

Bill further to amend the Government of Union Territories Act, 1963.

MR. CHAIRMAN : The question is :

“That leave be granted to introduce a Bill further to amend the Government of Union Territories Act, 1963.”

The motion was adopted

SHRI SHANTARAM NAIK : I introduce the Bill.

INDIAN PENAL CODE (AMENDMENT) BILL*

(Insertion of new sections 298A and 298B)

[English]

SHRI SHANTARAM NAIK (Panaji) : I beg to move for leave to introduce a Bill further to amend the Indian Penal Code, 1960.

MR. CHAIRMAN : The question is :

“That leave be granted to introduce a Bill further to amend the Indian Penal Code, 1960.”

The motion was adopted

SHRI SHANTARAM NAIK : I introduce the Bill.

CONSTITUTION (AMENDMENT) BILL*

(Insertion of new article 44A)

[English]

SHRI SHANTARAM NAIK (Panaji) : 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

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Constitution of India.”

(The motion was adopted)

SHRI SHANTARAM NAIK : I introduce the Bill.

CONSTITUTION (AMENDMENT) BILL

(Insertion of new article 16A, etc.)—Contd.

[English]

MR. CHAIRMAN : The House will now take up further consideration of the following motion moved by Shri G.M. Bantawalla on the 7th March, 1966, namely :

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

Mr. Somnath Chatterjee, you have already taken 15 minutes.

SHRI SOMNATH CHATTERJEE (Bolpur) : That was an old chapter. I am happy that today the hon. Law Minister has been re-inforced by the Planning Minister's presence and also of the inattentive Water Resources Minister.

On the last occasion, I said that this matter should not be treated as a mere matter of legal formulation but should be treated as a matter of commitment, so far as government is concerned. I had requested the presence of the other Ministers. I find the inattentive Water Resources Minister and the inattentive Planning Minister. Only on the 25th of February, 1966, in reply to a question in the other House, it had been stated by the Government that as on 31st December, 1965, the number of unemployed was 262.69 lakhs. This obviously is the figure of urban unemployed, because we do not have any statistics of the rural unemployed. The answer also says, as on 30th June, 1965, the number of educated unemployed mounted to 132.62 lakhs. I am happy to see the State Finance Minister also. This is the magnitude of the problem. Now, I am not saying that the hon. Ministers are not aware of, or

[Shri Somnath Chatterjee]

concerned about the problem. But the trouble is that the policy which has been formulated and implemented for nearly four decades, has resulted in this state of affairs. Therefore, the position today is more and more aggravated and almost an explosive situation has arisen for which the responsibility has to be squarely accepted by the present Government where the same Party is ruling. They have opted for a decrepit capitalist system which breeds inequality, poverty and unemployment. And the objects of the bounty of this policy are the handful of people who have accumulated immense resources out of exploitation of the common people and workers. We hear about socialistic pattern of society. Our Constitution has been amended to introduce socialism in its Preamble. We hear about the egalitarian society being the policy of this Government to introduce. But what we find is greater and greater impoverishment of the people instead of pro-people economic policy which helps the common and poor people. Therefore, the people of this country know that their so-called commitment to socialism or socialistic principles is nothing but skin deep and really the policies are not directed towards achieving socialism.

Let us not think of the poor people by your budget speeches or during elections only. It is very nice to talk of poverty alleviation and all that. Land reforms have remained mere matters of verbal exercise so far as the ruling party is concerned, because when we find the unemployment is mounting and privation is deepening, the *babalogs* in the Government are playing with the computers as if they are toys. And the result is that there are more and more frustrated disenchanted people. Today a large sections of the young people of the country are going out of the mainstream because they are seriously concerned about the situation that is driving them to total misery and unemployment. Our approach should not be to make Snam Progetti happy. You have to remove the tears from the eyes of the unemployed educated people and even uneducated people.

Since you have rung the bell, with

your kind permission, may I read a few lines from the speech delivered by a judge of the Supreme Court on a subject which is called 'Socialism, Constitution and Legal Aid Movement in India. He had made certain observations as to the utility of having some lofty ideals in the Directive Principles.

MR. CHAIRMAN : Who is the Judge ?

SHRI SOMNATH CHATTERJEE : Justice Chinappa Reddy. The book is also not printed by me, it is a very well-known book. I quote :

"It is one of the extraordinary and tragic features of our Constitution that every article which may bring about equality and usher in some element of socialism is relegated to the category of non-justiciable Directive Principles."

Mr. Banatwalla is trying to bring those articles from the Directive Principles to Fundamental Rights Chapter. Then it deals with several articles. I know you will not permit me.

"Articles 41, 42 and 43 require the State to make provision to secure the right to work, to education and to public assistance in cases of old age, unemployment, etc., to provide for just and humane conditions of work, to secure living wage for workers, and so on."

Then he places the other articles.

MR. CHAIRMAN : Now conclude.

SHRI SOMNATH CHATTERJEE : I am reading a few lines from the...

(Interruptions)

MR. CHAIRMAN : Last time you have taken fifteen minutes and today also you have taken nearly ten minutes. If you continue like this, how can I permit ? How can I permit one Member to take more than 25 minutes ?

SHRI SOMNATH CHATTERJEE : I have not taken ten minutes, Sir. Please allow me at least ten minutes.

"Article 37 of the Constitution provides that the Directive Principles of State Policy are fundamental in the governance of the country and that it shall be the duty of the State to apply those principles in making laws. Yet 34 years after the coming into force of the Constitution, we are nowhere on the road to equality or socialism. Why is this happening? The answer is not far to seek. It is obvious that the provision for socialism and the high ringing Directive Principles are a facade and that to the ruling classes equality has never meant more than formal equality and socialism has never been more than a verbal mask. We must not forget that the ruling classes, legislature, judges and the bureaucrats are all from the same class, that is, the bourgeoisie. The ruling classes function through the legislature and via the legislature, through the bureaucracy via the bureaucracy and through the judiciary and via the judiciary.

A combination of reluctance, inertia and reaction on the part of these three organs of State has succeeded in subverting the Directive Principles in practice."

I submit that every word in these observations of the learned judge should be borne in mind and let us not indulge in mere gimmicks and shibboleths and jargons. It is high time that the people of this country are given what is their due.

SHRI THAMPAN THOMAS (Mavelikara) : I have to make one submission, Sir. This item and item No. 13 of the Private Members' Business at page 9 are same. Of course, same means Mr. Banatwalla's Bill is to amend... (*Interruptions*)

MR. CHAIRMAN : I have not taken up this subject today. It was taken

up last time and the discussion is continuing. Now I cannot do anything.

SHRI THAMPAN THOMAS : I will like this item and that item to be taken together, if possible... (*Interruptions*)

MR. CHAIRMAN : You could have raised this before the discussion started, then and there, not now in the middle of the discussion.

Mr. Sharad Dighe.

SHRI SHARAD DIGHE (Bombay North Central) : Mr. Chairman, Sir, I would like to express my views as far as the Bill brought by the hon. Member, Shri Banatwalla is concerned. This is perhaps one of the rarest occasions when I would like to agree with the hon. Member Mr. Banatwalla regarding the suggestion which he has made before this House. The spirit of this Bill or the central idea of this Bill is very commendable, and, therefore, I would like at least to support the central idea of this Bill. Though there may be some differences regarding the details of this Bill, as far the main idea is concerned, what Mr. Banatwalla wants to do is that all those laudable objectives which were propounded by the founding fathers of the Constitution in the Directive Principles, are to be brought in the category of Fundamental Rights. When this Constitution was brought into existence, the rights were divided into two parts. Most of the individual property rights were to be in the Fundamental Rights and as far as the rights of the society, the rights of the welfare of the society, the rights of the working class and the farmers and the weaker sections of the society were concerned, they were merely enunciated in the form of Directive Principles. But it was expected that within a few years these Directive Principles will also be brought into force by the Government from time to time. Therefore Article 37 provided that the provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply this principle in framing laws.

[Shri Sharad Dighe]

Now, all the rights which the hon. Member wants to bring in this Bill, are shown in the Directive Principles. And my submission is this. It is high time that these principles are now brought in as Fundamental Rights of the citizens so that the real spirit of the Constitution is brought into force. When this Constitution was framed—as we read from the legislative history of the Directive Principles—it is learnt that the Constitutional Adviser Mr. B. N. Rau had drafted these two parts in the Constitution, that is, the Fundamental Rights and the Directive Principles. He went for a discussion to Dublin (Ireland) and he discussed this matter with De Valera. Some of these were from their Constitution. And then on his return, he suggested certain amendments in the draft and he wanted the Directive Principles to have priority over the Fundamental Rights. He even drafted certain amendments to the Draft Constitution. But ultimately that amendment was not accepted and Fundamental Rights prevailed over Directive Principles and the judicial courts were also bound to follow all these things.

But my submission is this. Now at least, after such a long period, we may period to period at least bring in some of the principles which are in the Directive Principles and they should be brought in the category of Fundamental Rights.

The Father of the Constitution, Dr. Babasaheb Ambedkar was also concerned; he expressed the view that even though these Directive Principles have no legal force, yet, the Government which will capture power, was bound to follow the same; otherwise they will receive rude shocks from the electorate. This is what he has stated when he introduced the Draft Constitution as settled by the Drafting Committee. I quote :

“If it is said that the Directive Principles have no legal force I am prepared to admit it. But I am not prepared to admit that they have no sort of binding force at all. Nor am I prepared to concede that they are useless because

they have no binding force in law.....Whoever captures power will not be free to do what he likes with it. In the exercise of it, he will have to respect these instruments of instructions which are called Directive Principles. He cannot ignore them. He may not have to answer for their breach in a Court of Law. But he will certainly have to answer for them before the electorate at election time, What great value these Directive Principles possess will be realised better when the forces of right contrive to capture power”

Sir, I would not agree with Mr. Somnath Chatterjee that nothing has been done by this Government. This Government and our party is also conscious about the force of these Directive Principles. From the beginning progressive reduction of unemployment has been one of the principal objectives of economic planning in India. Therefore, in the Sixth Five Year Plan and also in the Seventh Five Year Plan several measures have been suggested for the reduction of unemployment. The National Rural Employment Programme aims at generating employment opportunities in the rural areas. Then, during the Sixth Plan it was felt that cross-rural poverty was there and particularly for that purpose Rural Landless Employment Guarantee Programme was introduced in 1983. Then the Integrated Rural Development Programme (IRDP) also is one of the largest schemes for providing direct assistance to the rural poor. Then, again the scheme for training rural youth for self-employment was also introduced in 1979. Then the schemes for providing self-employment to educated unemployed youth was also introduced in 1983. In certain States, particularly in the States of Maharashtra there is Employment Guarantee Scheme Since the year 1972 and in 1983-84 as far as unskilled manual work is concerned, 164.5 million mandays' employment was reported to have been generated.

Now, the point which I want to make is that in view of all the efforts which the

Government is already making towards removing unemployment, they may be emboldened also to say further, 'Yes, we accept this for the removal of unemployment, and right to work is a fundamental rights'. There is nothing wrong in that because the whole policy is towards the removal of unemployment and therefore, my submission is that if not today, but some day at least we shall have to accept this right to work and all those rights which Mr. Banatwalla is suggesting in this Bill as Fundamental Rights and they should be removed from the Directive Principles and from that point of view I support the spirit of the Bill and the central idea of this Bill.

[Translation]

SHRI ANOOPCHAND SHAH (Bombay North) : Mr. Chairman, Sir, I welcome the spirit behind the Bill moved by hon. Member Shri G. M. Banatwalla in the House, but I oppose this Bill.

I, of course, agree with Shri Sharad Dighe Saheb about his views regarding this Bill. But today the country is passing through a phase in which the country is facing the crisis of unemployment and if the burden of Unemployment Allowance is put on the Government, it would affect the entire people of this country.

Our country is very large and we cannot compare it with the other countries. We are implementing many schemes in our country to solve the problem of unemployment. We have decided to bring about a change in our education policy.

A detailed discussion has already been held in this House on the new education policy. If a change is brought about in our education policy, problem can be solved to a large extent. Our present education system or University education is preparing educated persons only for clerical jobs. Our education system is like a factory which is engaged in marked production. If the new education policy is adopted, which has many practical points, we can create jobs for the people, though we cannot provide clerical jobs to all the people. Today you can see how many

people want to go to the rural areas. Today we find that the villagers are shifting to the urban areas, because all the people want clerical jobs instead of doing hard work and that is why unemployment is increasing. I would go even a step further and say that if all of us have one feeling in our hearts, all of us should accept family planning programme from the bottom of the heart and every person irrespective of his caste, creed or community should be covered under the family welfare programme. Every citizen living in this country is an Indian and family planning rules should be one and the same for all and these rules should be implemented uniformly. We say many things, but these are not actually implemented. We are, Indians and if we consider ourselves Indians, then today itself we should rise in favour of a common civil code, but we do not favour such a common civil code. Even today, there is a separate Hindu Code, there is a separate Christian code and there is separate Personal law. I would like to submit that due to all these different codes, our family planning programme is not being implemented properly and our population is increasing at a faster pace than the increase in our resources and this is the reason for unemployment. The Bill for providing Unemployment Allowance to the unemployed persons has been brought before the House saying if the Government is not able to provide jobs to the people, it should provide them Unemployment Allowance. Many States have taken such a step and they are making efforts to provide employment to the people as has been directed under the Constitution. Just now our friend Shri Dighe has said that in Maharashtra many people have been provided employment under Employment Guarantee Scheme and they are still being provided jobs. I think, in the coming days they would be able to provide employment to those people in a better way, who want to work hard, but I think it would not be possible to provide employment to all those persons who want to do only clerical work in the offices. The spirit behind the Bill moved by Shri Banatwalla is very good and we feel that every person in this country should be provided the employment. But as we have certain rights, we have certain duties as well. We should

[Shri Anoopchand Shah]

give preference to our duties than to our rights. If we perform our duties well, there would not be any difficulty. What I mean to say is that if our country has to make progress and the country has to be taken forward, every person should be prepared to go to the villages and work to the best of his or her capability. In this way, the problem of unemployment would be reduced to a great extent and the question of giving unemployment allowance would not arise.

In the end, I would like to say that the spirit behind the Bill is good and before implementing it, we should understand that we all are Indians and all of us have equal rights and duties. With this feeling, we have to march forward. I would like to say only this much that today we are passing through such a phase, when we would have to keep in our mind this—

[English]

“Let us walk together, talk together and act with one mind for the development of this country.”

[English]

SHRI THAMPAN THOMAS (Mavelikara): Mr. Chairman, Sir, I too have moved in this respect, a Bill for consideration under item no. 13 of today's business. The subject-matter is also the same. The only thing is, I have requested to amend the Constitution and include article 15A as insertion to the Constitution. My hon. friend has put it as article 16A, in his amending Bill. The subject-matter is the same. This is a very important subject as it is borne by the fact that my friends who have participated in the debate have asserted the importance, once again.

16.00 hrs.

Now the recent development in the international situation is the United Nations also accepted the principle of right to work as a fundamental right and right to work as a human right. We have a Constitution which prescribes fundamental rights. It should necessarily include a Clause that right to work is a fundamental right. Simply keeping it as a directive

principle and leaving it to the mercy of the Government to implement it, is not sufficient. It has to be included as a matter of right for every individual citizen of the country. Then only, the Preamble of the Constitution which says that we look for a socialist society can be achieved. If the Government is aiming in that declaration for a socialist democratic republic, then it is the duty to correlate. It is a necessary factor that this has to be included as a part of fundamental rights in the Constitution of India. Therefore, I say that it is the most important subject and that steps will have to be taken considering the various point of view expressed by the Members who have participated in this debate, to implement the principle. Government should take appropriate steps to allow this amendment in the Constitution and to make this a part of it.

This gives us an opportunity to analyse the India society as a whole. If the right to work is a fundamental right, what would have been the society's responsibility to an individual and also an individual's responsibility to the society? Why a society with so much of difference is created in India? It is because such factors we have omitted always. In the Constitution, in the Fundamental Rights, at the time of its framing, we were giving importance to property right, personal right such as property and other private privileges which a person has got. As my friend, the earlier speaker has pointed out, if a division was to give more importance to the private right, property right of the person, not the right as a whole the society has got to individual, unless we are giving that importance at this stage, where this country will go? This will also give an opportunity to analyse the Western and socialist countries as well as the capitalist countries. I hope since attempt is made in this regard.

I am sorry to say that three or four days back a newspaper carried a news item about our per capita income and Pakistans per capita income. In this region, because of the vicious policies which we have followed to cater to the needs of the have, and also to give privileges and opportunities for exploitation,

and to make money by the private individuals for using the facilities of the society and discarding the responsibilities of the society, we are far below to the per capita income of Pakistan, the neighbouring country. If we analyse, we see that we rank below to Sri Lanka. How this has happened? All these things have happened because of people who have the facilities to exploit the society. They have exploited it. Having the fundamental rights to keep about as their own, having a fundamental right to run the factory, and having the fundamental right to exploit his own brother, if this is not put an end to, this will continue and the people who are private individuals, who have the necessary facilities and infra-structure and influence in this society will again flourish and the common people of this country will perish. Some thing is happening. 50% of our population is still living below poverty line. The Government have no data about the living conditions of the poor people in this country. People are suffering from shortage of drinking water. They have no job. I heard a story very recently. I heard it from a senior IAS Officer who was with me in the ILO Conference. She was working in Rajasthan. She was telling us that in Jaipur when she was working in the Social Welfare Department...

MR. CHAIRMAN : Why do you quote the Officer ?

SHRI THAMPAN THOMAS : No, I am not quoting. I am only just telling one thing about which I felt very much. In a family where five children are there, the mother is giving food to the elder child on Monday and on Tuesday the second child gets and on Wednesday the third child gets. Like that the children are fed. If there are five children in the family, because of the hard earnings of the father and the mother and there is no right to work and the work is not provided by the Government for the people who are there, the elder child gets it on Monday, the second child is looking at the elder child when it takes the food and how pathetic it is and how the society in India is built up after achieving our freedom ! It is because we have not given importance to the responsibility towards

the society to give job for the people. Therefore, if we can protect the right of a citizen to get a job, then there will be a total change in the society and the society which you say you aim at, will come into being. If you really want it, this is the time when you will have to include in the Fundamental Rights.

I was just mentioning about the comparative study with other countries. In the socialist countries the whole wealth belongs to the society and the right to work is there. Their minimum requirements will be met by the society. In the capitalist society there are checks and balances in the society itself. There are necessary protections for them to give job and to protect them. Therefore, it is not much of a problem if the society feels. I have seen in the western countries where the capitalist philosophy is being followed every one speaks about the neighbourhood. They are conscious about the neighbourhood. If there are societies where they feel they will have to contribute to make the society rich and if somebody is there not having a job, the society feels that it is their collective responsibility. Here what is the position ? It is the other way. There is reason for that. The main reason is insecurity felt in the mind of the citizen of the country. There is a feeling of insecurity in the mind of the citizen. When we have a feeling of insecurity in our mind, we have got the tendency to amass wealth at the cost of the society and keep it for the tomorrow which is to come. How can this be avoided ? This can only be avoided by giving an equal status and an equal feeling amongst one's own brothers and provide them with the necessary work. When work becomes a fundamental right of the citizen, these maladies can be cured and if that outlook of the modern society is accepted, there should be a sanction to enforce it.

16.09 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

A fundamental point in it is that when it is accepted as a fundamental right, the citizen gets a right to get it discharged. Otherwise they are at the mercy of the Government. Only if this is included in the Fundamental Rights in the Constitutions then

[Shri Thampan Thomas]

a person who has got on job can ask the Government and the Court can surely ask the Government to surely implement it. This if it is a fundamental right he gets, and it will be an enforceable right. Therefore, my submission is : I support Mr. Banatwalla's Bill and request that by all means it should be accepted and a new society may be formed in our country.

KUMARI MAMATA BANERJEE (Jadavpur) : Sir, thank you very much for giving me a chance to talk on this important Bill.

SHRI H. A. DORA (Srikakulam) : We have to take up the half an hour discussion also.

KUMARI MAMATA BANERJEE : I heartily support Mr. Banatwalla's views on right to work. But I oppose the text of the Bill. I appreciate the sentiments of Mr. Banatwalla. I have great regards for him. Not only myself, but everybody in this House, either this side or that side, we are very much concerned about the unemployment problem. The right to work is a fundamental right. We know it very well. Our Prime Minister and our Minister also know it very well. I oppose the text of the Bill. Mr. Banatwalla has stated in his Bill that "I have moved the Bill to seek to make the right to work a fundamental right of each and every citizen of our country, a right which can be enforceable by law."

In the directive principles of the State Policy and under the Constitution of India, there are a number of Articles which should be implemented by the State. But, unfortunately, we have not been able to implement many of them. Article 41, 42, 43 are the directive principles of the State Policy. Article 41 says.

"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 underserved want."

The whole thing is covered by Article 41 of the Constitution.

I would like to raise one important point and I would request the hon. Minister to please note it. The Supreme Court has said that the fundamental right include Article 21 of the Constitution. They have said that right to life includes right to livelihood. Government should take note of this. Our Government has provided irrigation, fertilizers, power, the 20 point Programme and so many other programmes for the development of our country. Our beloved late Prime Minister Mrs. Gandhi waged a relentless war against poverty. She has nationalised banks. She has introduced IRDP, NREP and RLEGP and the DRDP Programmes, the 20 Point Programme for the upliftment of the poor people. Our dynamic leader and Prime Minister Shri Rajiv Gandhi is also keen to see the development of the poor people. But we should realise the main thing and that is about the actual implementation. That is the main thing.

There are so many schemes; we have so many plants; so many projects but who will implement them ? Government can introduce the programme; Government have got some plans; and the Government have some developmental works. But it is actually the bureaucrats, who are implementing them. There is some communication gap between the officials and the public. The implementation is not going on properly. It is a fact that our population was 350 millions but now it is 740 million. We are increasing the population day by day.

In the report for the year 1982-83 of the United Nations, they said that the population of the world has increased by 85 million and India is the first country in the world, with an addition of 15 million to its population. It is also a fact that we have succeeded in reducing the growth of population. But the net addition to population is increasing day by day. During the Sixth Plan and the Seventh Plan, we made special efforts to reduce poverty and unemployment. We have a number of projects, plans and programmes. We should also appreciate that in the Budget that we have just had, there

is a marginal increase of 65 percent in the plan outlays for major programmes, anti-poverty programmes. The allocation for the IRDP are up by 51%; the allocation for NREP are up by 93% and the allocation for RLEGP are up by 58%. There is no denial of the fact. But still the problems remain.

I am not in accordance with the opinion of Mr. Banatwalla that the Court should be given independent powers to deal with these matters because we should be practical. Practice is the main thing. Heartily feeling is another thing. I know the feelings of Mr. Banatwalla. We are very much sorry for that in the whole country there is unemployment problem and now it is the 'rising sun'. Until and unless we eliminate poverty and unemployment from our path, it is not possible to establish the right to work in our country. So, sir this is our main duty—to fight against the poverty, to fight against illiteracy, to fight against communalism and to fight against unemployment. Being a youth I have to make some suggestions. I am not going to make an elaborate speech; but I have a few suggestions to make to the hon. Minister.

I have already heard the speeches of the Marxist leaders. Really I am very sorry because whenever we try to hear something from them, they always try to politically manipulate everything. One Hon. Member has already stated that it is a socialist country, the Congress ideology is of socialist pattern, but Congress is totally responsible for unemployment, they are not going ahead, they are going backward and so on. May I know from these Members what is their policy? In the directive principles it is the State which has to implement all these things.

In my State I know that the Government had introduced food for work programme to give more and more employment to the poor people. But these States mis-used their power. Only their party people got all the facilities. The poor people don't get any facilities. So, the Government of India has now stopped this programme.

The unemployment in my State, I

can say very frankly because I am very much anxious over this, is very large. Out of 2 crores of people who are registered educated unemployed youth, in my State 40 lakhs unemployed youth are there. The Central Government recruitment are now banned for a long time. There, the employment offices are now the CPM party of offices. So, generally youth are not getting their employment from this Government. That is why unemployment problem still remains.

You may be surprised to know that these State Governments have no work for the unemployed youth.

SHRI AJIT KUMAR SAHA (Vishnupur) : This is a Private Member's business. The Member should not say against CPM Government because it is not at all concerned.

KUMARI MAMATA BANERJEE : We can say that our Prime Minister has already introduced self-employment scheme through DIC programme. These people are saying that Congress-I are taking this country back. May I ask the Hon. Member that when they are saying regarding Marxism and Leninism what is their policy.

I may give a quotation :

"Where is your Marxism,
where is your Star
Tata is your bosom friend
and Goenka is not far"

This is the ideology, it is their policy now.

You should be surprised to know, I am very much concerned, that two thousand workers of Peerless are now on the road. Four lakh field workers of Peerless are now on the road. It is due to the banning act of the State Government. Now they are opposing totally the ban in the Central Government recruitment; but why are they not opposing on the banning act of the State Government? The State Government has implemented in 1979. My request is that please do something in favour of these poor people. Don't play game to check these poor people. We should realise what is what.

[Kumari Mamata Banerjee]

I have a few suggestions to make to the Hon. Minister. The Central Government should stop the postal order fees for services. So many poor people in the rural as well as urban areas—they are intelligent educated youth no doubt—cannot apply for new jobs. If Central Government and State Governments jointly stop the postal order fee for new services, then more and more youth will get preferences.

The second point I would request is that the Central Government should lift the ban on recruitment. Those who have crossed the age bar are now very much concerned, really they are very much depressed. We should do something in favour of them.

Please increase your target point for self-employment during the year 1986-87 to help youth more and more. Our Government has already introduced so many schemes. They are IRDP, NREP, RLEGP, etc.¹ Poor people are not getting all facilities from these schemes. Because there is some mis-communication between Panchayat level and the common people. So, our Ministry should set a non-official team or a supervisory team to supervise all these things and take necessary action that really the poor people get the facilities from 20-point programme.

Lastly I request Mr. Banatwalla to withdraw his Bill because what is the use of going to the court of law. The law will remain on paper if you cannot implement it. The real thing is that the needs of our young men and women should get fulfilled. 20-point programme is a *magna carta*. If we are able to implement it then people will get all these things.

Sir, I thank you very much for having given me the opportunity to participate in the debate.

[Translation]

SHRI ANADI CHARAN DAS (Jajpur) : Mr. Chairman, Sir, I am happy that I have been given time to speak on the Bill which has been moved in the House.

I want to start my speech from where Kumari Mamata has ended. This is a good Bill, but mere passing the Bill will not serve the purpose, unless it is implemented properly and with good intention. This aspect we must keep in mind.

Ours is a democratic socialist country. Under this system every one has got equal rights. The Constitution also refers to 'Right to Work'. Therefore, the programmes relating to removal of poverty must be implemented. In our country the poor are exploited a lot. This exploitation must be stopped. If there is a hole in the pitcher, how can water be filled in it? Before independence also, people used to be exploited. That exploitation too was checked by our Congress Party. Therefore, the present exploitation should also be checked by you. It is a matter of concern and it should be discussed seriously.

Presently we find that the rich are becoming richer and the poor, poorer. In one family, every member is employed and in another family no one is employed. This disparity will have to be removed. You have fixed wages at Rs. 8 and Rs. 13.60 per day, but these too are not being paid uniformly.

Our late Prime Minister Shrimati Indira Gandhi had announced on the 15th August from the ramparts of Red Fort the introduction of RLEGP. You should guarantee work to at least to one member of each family. You do not give hundred per cent guarantee under this programme. At present the officers doing work are different from the officers getting the work done. We people do not have time even to oversee. I want to submit this also that at places income tax is being deducted under NREP and other schemes. This is happening because in this country the entire work has been left to the bureaucracy. They are the biggest exploiters. They think that we are elected just for 5 years whereas they work upto the age of 58 years and no one can throw them out. Therefore, they do whatever they like. The Ministers also are appointed for a period of 5 years or 3 years. The Ministers too go on changing. Therefore, the implementation work is entirely in their

hands. We frame the laws, but these are implemented by others. They do not do any work whole-heartedly and sincerely. I had, in this connection, given a suggestion that 'one family, one person, one job' and similarly 'One family, one house'. There should be a ceiling on property. In the absence of ceiling on property, people get an opportunity to amass property. If you provide for registration, then you will remain aware as to who is holding what property. In banks also, people are amassing wealth similarly and their bank balance goes on increasing. This system should be enforced in small towns. Public Undertakings are also running in losses. The people working in the Public Undertakings are becoming rich, but those for whom they are working are becoming poorer. Therefore, I want to say that unless exploitation is stopped, whatever facilities you may go on providing, they are not going to benefit in any way. The Government has the will to stop exploitation. Therefore, I request that you should consider it again and bring forward a new Bill.

With these words, I thank you for giving me time to speak.

SHRI KAMMODILAL JATAV (Morena) : Mr. Chairman, Sir, I oppose the Amendment Bill introduced in the House by Shri Banatwalla.

Shri Banatwalla has seen the time before 1947 and he is seeing the present time also. Before 1947, the population of India and Pakistan was 35 crores. Today India's population is 70 crores and Pakistan's population would be around 20 to 25 crores. Before 1947, India's 90 per cent people was illiterate and presently 90 per cent people are educated. Being educated, most of the people seek service. In addition, there are certain people who have resources and do the farming. Their family members also seek employment. After 1947, the Government has made arrangements for many trades and occupations. The Government has set up departments like Fisheries Department, Turtle Rearing Department and Crocodile Rearing Department, but even then there is acute shortage of jobs. I would not say that people are not uneducated. I would only suggest to the Government

that at least waste land should be given on lease to the uneducated people. Moreover, maximum people should be recruited in the Armed Forces. In Gwalior there was a platoon by the name of fourth Platoon and it was quite famous. In our Chambal Division, there are very good boys who can work in the Armed Forces. Therefore, I request that maximum number of people should be recruited in the Armed Forces.

[English]

MR. CHAIRMAN : The time allotted for this Bill is over. The Minister has to intervene and the mover has to reply. If the House agrees, we may extend the time for this Bill by another forty-five minutes or so.

MANY HON. MEMBERS : Yes, yes.

MR. CHAIRMAN : The time for this Bill is extended accordingly.

[Translation]

SHRI KAMMODI LAL JATAV : I would request the Government that more and more trades and occupations should be made available so that unemployment could be removed.

With these words, I would request that Shri Banatwalla should withdraw his Amendment Bill. This is what I want to submit. I would like to express my thanks to you for providing me an opportunity to express my views.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ) : Mr. Chairman, Sir, at the very outset, I must express my thanks to Shri G. M. Banatwalla Ji, who has moved this Bill to focus the attention of the nation on the question of unemployment. I am also grateful to the hon. Members Shri M. C. Daga, Shri V. K. Krishna Iyer, Shri V. C. Jain, Shri Y. S. Mahajan, Shri Satyagopal Mishra, Shri V. N. Patil, Dr. Rajhans, Shri Keyur Bhushan, Shri Satyendra Narayan Sinha, Shri Ramashray Prasad Singh, Shri Balesaheb Vikhe Patil,

Shri Somnath Chatterjee, Kumari Mamata Banerjee, Shri A. C. Das, Shri Jatav and other hon. Members of this House, who have enlightened this House and me about the necessity to reassess the question of employment in this country.

This has thrown new light on various areas where there is vast scope to work. Nobody can deny this aspect that there is tremendous scope to generate employment, to give more opportunities for our youth, educated unemployed and so on. But the question is that in India, we have throughout been governed by the process of planned economy, and that is why, Article 41 which is contained in the Directive Principles of the State Policy has to be read again and again, has to be gone into again and again to seek proper direction in the state of affairs in which we are running our country. I will just quote 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 case of unemployment, old age, sickness and disablement, and in other cases of undeserved want.”

It embraces a very ideal situation. The words are—the State shall, within the limits of its economic capacity. Our forefathers were very much alive to the fact that the difficulty was with the economic capacity of the country and not with the willingness to give that thing which our country might need. They knew it. And Shri Banatwalla is much more informed about the situation in which our country was placed, when we became free. I remember my childhood. In those days, India was a vast ocean of poverty and if there were any dots of richness, they were only there in a few cities. Now, I can proudly say that today India is not that vast ocean of poverty. The areas of poverty still remain but a vast area of poverty has been wiped off from the country. This, by no means, is a less achievement.

I come from a rural area. I know that about a decade before we used to eat

the Mexican wheat. Now, when I go to my village, I see that the fields are blooming and everywhere it is green and green. Whatever may be the situation, we do not have starving people in our country today. Self-sufficiency in agriculture is a landmark in the history of this country. And those, sitting on the other side, who call themselves Marxists, shut their eyes to these achievements. I was surprised when I heard Shri Chatterjee. What is he asking about? Is there any deviation from the policy of socialism in this country? Socialism does not mean that you borrow an ideology which does not fit in our country. The country has to be governed by a secular democratic process. That is what we must strengthen. The country has to be governed by a process of economic development in a planned manner and not by a haphazard ideology, which is neither here nor there. You see the situation in their own State! It is difficult to roam about in the Park Street after 6 O'clock! Can they deny it? I am speaking...

(Interruptions)

SHRI AJIT KUMAR SAHA : I challenge the Minister to go there and see for himself. Even at 12 O'clock at night, nobody will touch him!

(Interruptions)

SHRI H. R. BHARDWAJ : I am saying this with full responsibility. What is the situation today in that State, which they call 'the people's State'? Is this the system of government you are propagating? We do not want more States to go by the way of West Bengal.

SHRI AJIT KUMAR SAHA : It is not correct... *(Interruptions)*

SHRI H. R. BHARDWAJ : Kindly bear with me. I am not yielding on this issue. I want to put the full facts before the House. Is there no starvation in West Bengal? Is the whole city glittering with electricity in West Bengal? Are employment opportunities abundant in West Bengal? This is the system that you want for the whole country to adopt! He wants the attention of the whole country to be

focused on that ideal State which they govern!

SHRI AJIT KUMAR SAHA : It is the ideal State and other States are following our State. (Interruptions)

SHRI H. R. BHARDWAJ : I am sorry. I do not want to talk about the ideological content, which is neither secular nor democratic. Nowhere near democracy! I want to tell him that when he talks against something which our forefathers had suggested in this country, he must come out with a better system. Today, it is very easy to say that this is not happening and that is not happening by simply shutting their eyes to the progress that the country has made. We are not satisfied as yet that whatever was to be achieved, has been achieved. I am quite remorseful of the difficulties of the unemployed youth in the country. We are equally sincere about these issues. Nobody can have a difference of opinion with Shri Banatwalla on that issue. The question is this. Are we or are we not making any effort? I do not want to speak about the figures, which will really enlighten the minds on the other side, about what is being done. See the progress that the country is making. See the achievements we have made in various spheres of activities in the rural sector. I have always maintained in this House that progress is slow, but it is very steady, because it has to percolate to the farthest end of this country. One who does not travel beyond a particular philosophy, will not see other parts of the country. Kindly permit me; I will just say what is the significance of giving work to everybody, without having the scope for providing work, or of giving allowance to everybody without having the means to give that allowance. What is its cost? I will just say that if it runs for one year, it will cost Rs. 9,000 crores—i.e. for 20 million people. Should we pay every year Rs. 9,000 crores of the country's money to those who are sitting idle at home? Is it possible?

The other way is that you plan in all directions—industry, agriculture and other sectors, where these people can be given job-oriented education and put into these productive jobs. There, the return will

be that you will generate more jobs. That is what is being done. There are special programme having various schemes.

I want only to point out the National Employment Programme, Integrated Rural Development Programme, Rural Landless Employment Programme, Training Programme for Rural Youth for Self-Employment, and schemes for providing self-employment to educated unemployed youth.

We are not saying that we will provide everything to the cadre of the Congress (I). That is being done elsewhere. I have seen what is being done in their State. Everything is going to their workers. Mamata Ji has rightly pointed this out.

SHRI AJIT KUMAR SAHA : I object; this is totally untrue. He is misleading the House.

SHRI H. R. BHARDWAJ : They will object; they will not accept it. Kindly permit me to say this. They will also not accept the targets achieved, as indicated by various figures. I will just place them before the House: I will just briefly say this. The number of families which were targeted, and the achievements are as follow:

1980 and 1981 : IRDP—Target : 33.7 lakhs;

Achievement : 27.27 lakhs.

TRYSEM : Target : 2 lakhs

Achievement : 1.25 lakhs. etc.

These things have been repeated. Is there any doubt that the country is progressing? Do you have any doubt that the country is gaining momentum in respect of industrial infrastructure, education and other spheres?

AN HON. MEMBER : I am not doubting it.

SHRI H. R. BHARDWAJ : That is what I want to tell to House. What they are saying is that there is *status quo*, and that ours is a completely stagnant country. (Interruptions) I am not in doubt.

[Shri H. R. Bhardwaj]

I have come from a family which has risen because of the policies of this Government. What can you teach me? I have walked on foot for ten years, to get my education, and I am here. Don't teach me. I am a self-made man. I am not built on these hollow policies. *(Interruptions)* You perhaps think that nobody can be wiser than you people. *(Interruptions)* Every Member in this House admits the progress that the country has made.

MR. CHAIRMAN : Why not address the Chair?

SHRI H. R. BHARDWAJ : I am only addressing the Chair. But it does not fit with the framework of their minds. That is the difficulty. I have also studied Marxism, and I have rejected it already. *(Interruptions)* You have borrowed Marxism. They want their borrowed Marxism and hollow Marxism for India. They always talk of progress, and follow the most reactionary programmes.

MR. CHAIRMAN : Come to the Bill.

SHRI H. R. BHARDWAJ : I am only submitting that they should see in how many countries the right to work is there, except in USSR, China and perhaps Japan. There, they have the right to work, and also the right to duty. That is most important. But are they accepting that the right to work and right to duty should go together? Absolutely not. The right to duty is always accompanied by the right to work; and these two go together. So, what is important is that we must see how we can generate more and more employment. That would always depend on the optimum use of the resources available to us.

I will just briefly point out about the president's address. Everything was repeated by the President in his Address before the Joint Session of Parliament; and they seem to have forgotten. On page, 5 Paragraph 25, he states as follows :

“Vigorous implementation of anti-poverty programmes yielded

significant results. The Sixth Five Year Plan aimed at assisting 15 million families under the Integrated Rural Development Programme; 16.6 million families were actually covered...”

If these 16.6 million families were given assistance and they had been helped, is it something very significant? Then 16.4 millions belong to the SC&ST; that is the basic commitment of our Party. We want to go to the lowly and the lowest person in the society, and that is where the progress needs to be maintained. The question is whether that is being done or not. Then it further says as follows :

“These programmes are being strengthened and surplus food-grains stocks will be used in 1985-86 to expand the National Rural Employment Programme and the Rural Landless Employment Guarantee Programme to cover one million additional families. An amount of Rs. 100 crores has been provided annually during the Seventh Five Year Plan for the construction of housing for the Scheduled Castes/Scheduled Tribes and freed bonded labour.”

On education also, I have certain statistics; they are quite glaring and nobody can deny them. Now, in 1985-86 there is a central outlay of Rs. 329 crores and then 1986-87 Rs. 351.96 crores. Vast schemes are there, but, as was stated by the hon. member, this is a country with huge population. The population grows every day and the progress that is made remains insignificant considering the progress made and the population increased. So, we must plan our population; we must plan our resources and put them together and see results. We must have the right to work; we must have a duty to work. Has any country been built overnight without the help of the people of that country? Every country has been built up by the people by right to work and right to duty going together and we must proceed with the same direction. The discussions on such topics do bring certain figures and certain facts to light. Nobody denies it. But if we want that the

whole system should be re-structured over again, that is not possible simply because we have travelled a long distance and that distance cannot be started over again. Our country will be very very successful if each one of us performs his duty in the right direction. But the question is that we change our political ideology over night and still we say that we are going in the same direction. The Congress has never gone beyond the policy laid down by the forefathers of this country. The Congress has maintained democratic traditions and has maintained secularism and planned economy. That is the difference between that side and this side and that is what they do not understand; that is why the country must always support us. Therefore, this system of planned economy is doing very well. But, we must increase pace of progress; we must take these programmes to these areas where today there is no drinking water, there is no road to reach that place, where there is no communication with the people. We must go to them; we must take the programmes to them and that is where in the plans, programmes, one after another, Mrs. Gandhi gave, 20 point programme, this vital programme, which is the planned economy, which she thought and which panditji thought and now our leader Shri Rajiv Gandhi is giving to us. We are proud of these programmes.

SHRI BIPIN PAL DAS (Tezpur) : They are not implementing.

SHRI H. R. BHARDWAJ : They do not believe it. See their attitude on national issues for all time! (*Interruptions*) If their ideology had been successful in this country, they would have travelled some distance from Bengal; they have not travelled any distance; that is where nobody will accept them. (*Interruptions*) I said it on the Floor of the House that walking in the Park Street you will know your reality.

AN HON. MEMBER : Why not now persuade Mr. Banatwalla ?

[*Translation*]

SHRI BALKAVI BAIRAGI (Mandsaur) : Mr. Chairman, Sir, I would like to tell Shri Bhardwaj that the only differen-

ce between him and these people is that they consider 'Bandh' as their right where as his ideal is right to work.

[*English*]

SHRI H. R. BHARDWAJ : See, a poet is saying this.

I was only submitting that the right to work is ideal goal for us. We have a goal before us where a person should be offered a type of work which is suited to him. If I am a farmer, I must work on my farm rather than running to Delhi and becoming a DTC conductor. If there is an educationist, he must work on education and so on. That is the direction in which we are moving. Our new education policy is working on the rural talent. If the rural talent is increased in this country then you will have equality in the society all through. See the progress in the development of science and technology. They are taking the country forward and forward. There is no going back on this. I am only pointing out this thing because I am not against giving a right to Indian citizens that they should have a guarantee of work and employment. That is rather an ideal society which we can dream of. But that ideal society must have the resources and resources must be compatible with the programmes which we are giving throughout the year. But the resources are not there. Whatever resources we generate, we re-employ them for the development of the country. We try to change them if some other needs are there. I am personally making a submission that it is no use amending the Constitution and adding article after article in the Constitution that this will ensure employment to everybody and this will give unemployment allowance to everybody if we do not have the money in our pocket to pay and that money is usefully spent. You have to look to the actual situation. I tell you that a time will come in this country, if we go in a planned way and plan our population, when we will say that we can offer employment to everybody. It is no use giving money to idle people. That is the situation nobody desires. Let us wait for some more time when these Directive Principles will become a reality.

SHRI H. A. DORA : How many years ?

SHRI H. R. BHARDWAJ : It is for us to decide in this House and see how much hard we work in this country. The countrymen working hard can make any change in the economy of the country. The engineers must be dedicated. The farmers must be dedicated. The farmers have done their part of the job. Let the industry, science and technology people build a modern India. Some people start criticising computers. I think, they are sort of ideas. You cannot achieve these strides in science and technology without the latest equipment. You want to perform miracles in surgery with a small razor blade. You must have the latest equipment for the latest achievement. That is the time today. Those who criticise this, we know that they are not ignorant of the significance of science and technology. But they do not want this country to progress. I will go to that extent of saying so, because they are scared. Some system are such where the people are disturbed and they will be happy.

One speaker was saying something which surprised me. They enjoy that the terrorists are there. They derive some sort of sadistic pleasure in it that you have created these terrorists as if they are the supporters of terrorists. Nobody can tolerate terrorism in this country of Mahatma Gandhi. It is a country which has never preached terrorism. Those who support this type of movement, they are living in such a situation where they will cease to exist in this country. Terrorists do not have any place in this country whether on this pretext or on that pretext. Take it for granted. This country has accepted non-violence and non-violence is the only panacea for all our ills. This is what Mahatma Ji has said and our leaders have maintained over the years. When I was a child, I remember there was a quotation of a famous man that power comes from the barrel of the gun. That is not applicable to India, mind it. It comes through the ballot box which serves harder than the barrel of the gun. So, my humble submission to my very senior colleague in the House is that we are grateful to him we have discussed this issue, we have highlighted all the aspects of this problem and we are seriously concerned about it. Our commitment to remove un-

employment from the country is basic and determined and more efforts are being made, as I have pointed out at the time of Presidential Address. With all these submission, I think Mr. Banatwalla will agree to withdraw this Bill because this is a Constitution Amendment Bill and when you amend the Constitution, you have a different type of discussion.

SHRI G.M. BANATWALLA (Ponnari) : Mr. Chairman, Sir, I am grateful to all the Members who have participated in the discussion on this Bill. I am also highly thankful to the hon. Minister for his enlightened intervention. As I had made clear while moving the Bill no one can deny the efforts that are being put in by our Government to alleviate poverty and to meet the challenge of unemployment in our country that is a fact. Nobody can deny the progress that India has made during all these years. Everyone who has seen the face of our country since 1947 will definitely agree that a lot of progress has been made, that our planning has borne fruit. It is only those who may be motivated by political considerations who may try to ignore the realities of the situation.

While I was moving my motion for the consideration of the Bill, I had myself listed the various efforts the Government is making for the purpose of meeting this question of unemployment and of alleviating poverty. One must appreciate those efforts. The question is not that the Government is not alive to the situation. The point that is being made is not as a matter of criticism of the various programmes that are being undertaken, but in order to point out that despite all the efforts of the Government, our economy has failed to provide work for all. It is this failure that has to be met and for that purpose the Bill wanted to secure for every citizen the right to work. It is not a Bill to secure for every citizen the right to refuse work, it is a Bill to secure for them the right to work, and if our economy fails to provide that right to work, then our organised and civilised society must assume its responsibility to the individual and see to it that the individual does not languish in a state of want. It was with that particular object that this

Bill was brought. I welcome the statement of the hon. Minister that the right to work is our goal, nobody denies that. I welcome that particular statement.

17.00 hrs.

The only thing is that we are far away from this goal; despite all the planning one does not know how much further time it will take and as Lord Keynes says, in the long run we are all dead. So, before the situation becomes serious, the question of unemployment has to be seen from this particular angle that the right to work is secured to one and all. The hon. Minister was referring to terrorism also. I had never thought that terrorism would be a part of this Bill. But then, he rightly pointed out that when our youths are denied the right to work then terrorism increases in our country. We find this lamentable position that youths who do not have proper connections find it extremely difficult to get work despite all their merit. It is this situation that needs to be corrected and therefore the need for the right to work. There are various aspects of this problem of unemployment and they have all come before this House as a result of the light-bearing speeches that we have heard from our Members. I will not again repeat them. The majority of the Members—or almost all the Members, I should say—have appreciated the need to tackle unemployment on a serious basis. There are some differences with respect to the measures that should be taken, namely, the right to work being made a Fundamental Right. However some have mocked at the very idea of the right to work. Some have pointed out that granting this right to work means that people will not work; they will resort to taking doles and just sit at home. They therefore were apprehensive that ours will become a nation of shirkers rather than workers. Sir, I was taken aback when I heard such a view, referring to our people in such a contemptuous manner—the people who have put us here—and we, refer to them as if they are not responsible people, as if they have this idea of living with doles. Really speaking our Indian society is a society with great self-respect. Doles do not go hand in hand with that idea of self respect also. We believe in

living on the earnings that we make ourselves. However it is the economy that fails us, as I said. When the economy fails, then the civilised in a civilised society must take its responsibility also. I must therefore dismiss this idea of people becoming shirkers with the contempt that it deserves. Our people are with character and the Bill seeks to secure the right to work and not the right to refuse the work. Unemployment allowance is not to be given when persons refuse to work. This is only for a general amendment of the Constitution to see that this right to work is secured to one and all.

Another argument that I must refer to is with respect to the population explosion. A few of our Members have said that this unemployment is consequent to the population explosion that we are having and is a result of over population. They have pointed out that the need is for family planning and for even compulsions in matters of family planning and with that the whole problem of population will be solved and the whole problem of unemployment will be solved. That is the argument that has come from a few of the Members.

SHRI VIRDHI CHANDER JAIN :
Nobody has spoken about compulsion.

SHRI G.M. BANATWALLA : The hon. Member says that nobody has spoken about compulsion. I do not agree. There have been remarks to that effect that there should be a Bill for making a law restricting the size of the family. Such Bills have also been introduced in this House. However, the point that I was dealing with is the question of population policy.

SHRI KAMAL CHAUDHARY (Hoshiarpur) : What happens after the population of the country is doubled in one year ?

SHRI G.M. BANATWALLA : I have heard you all and I am prepared to yield to you as many times as you want even if you have some new ideas right now.

MR. CHAIRMAN : It is not a good procedure. You go on now,

SHRI G.M. BANATWALLA : The point that has been made is with respect to the so-called fear of population explosion. My submission is that it is rather unfortunate that in matters of population policy we have fallen a prey to neo-Malthusian ideas and we know how heartless and how erroneous have been these neo-Malthusian ideas.

SHRI BIPIN PAL DAS : Excuse me, Mr. Banatwalla, would you say that the new Chinese policy of population is also in line with the neo-Malthusian ideas?

SHRI G.M. BANATWALLA : I think about China the others will take care of it. Let us talk about India. I am neither pro-China or anti-China and all that. I am pro-India. I have just started on the subject.

Mr. Chairman, I was saying that as a result of the neo-Malthusian ideas to which we are falling a prey, the conceptualisation of the entire population policy and the policy interventions have become erroneous. I said that these neo-Malthusian ideas are also heartless. As you are aware, Mr. Chairman, in the pre-Independence days even the famine policy of the Government of India was based on such neo-Malthusian ideas and we had such arguments during the British days that these famines and starvations are a result of over-population and even famine doles will not be an answer to the problem of famines and the problems created by them. They, therefore, said that famine doles cannot be given, aid in the days of famine cannot be given because it is the population that it is itself responsible for having brought this misery on them. Such heartlessness is the nature of the neo-Malthusian thought and I must appeal to one and all that before they fall a prey to the neo-Malthusian theory of population, all these various aspects must be considered.

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND COOPERATION (SHRI YOGENDRA MAKWANA) : Malthus was a catholic christian. He propounded a theory known as the "Malthusian theory of Population." According to the Malthusian theory means of production will

increase by arithmetic ratio whereas population will increase by geometrical proportion. He advocated that nature will take care of the situation arising out of population increase and a balance between economic level and population will be balanced by floods cyclones epidemics and other natural calamities. Now, when you say neo-Malthusian theory, do you want to say the same thing or something else which they have in their mind?

SHRI G.M. BANATWALLA : Yes, it is the Malthusian theory being put in the present perspective.

I was pointing out that we are on the question of unemployment. The right to work is an effective reply to population problem. How? The things are very easy. The large families are the economic response. They are an economic response to the present day risks that we find attached to the various aspects of life. The present day insecurity with respect to various risks of life lead to these large families. Therefore, economists have pointed out that one must study the inter-generation flow of income, in case of small families and in case of larger families. In case of larger families, the phenomenon is inter-generation flow of income from children to father.

Mr. Chairman, Sir, but I would like to give the question sufficient time. This is an important topic.

MR. CHAIRMAN : You are introducing further controversial point.

SHRI G.M. BANATWALLA : I am trying to solve this controversy that has been brought into this particular thing. As I said, large families are a demographic response to high infant mortality.

MR. CHAIRMAN : You are embarrassing those who have supported the Bill.

SHRI G.M. BANATWALLA : Why? do I yield to Chairman also? The large families are also an economic response to the socio economic problems that are there, at present. They are an economic

response to the insecurity that is felt as a result of the various risks of life. You provide right to work, right to get pension in old age. Then, a person does not look to a large family as an insurance cover. That is the particular point. If you have a very strong social security system and that takes care of the individual then the individual does not look upon the family as a social insurance.

Therefore, the way to deal with the population problem is also through provision of a good social security system—right to assistance in case of old age, the right to assistance in case of sudden disability, the right to assistance in case of any unexpected want, the right to assistance in case of any accident whatsoever. All this require to provide social security phenomenon that is pre-conditioned to any population policy.

I may further say that the economic relationship between the population, whether today, population is responsible for the poverty, or the poverty that is responsible for the large population, is an important point that must be gone into. Here I have a book by one of the authorities on the subject. It is named "Population Policy and Compulsions in Family Planning" by Shri Vasant P. Pethe. I quote from p. 90 :

"As regards the population question, over-population cannot be the sole cause of poverty or under-employment but rather a visible symptom of a deeper malady namely, the incapacity of the existing social system to exploit the techno-economic potential to the material and human resources of the country."

I would like to remind this House of what our late lamented Prime Minister Shri Jawaharlal Nehru himself had said and he was reported to have said in his opening address to the ECAFE Conference in June, 1948 and I quote him with reference to this very book at p. 90 :

"I am in favour of population being checked. But I think there is a great misapprehension when

so much stress is laid on this aspect. We are over-populated if you like, because our productive capacity is low. If we increase our production, agricultural and other, if this population is put to work for production, then we are not over-populated."

I must here point out another interesting thing and that is that poverty is a phenomenon caused not by sheer number but rather among other things by inequitable distribution of income and employment opportunities.

I may also draw the attention of this House to what the United Nations Fund for Population Activities has to say. The United Nations Fund for Population Activities has listed 14 pre-conditions to family planning. They say that, before you think of family planning, there are 14 pre-conditions laid in a paper by the United Nations Fund for Population Activities. They have given the list of those 14 pre-conditions and among the list in those 14 pre-conditions, we have the right to work and the right to an adequate social security system including the health and old age.

So it is the United Nations Fund for Population Activities themselves say, "Provide to the country the right to work; provide to the country the most comprehensive social security system" and that they say, is the pre-condition to any meaningful population policy also.

There are various other important aspects that we can bring forward and I have to request you to permit this question of unemployment debate, become a debate also on population policy and to start with the same, because various other aspects are still left to be brought before the House.

However, as far as the unemployment question is concerned, I have said that the Government is making very serious efforts, no doubt about it. But then the time has come for a meaningful national policy complying with these pre-conditions to progress namely, the right to work and the right to a very comprehensive social security

[Shri G.M. Banatwalla]

system. We have some very contradictory things also. On the one hand we have a large number of employment generation schemes and on the other, we have a ban on recruitment. These contradictions have also to go.

In deference to the bell that you have been persistently ringing, I may conclude by thanking all the Members, by thanking the hon. Minister, for their light-bearing speeches and I want that these speeches should also become fruit-bearing in order to provide work to our people. I welcome this particular announcement, this particular statement by the hon. Minister that the goal is towards right to work. That is a welcome thing. I know that an attempt is being made and though the House is aware of the seriousness of the unemployment problem, perhaps the House is not in a mood or the majority is not in a mood or the hon. Minister is not in a mood to have it done at this very hour. They are waiting for some other opportune hour but let that opportune hour be not far away because, as Lord Keynes said, in the long run we are all dead.

With these words I thank you all and with the emphasis upon the hon. Minister to reconsider his view and the hope that he himself would come forward—this is a practice by you—that I come with a Private Member Bill and you come with an official Bill. So keep up that practice now and in the next week they may bring their own official Bill. Let me hope that the Government will move in that direction. With these words, I seek leave of this House to withdraw the Bill.

MR. CHAIRMAN : There is an amendment moved by Mr. Mool Chand Daga. He is not here. I will put it to vote.

The amendment was put and negatived

SHRI G.M. BANATWALLA : Sir, I beg to move for leave to withdraw the Bill further to amend the Constitution of India.

MR. CHAIRMAN : The question is :

“That leave be granted to with-

draw the Bill further to amend the Constitution of India.”

The motion was adopted

SHRI G.M. BANATWALLA : I withdraw the Bill.

BEEDI AND CIGAR WORKERS
(CONDITIONS OF EMPLOYMENT)
AMENDMENT BILL

[English]

(Amendment of section 2 etc.)

SHRI AJIT KUMAR SAHA (Vishnupur) : Sir, I beg to move :

“That the Bill further to amend the Beedi and Cigar Workers (Conditions of Employment) Act, 1966, be taken into consideration.”

[Translation]*

Mr. Chairman, Sir, all of us, are aware that in India the number of beedi and cigar workers are more than 40 lakhs, and these beedi workers are the most exploited people. This is so because these beedi workers do not get any protection of the existing legislations that have been enacted by the Govt. for the benefit of the workers in general. The legislation which was enacted for the beedi workers in 1966 has many loopholes & therefore it is not of much benefit for the beedi workers. Taking advantage of these loop-holes the employers approach the high courts, supreme court etc. again and again & obtain stay orders against the workers and the poor workers are deprived of their legitimate dues. This is not for the first time that a private member's Bill has come before this House for the beedi workers. This subject has been discussed here many times earlier also. In 1957 our late leader comrade A.K. Gopalan who was a member of Lok Sabha, also brought forth one amendment Bill for the beedi workers. The then Minister incharge also said

* The speech was originally delivered in Bengali.