All the educated persons want to become clerks and would not like to work in the fields. Others would like to become doctors...*(Interruptions)*... By going through this Bill, it appears that all the unemployed do not want to work intentionally. Some people have a lot of money. We have to think about that money also, in order to establish socialistic pattern of society. Those who are on the top should be brought down and those are on the bottom should be uplifted. The question was of controlling the means which you not done. You simply demand that Legislation should be enacted to make it a right. Everyone has the right to live with dignity and it is the policy of the Government to protect individual dignity. I want to talk about those countries where this law has already been enacted.

[English]

MR. CHAIRMAN : Mr. Daga, you can continue next time.

17.58 hrs.

CONSTITUTION (AMENDMENT) BILL*
(Amendment of Article 16)

[English]

SHRI UTTAM RATHOD (Hingoli) :
Sir, 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 UTTAM RATHOD : Sir, I introduce the Bill.

MR. CHAIRMAN : The House now stands adjourned to re-assemble at 11 A.M. on Monday, the 10th March, 1986.

18.00 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, March 10, 1986 | Phalgun 19. 1907 (Saka)