

[Mr. Chairman]

Chitta Basu, Shri Virdhi Chander Jain, Shri Harinath Mishra, Shri Ram Vilas Paswan, Shri Ramavatar Shastri; and Shri Mool Chand Daga with instructions to report by the last day of the first week of the next session."

The motion was negatived.

MR. CHAIRMAN: The question is:

"That leave be granted to withdraw the Bill to provide for payment by the Government to the small farmers and agricultural workers of compensation for injury by accident.

The motion was adopted.

SHRI P. RAJAGOPAL NAIDU: I withdraw the Bill.

17.51 hrs.

CONSTITUTION (AMENDMENT) BILL

(AMENDMENT OF ARTICLE 19 AND 41)

MR. CHAIRMAN: The House will now take up the Constitution (Amendment) Bill of Shri Parulekar.

SHRI BAPUSAHEB PARULEKAR: (Ratnagiri): I beg to move:*

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

Mr. Chairman Sir, I have presented this Bill to include the right to work as a fundamental right in the Constitution and therefore, I have suggested an amendment to Article 19 and by this Bill. I have suggested that Article 19(1) (h) should

*Moved with the recommendation of the President.

be added and the portion which I would like to include is:

"(h) to work, that is, the right to guaranteed employment and payment for their work in accordance with its quantity and quality, Standards for wages, hours, rest and other working conditions shall be fixed by law."

By way of a corollary, I have also suggested that if this is accepted, the words 'to work' in Article 41 be deleted because Directive Principles in this connection will not be necessary. I believe that there will be no two opinions about this particular Bill and the object of the Bill, because all political parties have agreed to this in this very House. Mr. Lakkappa had presented a similar Bill, that was introduced, but has not yet come for debate. This is not the first time when we are discussing this matter. In the last Lok Sabha, Shri Y. P. Shastri had introduced an identical Bill and we all had an opportunity to discuss it. At that time, Mr. Vasant Sathe, now the hon. Minister supported the Bill. Shri Jyotirmoy Bosu supported it CPI supported it and there was no corner of any political party which opposed that Bill. But unfortunately, when it came to the voting stage, it was opposed. Therefore, I would request the hon. members that if we are really convinced that this right should be enshrined in the Constitution, let us rise above party levels and if we feel that we are to do some real business for the people we should accept this particular Bill, by which I have sought to make an amendment to the Constitution.

What happened is, my hon. friend. Mr Daga is not here, when we were discussing the Bill for reducing the voters age to 18 years, Mr. Daga very vehemently supported it and said that it should be done, but when we asked for division, he said 'no'. Therefore, I request the hon.

members....

SHRI M. SATYANARAYAN RAO: Mr. Daga did not support it.

SHRI BAPUSAHEB PARULEKAR: I had a talk with him. He supported it. Therefore, what I would submit, through you, to all the hon. members is that we shall really consider this bill above the party level and if we feel that we have to do some justice to the unemployed in this country, we should give a serious thought and pass this particular Bill.

I treat this day as one of the very important and happiest days in my life because I am getting this opportunity to present this particular Bill. This is a very vital subject and with all humility, I submit that this Bill not only concerns the present generation, but also the generations to come. Therefore, this Bill has its own significance.

It is said that we have Article 39 and Article 41 of the Constitution and hence it is not necessary to have this amendment, that is, right to work included as a Fundamental Right. I would quote Article 39(a):

“39.(a) that the citizens men and women equally, have the right to adequate means of livelihood;”

I would also quote Article 41:

“41 The State shall, within the limits of its economic capacity and

development make effective provision for securing the right to work, to education....”

So, the Directive Principles are no doubt there. But what has happened to the Directive Principles since the Constitution came into force? The framers of the Constitution thought that these Directive Principles would be implemented. That was their dream. If we read the debates of the Constituent Assembly we will find that practically all the members of the Constituent Assembly expected that immediately after the Constitution came into force either this particular right would be included or this particular Directive Principle would be implemented. But, unfortunately, since 1962 we find, many elections were held, Governments were formed, many commitments were made, but ultimately dust was thrown into the eyes of the people and the dream of the framers of the constitution to which I have already referred, unfortunately, did not get fulfilled. The Directive Principles have not been followed, not a word in this connection has been implemented and the provision has remained as a dead-letter.

I find, there are two exceptions; as far as the Government of West Bengal and the Government of Maharashtra are concerned. They have taken certain steps to implement the Directive Principles enunciated in Article 39 and Article 41. As far as the Government of West Bengal is concerned they have framed a law

[Shri Bapusaheb Parulekar]

that in respect of those unemployed youths whose names have been enrolled in the employment exchange, if their names have remained there for five years and if the Government is not in a position to give them a job, either a job will be given to them or an unemployment allowance be given to them. As far as the Government of Maharashtra is concerned, everybody knows that the Employment Guarantee Scheme is there. So, with these exceptions throughout our country, we find that no other State has taken any steps to implement the Directive Principles as laid down in Article 39 and Article 41.

Before considering the merits of this particular Bill, it would be necessary to see what efforts were made in our country by the people, by the

legislators, by the political leaders, by the youth leaders by various resolutions and, at the same time, we have to take into consideration what is the position abroad. When there is a question of price rise, we immediately say that there is a price rise in all the nations.

MR. CHAIRMAN: The hon. Member may continue next time. The House stands adjourned to meet again on Monday 28th July, at 11 a.m.

17.59 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, July 28, 1980|Sravana 6, 1902 (Saka).