

LAND ACQUISITION (AMENDMENT) BILL*

(Amendment of Section 23)

SHRI UTTAM RATHOD (Hingoli): I beg to move for leave to introduce a Bill further to amend the Land Acquisition Act, 1894.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Land Acquisition Act, 1894."

The motion was adopted.

SHRI UTTAM RATHOD: I introduce the Bill.

ABOLITION OF INDICATION OF CASTE BILL*

SHRI R. L. P. VERMA (Kodarma): I beg to move for leave to introduce a Bill to provide for abolition of indication of caste with a view to promote national harmony, equality, brotherhood and nationalism.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for abolition of indication of caste with a view to promote national harmony, equality, brotherhood and nationalism."

The motion was adopted.

SHRI R. L. P. VERMA: I introduce the Bill.

EMPLOYERS' LIABILITY TO REIMBURSE SUBURBAN RAILWAY OR OTHER PUBLIC TRANSPORT EXPENSES OF EMPLOYEES (IN METROPOLITAN AREAS) BILL*

PROF. MADHU DANDAVATE (Rajapur): I beg to move for leave to introduce a Bill to provide for reimbursement of transport expenses

incurred by employees of establishments in metropolitan areas on travelling by suburban railways or other form of public transport.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for reimbursement of transport expenses incurred by employees of establishments in metropolitan areas on travelling by suburban railways or other form of public transport."

The motion was adopted.

PROF. MADHU DANDAVATE: I introduce the Bill.

CONSTITUTION (AMENDMENT) BILL—Contd.

(Amendment of articles 19 and 41) by Shri Bapusaheb Parulekar

MR. DEPUTY-SPEAKER: The House will now take up further consideration of the Constitution (Amendment) Bill moved by Shri Bapusaheb Parulekar on the 25th July, 1980.

Shri Xavier Arakal may now continue his speech.

SHRI XAVIER ARAKAL (Ernakulam): While speaking on 8-8-1980 I gave reasons for rejecting the Bill and the amendment it seeks to make. I pointed out that it was an impossible proposition considering the socio-economic condition in India.

There are roughly over 20 million people who are unemployed already. There is no accurate figure available as far as the number of unemployed or under-employed in our country are concerned.

I also mentioned that while the number of job seekers was increasing at the rate of 9.7 per cent, the in-

*Published in Gazette of India Extraordinary, Part II, section 2 dated 21-11-1980.

take in the public sector was only 3.6 per cent, while it was much less at 2.6 per cent in the private sector.

With regard to the second reason given in the Statement of Objects and Reasons, I also referred to the principle of a Welfare State enunciated in the Preamble of our Constitution. Finally I refer to the proposed amendment to Article 19 in which my hon. friend, very learned friend, has put in these words—

In article 19 of the Constitution, in clause (1), after sub-clause(g), the following new sub-clause shall be added. namely:—

“(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.”

Referring to this amendment I said this is the most abstract and ambiguous one and, therefore, impossible to incorporate in Fundamental Rights. I also mentioned that there are other provisions in our enactment, in our statute which refers to many of the points raised in this amendment, for example, to the payments, standard of wages, rest, etc. I do not know why my hon. friend was so keen or is so keen to incorporate it in the Fundamental Rights. Please see Article 16 of the Constitution—

“16(1)—There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State”.

The wisdom, the scholarly legal accumen of our drafters of this Constitution is well expressed here. If you refer to Article 39, there also it can be seen—

“The State shall, in particular, direct its policy towards securing—

(a) that the citizens, men and women equally, have the

right to an adequate means of livelihood;

(b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good”.

Now I may refer to Article 41—

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

What I wish to submit before this House is that in our Constitution there are sufficient provisions to provide employment and other wants of human beings. If you refer to the proposed amendment (h), it says, “to work”. Suppose I do not want to work. What is the remedy? Who is going to compel me to work? If a *sadhu* or a *Sanyasi* or a *swami* does not want to work, can we compel him to work?

SHRI BAPUSAHEB PARULEKAR: That is not my concept of “right to work”.

SHRI XAVIER ARAKKAL: He wants to incorporate “right to work” as a fundamental right...

PROF. P. J. KURIEN (Mavelikara): Freedom of speech is a fundamental right. If a person does not want to speak, will you compel him to speak?

SHRI XAVIER ARAKKAL: I want to know, if a citizen does not work, by this provision, can you compel him to work? His proposition in this amendment is not practicable. He is an eminent advocate and he knows the interpretation of the word “to work”.

How will you determine “work”? Suppose a person wants to get a job which in the normal course he does not deserve or he is not eligible to hold that job.

PROF. MADHU DANDAVATE (Rajapur): If any Minister wants to say, "I do not want to work", you cannot force him to work, according to this Bill.

SHRI XAVIER ARAKKAL: That applies to the hon. Members on the other side as well.

What I am submitting here is that this amendment is very ambiguous, an abstract one, and, legally, it is impossible to enforce. Many of the points raised in this Bill are all covered by existing statutes.

We talk quite a lot of "right to work". What kind of work? It is said that once a person gets a job, he stops working. The production, the output, from that job is not compared to his ability. It is not sufficient. Therefore, to incorporate "right to work" as a fundamental right, I will not say that it is an audacious proposition but most impracticable.

Of course, our country has such a vast resource, the human resources. If we channelise these human resources through proper production channels, certainly, our country can become a prosperous country, a far better country than what it is today. On that score, I really support my hon. friend in exposing the existing problem of unemployment, the productivity of the jobs, the people who are holding the jobs and our responsibility to those who do not have the jobs. Today there are two classes of people, one of those who have jobs and the other of majority of people who are unemployed or under-employed. There should be a social reciprocal responsibility to have a better system of living in our country. On that point, I really congratulate my hon. friend for exposing these salient features of the Bill. But I object to this amendment, that is, to incorporate "right to work" as a fundamental right. Only yesterday we heard serious allegations against the amending process of the Constitution in this House. Now, my hon. friend himself

has brought a Bill to amend the Constitution. Therefore, the sincerity in saying that the Constitution should not be amended is at stake.

With these words, I oppose this Constitution (Amendment) Bill, moved by Shri Bapusaheb Parulekar.

MR. DEPUTY-SPEAKER: Mr. R. K. Mhalgi.

SHRI R. K. MHALGI (Thane): Mr. Deputy-Speaker, Sir, I am going to speak in Marathi....

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH): The time allotted for this Bill will be over in a few minutes. There are still eight or nine more Members to speak on this. You can put it to the pleasure of the House whether they want to get the time for this Bill extended.

MR. DEPUTY-SPEAKER: The allotted time will be over at 4.11. There are twelve more Members to speak, and this is a very important Bill. Is it the pleasure of the House to extend the time

SHRI BAPUSAHEB PARULEKAR: By two hours.

PROF. MADHU DANDAVATE (Rajapur): In the past, on Mrs. Gopalan's Bill which was very important, by Common consent of both sides, we carried on the discussion for three sittings. This is also a very important Bill and I think, the hon. Member's suggestion should be accepted.

MR. DEPUTY-SPEAKER: Is it the pleasure of the House to extend the time by two hours?

SEVERAL HON. MEMBERS: Yes.

MR. DEPUTY-SPEAKER: So, it is agreed. The time is extended from 4.11 to 6.11 p.m. Mr. Mhalgi.

*SHRI R. K. MHALGI (Thane):
Mr. Deputy-Speaker, Sir, I rise to extend my hearty support to the Private Members' Bill moved by my hon. friend Mr. Bapusaheb Parulekar. It is necessary to invite the suggestion on this Bill from all the quarters as it is a very important Bill which seeks to amend the Constitution of India. Such a Bill deserves thorough discussion not only by this House but also consideration by the Select Committee consisting of the hon. Members of Lok Sabha. The Select Committee should go into the details of this Bill. The Committee should discuss the underlying principles. Hence the suggestion of referring this Bill to the Select Committee. I would also like to review the points which were raised regarding the merits of this Bill.

This Bill was introduced during the Sixth Lok Sabha by Hon. Member, Shri Shastri. There was discussion on this Bill and it was also resolved that the Bill should be circulated for eliciting public opinion. I am glad to state that the hon. Members of both the sides fully supported this Bill. The Members of the present Cabinet also extended the support. Hon. Minister Shri Vasant Sathe made a speech which may be referred in the present context. The Congress-I Members favoured the Bill in principle. If they want to withdraw their support today which they gave some two years back, it would mean that they have political considerations and they are not faithful to their ideology. They seem to speak what is convenient to them. There were many Members of the ruling party along with Mr. Sathe who spoke in favour of the Bill. Some of them want to avoid the discussion today because they know that we would ask them to support the Bill which they favoured some time ago on the same grounds.

It is necessary, therefore, to rise above party level. Let us support the Bill if we want to sympathise the poor people of this nation. This Bill

will cause social and economic revolution. Those who have taken the pledge to bring about socio-economic revolution and want to uplift the poor should use provisions of this Bill as a weapon of social revolution. We thank the hon. Member Mr. Parulekar for introducing a very important Bill.

If it is not possible at this stage to pass the Bill, it is better to refer it to the Select committee which should discuss it and submit the report. Being an important Bill, it needs a thorough examination of all the aspects of it.

India is a developing country. Article 21 of Human Rights declaration clearly states that the Constitution of developing countries should consist of the fundamental right of 'right to work'. The directive principle of the declaration of Human Right has accepted 'right to work' as a fundamental right. This is a directive principle for all the developing countries and India must accept it. India became an independent country in 1947. Thirty years have passed. We framed the Constitution in 1950. However, what steps has our Government taken to implement the directive principle of the Constitution? Some of the Members of the Congress-I party believe that directive principles are more important and useful than fundamental rights and they should be given priority. It is but natural to expect that the directive principle of 'right work' must be implemented. But I regret to observe that nothing concrete has taken place in implementing this directive principle.

This principle has been accepted by about 20 countries. Their Constitutions have included the right to work. There are more than 25 countries who have not made provision of right to work in their Constitution, but they have accepted it in principle and put it in practice though it is not part and parcel of the Constitution. There are small and big countries also who have accepted this directive principle.

*The original speech was delivered in Marathi.

[Shri R. K. Mhalgi]

Many a time it is argued that "India being a large nation having population of more than 60 crores, cannot implement the principle of right to work. More than 60 per cent of Indian people live below poverty line. If right to work is accepted as a fundamental right, it would not be possible from financial point of view to implement the fundamental right. We may not be in a position to give unemployment allowance. We lack funds to implement such schemes." I feel that this argument does not hold good because there are nations like China who have more population than India; and yet they have accepted the principle of 'right to work.' The Communist countries alone have not accepted this right but there are countries of different political ideologies who have accepted this principle. A person who is physically fit and willing to work is provided employment in these countries. It is the duty of the Welfare State to see that every one who is desirous to work gets work. If we want to materialise the concept of 'Ram Rajya' by removing poverty, we have to adopt right to work as fundamental right and implement it if we want to put an end to unemployment. I, therefore, strongly feel that if there is urge, we can also practice what the other countries have achieved in granting this fundamental right to their citizens.

I feel that it is not a question of finance alone. It is a question of sincere will for doing justice to the poor who are unemployed. We must make the Government accept the fact that providing employment to those who seek it, is their moral and social obligation. The planning must be done to achieve this objective so that we can raise self-generating machinery to achieve this task fully. The provision of this Bill will help in motivating the Government to take action which might be useful in achieving this objective.

The Government frames the budget every year and implement five year plans which do not give stress to give this fundamental right to the citizens. We do not plan to make any legal provision to give employment to those who need it.

It is very gratifying to note that some States in India have accepted this fundamental right. The Government of Maharashtra has not only accepted this right by issuing notifications but the Government of Maharashtra has passed an Act to that effect. Any person from a village in Maharashtra can get employment. The Government is responsible to give him a job or unemployment allowance under 'Employment Guarantee Scheme.' Some other States like West Bengal, Kerala have also accepted this principle and brought it in practice as well. Along with the other countries in the world, some States of India have also given this fundamental right. The Central Government should also take bold step and give the fundamental right to all the citizens and take a revolutionary step in socio-economic field. I appeal the House to pass the Bill of Shri Parulekar. If it is not possible right now, let it be sent to the Select Committee. Let us discuss it again to give the final shape to it and do our best to reward the fundamental right of 'right of work' to the citizens of India.

श्री हरिकेश बहादुर (गोरखपुर) :
हमारे देश में बेरोजगारी की समस्या बहुत गम्भीर है। करोड़ों लोग बेरोजगार हैं फिर चाहे वे पढ़े-लिखे हों, कम पढ़े लिखे हों या अशिक्षित हों। हमारे गांवों में कितने लोग बेरोजगार हैं यह सरकार के पक्ष के लोग भी जानते हैं और हम भी जानते हैं। सरकारी आंकड़े, जो प्रकाशित होते हैं उनसे भी साफ जाहिर होता है कि बेरोजगारी हमारे देश में तेजी से बढ़ रही है और जिस अनुपात में वह बढ़ रही है उस अनुपात

में रोजगार प्रदान करने के साधनों का विकास नहीं हो पा रहा है ।

हमारे देश में जो पंचवर्षीय योजनायें चल रही हैं उन से जहां देश में तरक्की हुई है और लोगों को रोजगार भी मिला है वहां यह भी कहा जा सकता है कि जितनी उनसे आशा थी वह पूरी नहीं हुई है, उन योजनाओं के माध्यम से लोगों को रोजगार की मदद देने की जो अपेक्षाएँ थी वे पूरी नहीं हुई हैं । कई लाख लोग जो ऊंची डिग्रियाँ हासिल किए हुए हैं, ऊंची तालीम हासिल किए हुए हैं बेरोजगार हैं । यह बहुत ही दुर्भाग्यपूर्ण स्थिति है । आज देश में इंजीनियर और डाक्टर तक बेरोजगार हैं । इंजीनियर और डाक्टर जिन को देश में रोजगार नहीं मिलता और जो काफी योग्य भी होते हैं वे विदेशों में चले जाते हैं, दूसरे देशों की सेवा करते हैं । हमें अपने साधनों का विकास इस प्रकार से करना चाहिये अपनी योजनाओं को इस प्रकार का रूप देना चाहिये जिससे कि कम से कम हम इन लोगों के अनुभव और उनकी योग्यता का लाभ उठा कर अपने देश को तरक्की और खुशहाली की तरफ ले जा सकें और ऐसे लोगों को बाहर जाने से रोक सकें । उनके अलावा बहुत से ऐसे लोग हैं जो कि ऊंची शिक्षा प्राप्त करने के बाद आज देश में रोजगार प्राप्त न करने के कारण निराशा और बेचैनी के शिकार हो रहे हैं । इसी कारण देश में हिंसा और अराजकता का वातावरण फैल रहा है । अगर इसको समाप्त करना है तो हमें सबसे पहले देश से बेरोजगारी दूर करने के लिए प्रभावशाली कदम उठाने पड़ेंगे । अगर बेरोजगारी खत्म नहीं होती है तो उन तमाम युवकों को हम नहीं रोक पायेंगे जो आज गलत रास्ते पर चले जा रहे हैं । मैं चाहूँगा कि सरकार इस दिशा

में गंभीरता से सोचे और रोजगार के साधनों का विकास बहुत ही मुस्तैदी के साथ करे ।

एक बहुत ही दुर्भाग्यपूर्ण स्थिति यह भी है कि हमारे देश में आज रोजगार प्राप्त करने के लिये लोगों को अपना शरीर बेचना पड़ता है । अभी कुछ दिन पहले बिहार की कुछ खबरें अखबारों में छपी थी कि वहां के आदिवासी लोग दूसरे राज्यों में जाते हैं, और उन्हें ठेकेदार लोग ले जाते हैं । यह स्थिति केवल बिहार की ही नहीं बल्कि दूसरे पिछड़े राज्यों की भी है जहां से लोगों को काम के लिये दूसरे राज्यों में जाना पड़ता है ।

MR. DEPUTY-SPEAKER. Mr. Bahadur, how many people see you every day, as a Member of Parliament, seeking jobs for themselves?

SHRI HARIKESH BAHADUR. Sir, there are several persons who approach me throughout the year for this purpose. If a calculation is made on the basis of one person per day, it will work out to 365 people in a year. Likewise, if the other Hon'ble Members are also approached, there will be thousands of persons seeking jobs.

MR. DEPUTY-SPEAKER: Every day I get about hundred people from various constituencies. They are all unemployed.

SHRI HARIKESH BAHADUR: Since you are holding the important position, a lot of people approach you for this purpose.

बिहार के आदिवासी लोगों की बात मैं कर रहा था कि उन्हें ही नहीं बल्कि वहां की महिलाओं तक को दूसरे राज्यों में ठेकेदार लोग ले जाते हैं और वहां पर उनके साथ सही व्यवहार नहीं किया जाता है । उनको वहां तरह-तरह से अनेक प्रकार के कष्ट झेलने पड़ते हैं ।

[श्री हरिकेश बहादुर]

आज अपने शरीर को बेचकर लोग रोजी कमाने के लिये मजबूर हो गये हैं। ऐसी स्थिति में सरकार की जिम्मेदारी बहुत बढ़ जाती है। अगर सरकार इस तरफ ध्यान नहीं देगी कि लोगों को रोजगार प्राप्त करने के लिये परेशानियां उठानी पड़ती हैं और रोजगार प्राप्त करने के लिये अपनी इज्जत और शरीर तक बेचना पड़ता है तो यह देश तरक्की की तरफ नहीं जा सकेगा।

मैं कहना चाहता हूँ कि हमारे संविधान में राइट टू वर्क, काम करने का अधिकार विशेषरूप से मौलिक अधिकारों की श्रेणी में आना चाहिए। डायरेक्टिव प्रिंसिपल्स आफ स्टेट पालिसी में इसका जिक्र किया गया है। जब तक इसको मौलिक अधिकारों में हम नहीं लाते और सरकार यह नहीं देखती कि यह अधिकार सब को प्राप्त हो गया है, तब तक न यह देश तरक्की कर सकता है और न इसमें अमन की स्थिति पैदा हो सकती है।

इसलिये मैं पालेकर साहब के विधेयक का समर्थन करता हूँ और सरकार से पुरजोर मांग करता हूँ कि वह इसका समर्थन ही न करे बल्कि इसे कार्यरूप में परिणत करे और इसे फंडामेंटल राइट में लाये ताकि हरेक व्यक्ति को रोजगार मिल सके और सब सुख का जीवन जी सकें, अमन-चैन कामय हो सके।

PROF. P. J. KURIEN (Mavelikara): Mr. Deputy-Speaker, Sir, I rise to support this Bill. Actually incorporating right to work in the Fundamental Rights is a long cherished demand of the youths of our country. In fact, right to work is more fundamental than other rights mentioned in Article 19 of the Constitution. Without right to work in the Constitution there is no meaning in providing

other rights mentioned in the Constitution. If we accept this Bill and if this Bill becomes part of the Constitution, certainly providing employment would become the responsibility of the Government. My learned friend, Shri Xavier Arakal, said that it is not possible for the Government to give employment to all the job seeking people. I agree; it is correct. But I disagree with him when he says that if this Bill becomes part of the Constitution, Government will be forcing people, including Sadhus and Sanyasis to work. There is nothing like that... (Interruptions). It is not contemplated in this Bill.

SHRI XAVIER ARAKAL: I did not mean that.

MR. DEPUTY-SPEAKER: Sadhus and Sanyasis work through their brain.

PROF. P. J. KURIEN: That is correct, Sir. If this Bill is passed, it becomes the responsibility of the Government to give employment.

Now, what is the concept of State? Earlier, the concept of the State was only to give protection and to maintain law and order. Now that concept has undergone a change. In addition to giving protection and maintaining law and order, we are now chalking out plans to achieve a welfare State, or a socialist State, whatever it may be. If we see the Directive Principles of State Policy in the Constitution, it is clear that apart from giving protection and maintaining law and order, the concept of State has changed. And incorporation of right to work in the Constitution, this is only another step, one step ahead, where it becomes the responsibility of the State to provide employment for all its citizens.

Mr. Deputy-Speaker, Sir, I do not think that this is the first Bill of its kind. It may, of course, be the first Bill introduced in this House, but there are many other countries in

the world, where right to work is incorporated in the Constitution, for example, Soviet Union and other socialist countries.

AN HON. MEMBER: Communist countries also.

PROF. P. J. KURIEN: And you, Congress (I) people, always talk about socialism and following socialistic pattern of society.... (*Interruptions*). It is sad that you are hesitant to accept this very fundamental thing, more fundamental than the freedom of speech. Because bread is more important.

MR. DEPUTY-SPEAKER: If Mr Arakal sits on this side, he will speak otherwise.

SHRI CHITTA BASU (Barasat): One would say, what one wants to say. That does not depend on this side or that side.

PROF. P. J. KURIEN: My learned friend talked about Directive Principles. Already, a controversy has been going on about one's priority over the other between Directive Principles and Fundamental Rights. Of course, that is a matter of dispute and the dispute is going on whether directive principles have priority over fundamental rights or fundamental rights have priority over directive principles. What is the intention of saying that the directive principles should have priority over fundamental rights? Same is the intention of taking right to work from directive principles to fundamental rights? This should be accepted because when we take this right to work and incorporate it in fundamental rights, the spirit of saying that directive principles have priority over fundamental rights is actually accepted. So, I do not find any reason for my learned friend Shri Arakal and others to oppose this Bill. Let them think a little aloud about this and I am sure they will all accept it. That is my feeling.

Of course, it is not possible for a Government, especially in our country, to give employment to all the people. But, that does not prevent the Government from accepting the fact that it is its duty to give employment. That is the difference. For example, I would say that in Kerala, the Government of Kerala has given unemployment doles. Of course, some people protest. It is a matter of dispute. But what is the spirit behind it? The Government of Kerala can not give employment for all its people. But, by giving unemployment wages, unemployment dole, the principle is accepted that it is the duty of the Government to provide employment. That is the important thing, which you gain by incorporating this in the Constitution.

I do not think that Shri Arakal or any other Honourable Member will oppose this fact if they think about it. It is the duty of any Government, let it be Congress-I Government or some other Government, any Government, it is the duty of the Government to give employment. That is the biggest thing is achieved by accepting this Constitution amendment.

So, I request Honourable Members and the Minister of course, to accept this Bill. This is a very important Bill. Now, if this is accepted, this will revolutionise our concepts of State. We talk too much about socialism. But, this will be the important step towards achieving socialistic form because they are accepting the socialist concept and trying to implement it, because, of course, in a socialist society, giving work opportunities is the duty of the State. It is the duty of the States unlike in a capitalist State. So, it becomes the duty of the State to provide employment. That is why I strongly support this Bill.

I also congratulate the Honourable Member Shri Parulekar for having introduced such a Bill and I request this House, all Members of the House, to support the Bill and get it passed.

SHRI CHITTA BASU: I support the Bill because, as it is, the primary object of this Bill is to incorporate the right to work as a fundamental right in our Constitution. That is the objective of the Bill. Now, the Government, on earlier occasions have come out with certain arguments that it is not possible for the Government to provide employment to all citizens of our country as the economic situation of our country exists today. Therefore, if the right to work is considered as a fundamental right, the matter will be of no use and, therefore, the government cannot accept the proposition. It is a fact that under the existing circumstances of the economy it is not possible to provide employment to all. But the question arises now is that if we accept the right to work as a fundamental right, the Government will have to create an economy in our country which is capable enough to provide compulsory employment to all.

There are countries in the world where this kind of a fundamental right is guaranteed to the citizens. Mention can be made about the Constitution of USSR. Every citizen is not only guaranteed the right to work, right to employment but suitable employment. I concede and agree that that constitutional right was given to the citizens of the Soviet Union, because their economy has been organised on the socialistic pattern. Therefore, we have to accept that a socialistic economy can alone provide that guarantee and can accept that right to work as a fundamental right. It is not to be misunderstood that even the capitalist countries have also given that right to work as a fundamental right. I mentioned about the Constitution of France. I think I am correct. If you like, I can quote what they have provided. The Preamble to the French Constitution of 1946 says:

"Every one has the duty to work and the right to obtain employment. Every human being who, because of his age, physical or mental condi-

tion, or because of the economic situation finds himself unable to work has a right to obtain from the community the means to lead a decent existence. The nation guarantees equal access of children and adults to education, professional training and culture."

Therefore, I should not be taken on wrong side that since our economy is not socialist, it is not possible to provide the right to work as a fundamental right. Only in order to meet that point, I have mentioned the constitutional position of France. Therefore, the question cannot be dealt with in that way. The right to work as a fundamental right should not be considered.

Suppose every member adorning that side of the House is a crusader for establishing the primacy of directive principles over the fundamental rights, my argument is that if we are so serious about the primacy of the directive principles, does not Article 41 direct something? Does not Article 41 of our Constitution lay down that the Government policy should be so directed as to ensure employment? When you are very much interested in the matter of giving the directive principles primacy over the fundamental rights, for the time being, you should show your sincerity and honesty. Do not become hypocrites. When you say that you want to give primacy to the Directive principles over Fundamental rights, it is mere hypocrisy, I charge. If they are not hypocrites let them accept the primacy of the Directive principles in this particular case and let them say: Yes, directive principles are more primary, they have supremacy over the Fundamental rights; let that be incorporated; let them incorporate the Directive principle regarding employment into the Fundamental right. But they are all crusaders. They are engaged in a very big crusade against the judiciary and the Supreme Court. It is the judiciary, it is the Supreme Court which stands in the way of implementing Directive

Principles! When you are so much serious about the primacy of the Directive principles, why don't you accept one of the Directive Principles as a Fundamental right. Who stands in your way? Lok Dal? Janata Party? Or the BJP? Or my party? Does any of the Opposition Parties stand in your way? But you are raising always the slogan that you cannot do your duty or fulfil your commitment because we are all sitting here and opposing you. All the shortfalls and all your failures are due to the fact that we are in the Opposition and criticising you? Of course, in a constructive manner. But you are not patient to listen to our suggestions you want to lay the blame on the door of the Opposition. Therefore it is nothing but hypocrisy. It is necessary that the entire nation should know your hypocrisy; you are not for the supremacy of the Directive Principles. You are making it an issue to cling to power, to perpetuate the authoritarian trend and denigrate the judiciary.

MR DEPUTY-SPEAKER: You have become angry and you are going away from the subject. We would like to hear more things from you on the subject under discussion.

SHRI CHITTA BASU: It is merely hypocrisy, I wanted to point that out. Articles 41 and 49 are in the Directive Principles. Hon. Justice H. R. Khanna, Chairman of the Law Commission says: "Commitments relating to the right to work in articles 39 and 41 had in the face of mounting unemployment a strange rising of irony." By this comment it is clear that articles 39 and 41 are of no avail to the unemployed and are no guarantee for any citizen of our country. One of the reasons for Mr. Parulekar to move this Bill is to enable citizens to seek redress from the government or the judiciary if employment is not provided.

In this connection, I want to say that in our Directive principles there is provision for public assistance in the case of undeserved want. That

is not equal to the right to work. But even in that case, Mr. Deputy Speaker, you should be surprised to note that under the provisions of that Directive Principle some State Governments took up the programme of providing unemployment allowance, people go and say, it is squandering away of money. They have said this in regard to Kerala Government's decision to provide unemployment doles. They have said things, this kind of things, in relation to the Government of West Bengal's decision to provide unemployment allowance or honorarium—whatever you may say—or some relief to the unemployed of our country. When the State Governments under the Directive Principle which enshrines that public assistance will be given for the unemployed, go in that direction to give effect to the Directive Principle, the Central Government here says: 'No, It is not a wise step. It is not a correct step'. When the State Government says, 'since the State Governments are going to implement the Directive Principle, why should not the Central Government come forward to provide them financial assistance in order that the public assistance can be secured for that particular scheme or relief...

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SHIVRAJ V. PATIL): The Central Government itself has provided budget for providing employment for people and the Central Government is not saying "don't provide employment to the people".

SHRI CHITTA BASU: But Sir, I say, when the State Governments request the Central Government to provide financial assistance in the matter of implementing those schemes because it is in the implementation of the constitutional provision enshrined in article 41 for public assistance. You don't want even to fulfil the obligation even under the Directive Principle. Under the Directive Principle the provision is for public assistance and you are bound by the constitutional provision. You say about

[Shri Chitta Basu]

the primacy of the Directive Principle. If you accept the primacy of the Directive Principle why should you not provide essential public assistance to the State Governments in the matter of implementing that Directive Principle? That is what I mean to say. They are not honest. They are hypocrites. They are not honest in the matter of protecting the Fundamental Right, they are not honest in the matter of providing scopes for even implementing the Directive Principles. Sir, the reality you yourself have stated. I would only like to draw your attention because you have raised the question—the volume of unemployment problem. I quote from the *Statesman* of November 10. It reads:

“No accurate estimate is available of the total number of unemployed in the country but a raw sample survey suggests that this must be well over the 25 million mark showing a rise of around four millions since 1977, when a similar sample survey placed the unemployed at about 22 millions.”

Somewhere further they say—

“...if we take into account the unemployed and underemployed in the rural areas the number will go over hundred million.”

Sir, this is a gigantic problem. Herein comes the question of providing unemployment benefit. You cannot provide jobs right now. It cannot be shelf-off matter, just to draw something from your shelf and give. Unemployment problem cannot be solved in that way. I agree. Before you take up energetic programme to deal with or liquidate unemployment, the Government should provide some unemployment relief. That relief the Government will be forced to provide if this right to work is made a fundamental right. Therefore, it is necessary to accept this Bill.

Lastly, it is being said by the Government that the Government has

got a certain strategy with regard to employment. I have gone through the Plan documents and other documents of the Government. Broadly you say that employment strategy hinges upon these three fundamental positions: Adoption of employment-intensive sectoral planning, regulation of technological change to protect and enhance employment and promotion of area planning for full employment. This is what the Plan document says about employment strategy. Even the plan document says that unemployment will remain even after the implementation of the Eighth Plan. That means, it is going to be a perpetual feature of our life. That will be so unless the plan strategy has to be changed. The plan strategy has to be so changed that there is radical restructuring of the economic forces in our country. What the plan proposes to do is to maintain the *status quo*—no institutional change, no radical change, no provision for re-distribution of sources of income and assets. Unless you take to a policy of re-distribution of sources of income and assets, the plan cannot provide for an economy which is capable of providing compulsory employment. Our country has adopted a capitalistic line. They are proceeding on the capitalistic road of development. The capitalistic road of development cannot create an economy which can provide employment. That road will only usher in crisis and more crisis. If there is more crisis, there will be resistance from the people. In order to meet that resistance, they want to take to the method of authoritarianism. That is the policy of the Government and I oppose it. I feel that it is high time for the House to consider the danger ahead and accept the Bill of Mr. Parulekar, so that that trend can be changed and the economic policies pursued by the Government can be revised.

श्री रामाबतार शास्त्री (पटना) :

संविधान में संशोधन करने सम्बन्धी श्री

पार्लेकर जी के इस बिल का मैं जोरदार समर्थन करता हूँ। यह बिल यहां और पहले आ जाना चाहिये था। काम पाने का अधिकार मेरी समझ में सबसे बड़ा फंडामेंटल अधिकार होना चाहिये। अगर हमें काम ही नहीं मिलेगा तो जिस तरह के समाज निर्माण की परिकल्पना हिन्दुस्तान की जनता करती है, उस समाज को हम स्थापित करने में कभी भी सफल नहीं हो सकेंगे।

आश्चर्य की बात है कि हमारे संविधान के निर्माताओं ने इस बात की चर्चा निदेशक सिद्धान्तों में तो की लेकिन बुनियादी अधिकारों में इसको शामिल नहीं किया। लगता है, उस समय उन लोगों ने आज की बेकारी की जो विभिषिका है, उसका अन्दाजा नहीं लगाया होगा। अगर उन्हें यह अन्दाजा होता और सचमुच में देश की गरीबी को मिटाने की प्रखर भावना उनमें होती तो निश्चय ही काम पाने के अधिकार को मौलिक अधिकारों में जोड़ा जाता, रखा जाता। खैर, यह बात हुई नहीं।

जो सरकार अभी शासन कर रही है, यह 30.31 सालों तक देश में शासन करती रही, लेकिन इसके दिमाग में भी आज तक यह बात नहीं आई कि हम इस अधिकार को संविधान के बुनियादी अधिकारों में शामिल कर लें।

सरकार ने जो 42वां संविधान मंशोधन विधेयक इस सदन में पाम किया था, उसमें जनतांत्रिक धर्मनिरपेक्ष और समाजवादी समाज की स्थापना की कल्पना की गई थी, उसी समय इस सवाल को भी उसमें जोड़ा जाना चाहिये था, लेकिन दुर्भाग्य से यह बात उस समय जोड़ी नहीं गई। बेकारी भी साथ-साथ चले, लाखों करोड़ों लोगों को काम न मिले, लोग भुखमरी के शिकार हो देश की आबादी की आधी संख्या, गरीबी की रेखा से नीचे हो, ऐसी स्थिति में केवल संविधान में

समाजवाद को जोड़ने मात्र से काम चलने वाला नहीं है। वह उसमें जोड़ा गया, वह तो ठीक किया गया, लेकिन उस के साथ साथ इस काम के अधिकार को भी संविधान में मौलिक अधिकारों में जोड़ा जाना चाहिये था।

अगर इस दृष्टिकोण से हम देखें तो पार्लेकर साहब ने नौजवानों का ध्यान अपनी ओर खींचा है कि वह लोग बाहर लड़ें काम पाने के अधिकार के लिये और हम इस बात के समर्थन सदन में भी चुप नहीं बैठे हुए हैं, हम उन के साथ हैं। वे लोग बाहर आन्दोलन करें और हम यहां आन्दोलन करें और सरकार को मजबूर करे कि वह इस काम पाने के अधिकार को संविधान में जोड़ें। इस तरह से पार्लेकर साहब सभी के धन्यवाद के पात्र हैं।

कई सदस्यों ने इस बात की चर्चा की है कि बहुत तेजी से बेकारी बढ़ रही है और सरकार इसका जिम्मा नहीं ले रही है कि बेकारों को कुछ काम दे या दाम दे यानी बेकारी भत्ता दे। आज नौजवान चाहे किसी भी दल के पीछे चलने वाले क्यों न हों, मांग कर रहे हैं कि हमें काम दो, नहीं तो बेरोजगारी भत्ता दो। उनका आन्दोलन शनैः शनैः तीव्र में तीव्रतर होता जा रहा है। सरकार को दीवारों पर लिखी बातों को देख लेना चाहिए और समय रहते संभल जाना चाहिए, ताकि नौजवानों की आकांक्षायें पूरी हो सकें।

जब इन्दिरा जी 1977 में गद्दी से उतारी गई, तो वह 1.02 करोड़ रजिस्टर्ड बेकार छोड़ गई। जनता पार्टी के प्रधान मंत्री, श्री मोरारजी देसाई ने कहा कि हम दस सालों में बेकारी मिटा देंगे। अच्छा होता कि वह उसके अनुपात में कुछ बेकारी को मिटा देते, लेकिन जाते वक्त वह 42 लाख और बेकारों को जोड़ गये। इस सरकार को बने हुए अभी एक साल भी

[श्री रामावतार शास्त्री]

नहीं हुआ है, लेकिन बेकारों की संख्या में दस लाख और बढ़ गये हैं और आज 1.54 करोड़ पढ़े-लिखे और अनपढ़ लोग बेकार हैं, दर दर के भिखारी बने हुए हैं। अनपढ़ लोगों के साथ साथ लोग पढ़-लिख कर, अध्यापक, डाक्टर या इंजीनियर बन कर भी काम की तलाश में मारे मारे फिर रहे हैं। वे मांग कर रहे हैं कि रोजगार के अधिकार को संविधान में जोड़ो, हमें नौकरी दो, नहीं तो बेरोजगारी भत्ता दो।

मुल्क की इस भयावह स्थिति को देखते हुए इस विधेयक का महत्व बहुत ही बढ़ जाता है। नौजवानों को काम नहीं मिलता है। उनके अभिभावकों ने घर की सम्पत्ति बेच कर उन्हें इस आशा में लिखाया पढ़ाया कि वे बुढ़ापे में हमारा सहारा बनेंगे। लेकिन आज नौजवान हतोत्साहित हैं, डेस्पिरेट हो कर गलत रास्ते पर जा रहे हैं। उनमें से कुछ नक्सलवाद का आश्रय ले रहे हैं, क्योंकि वे समझते हैं कि उसी रास्ते पर चल कर इस समस्या का समाधान होगा। कई लोग डकैतियां और लूट-पाट करने में लगे हुए हैं। डेस्पिरेशन में नौजवान तरह तरह के गलत रास्तों पर जा रहे हैं। जो नौजवान हमारे देश की आशा हैं, भविष्य हैं, क्या हम उन्हें इसी तरह से गलत रास्ते पर जाने के लिए छोड़ देंगे, नहीं। समय रहते उन्हें सही रास्ते पर लाने के लिए सरकार को स्वयं एक मही रास्ता अपनाना होगा, उनके लिए काम की व्यवस्था करनी पड़ेगी, ताकि वे महमूस करें कि यह देश हमारा है, हमारा भविष्य अंधकारमय नहीं है, प्रकाशमय है। आज उनमें डेस्पिरेशन है। वे आन्दोलन कर रहे हैं, प्रदर्शन कर रहे हैं, घेराव, सत्याग्रह और पिकेटिंग कर रहे हैं। वे तरह तरह के आन्दोलन कर के सरकार तक अपनी आवाज पहुंचा रहे हैं।

अगर सरकार ने उनकी तरफ ध्यान न दिया, तो फिर 24 तारीख आ रही है। आल-इंडिया यूथ फेडरेशन और आल-इंडिया स्टूडेंट्स फेडरेशन ने फैसला किया है कि वे दोनों मिल कर "जाब आर जेल" के नारे के आधार पर आन्दोलन करेंगे और इन दोनों संगठनों के पीछे चलने वाले नौजवान लाखों की तादाद में 24 से 28 तारीख तक पार्लियामेंट के सामने धरना देंगे और सरकार को मजबूर करेंगे कि काम के अधिकार को संविधान में शामिल करो, नहीं तो हमें जेलखाने में ले जा कर खाना खिलाओ। गद्दी छोड़ो, हम आ रहे हैं, अब आपकी जरूरत नहीं है क्योंकि आप इतना सा काम भी नहीं कर सकते हैं। यह होने वाला है।

MR. DEPUTY-SPEAKER: Mr. Shastri, you will take them up to the jail?

SHRI RAMAVATAR SHASTRI: And I will also go.

MR. DEPUTY-SPEAKER: Leave them in the jail and tell the people that you have solved the unemployment problem?

SHRI RAMAVATAR SHASTRI: That is not so easy. इसलिए यह सवाल इतना गम्भीर बन गया है और नौजवानों को इस पार्लियामेंट को घेरने का कार्यक्रम बनाना पड़ रहा है। वे लड़ेंगे और आपको चैन से नहीं रहने देंगे। उधर के हम सभी लोग उनकी मदद करेंगे। उधर के भी बहुत से लोग उनकी मदद करेंगे—म इस बात को जानता हूं। अगर शरीर से नहीं तो दिल से उनकी मदद करेंगे।

MR. DEPUTY-SPEAKER: Tell the students, let it be a non-violent struggle.

SHRI RAMAVATAR SHASTRI: Yes, that will be.

SHRI SHIVRAJ V. PATIL: Sir, it is a discussion on the amendment of Constitution, not on the agitation outside.

श्री रामावतार शास्त्री : Not the agitation. लेकिन आप उनको एजिटेशन करने के लिए मजबूर कर रहे हैं। इसलिए मैं कहता हूँ कि आप उनको मजबूर मत कीजिए, आप श्री पारुलेकर ज. के विधेयक पर ध्यान दीजिए।

MR. DEPUTY-SPEAKER: Mr. Patil, you must know that Mr. Ramavatar Shastri is the father of all agitations.

SHRI BAPUSAHEB PARULEKAR: Mr. Deputy-Speaker, Sir, what Mr. Ramavatar Shastri means is that if this right is not included, then this will happen. You must take all care of law. It is in that sense he said this.

MR. DEPUTY-SPEAKER: It is more like a warning. But if you want the Governments' support, you must earn their goodwill and not offend others also.

SHRI RAMAVATAR SHASTRI: Not the question of goodwill.

MR. DEPUTY-SPEAKER: Please smile and talk. Every one has got to solve the national problem and not put the blame on the Government.

श्री रामावतार शास्त्री : इसीलिए मैं यह कह रहा हूँ। वे तो सुनेंगे नहीं जब तक कि उन पर आन्दोलन का डण्डा नहीं लगाया जायेगा।

यहां पर यह ठीक चर्चा की गई कि समाजवादी मुल्कों में और कुछ पूंजीवादी मुल्कों में भी वहां के संविधानों में काम पाने का अधिकार दिया गया है तो फिर आप उनका अनुसरण क्यों नहीं करते? इसमें आपको क्या कठिन है? आप

निदेशक सिद्धांत में रखते हैं लेकिन फंडामेंटल राइट्स में नहीं रखते हैं। क्यों, क्या कठिनाई है? जब आप समाजवाद का मुलम्मा लगाकर चल रहे हैं तब समाजवाद को पूरा पूरा मानिए। तभी आप समाज को परिवर्तित कर सकते हैं, इस देश में गरीबी, बेकारी की समस्या का समाधान निकाल सकते हैं आज करोड़ों हाथ चिल्ला 2 कर कह रहे हैं कि हमें काम दो, हम देश को आगे बढ़ाना चाहते हैं। उनको आप केवल नारा लगाकर संतुष्ट नहीं कर सकते हैं। श्रीमती इन्दिरा गांधी बड़ी बड़ी सभाओं में भाषण करके संतुष्ट नहीं कर सकती हैं। इसके लिए उन्हें देश में उद्योग धंधे बढ़ाने होंगे, जमीन का बटवारा करना होगा, भूमि सुधार कानूनों को लागू करना होगा, इजारेदारी को तोड़ना होगा, वह चाहे देसी इजारेदारी हो या विदेशी इजारेदारी हो या बहुराष्ट्रीय इजारेदारी हो। यदि आप ऐसा नहीं करेंगे तो इस समाज को बदल नहीं सकेंगे। आपको इसके लिए बुनियादी रास्ता निकालना होगा। इन समस्याओं का समाधान पूंजीवादी घेरे में नहीं हो सकता है। इस पूंजीवादी घेरे को तोड़ना होगा। टाटा और बिड़ला से आपको क्यों मोहब्बत है? आप कसम तो किसानों, मजदूरों और गरीबों के लिए खाते हैं फिर शासन सूत्र में इजारेदारी का दबदबा क्यों रहता है और क्यों वे आपके सिर पर सवार हैं? आप उनको खत्म कीजिए, आप इस व्यवस्था को बदलिए और समाजवादी व्यवस्था को लाइये। तमाम कठिनाइयां हो सकती हैं। वहां भी हो सकती हैं और हैं लेकिन आप की तरह कायरता के साथ कठिनाइयों से वे भागते नहीं और केवल 'बात बहादुर' नहीं बल्कि 'काम बहादुर' बनते हैं। इसलिए मेरा निवेदन यह है कि अगर आप सचमुच में समाजवादी व्यवस्था को लाना चाहते हैं, तो अपनी पूंजीवादी नीतियों को छोड़िये।

17 hrs.

MR. DEPUTY-SPEAKER: Who are those "they"?

श्री रामावतार शास्त्री : वे समाजवादी मुल्क हैं, सोवियत यूनियन । वह सब से बड़ा समाजवादी मुल्क है, जहां से यह सरकार बहुत कुछ ले आती है । इस के अलावा चीन भी है लेकिन वहां की समाजवादी व्यवस्था अलग है । जेको-स्लोवाकिया है, जहां का प्रतिनिधि मंडल अभी आया था । पोलैण्ड है और यूगो-स्लाविया है और कम्पुचिया है, जिस को आप ने मान्यता दी है ।

श्री हरीश चन्द्र सिंह रावत (अलमंडा) : भारत है ।

श्री रामावतार शास्त्री : भारत को मैं उन देशों में नहीं मानता, क्योंकि सदन में यह कुछ बोलते हैं और करते कुछ और है ।

इसलिए मेरा कहना यह है कि इस बिल को आप स्वीकार कीजिए । तब हम समझेंगे कि सचमुच में आप बेकारी की समस्या को मिटाना चाहते हैं । बेकारी की समस्या पर बहस हो रही है और सरकारी बैंचों का नजारा देखिये ।

श्री हरीश चन्द्र सिंह रावत : और अपना देखिए ।

श्री रामावतार शास्त्री : आप में ज्यादा है ।

इतने गंभीर मसले पर बहस हो रही है और कोई केबिनेट मिनिस्टर नहीं है । कितने शर्म की बात है । इन्दिरा जी को नोट करना चाहिए कि उन का कोई केबिनेट मिनिस्टर नहीं है । देश की बेकारी की समस्या का समाधान निकालने के लिए संविधान में काम

देने के अधिकार को हम जुड़वाना चाहते हैं और संसद् सदस्यों की स्थिति देख लीजिए और सरकार की स्थिति देख लीजिए ।

MR. DEPUTY-SPEAKER: They never knew that you were going to speak. Had they known, they would have come.

SHRI RAMAVATAR SHASTRI: No question of my speaking. You pull them up. There is no Cabinet Minister. What is this? Are they serious? They are never serious. They must be more serious.

SHRI SHIVRAJ V. PATIL: The Cabinet Minister is in the Upper House.

श्री रामावतार शास्त्री : अगर यही स्थिति रही, तो ये डिजर्व करने हैं कि नौजवान उठें और उठ कर अपना संगठन बना कर इन को गंगा नदी या यमुना नदी में प्रवाहित कर दें । एक नये समाज की रचना उन को करनी चाहिए । तभी हम बेकारी की समस्या को दूर कर सकते हैं और गरीबी को मिटा सकते हैं और सब को रोजी, रोटी, मकान और कपड़ा दे सकते हैं । जब तक ऐसा नहीं होता है, सब तक हम लड़ते रहेंगे ।

इन शब्दों के साथ मैं श्री पारुलेकर के इस विधेयक का पुरजोर समर्थन करना हूँ और मुझे उम्मीद है कि सरकार इस को बिना जर्त स्वीकार कर लेगी ।

SHRI SATYASADHAN CHAKRABORTY (Calcutta South): Mr. Deputy Speaker, Sir, I rise to support this Bill and I congratulate Mr. Bapusaheb Parulekar for bringing it.

I was shocked to see that hon. Members of the Treasury Benches rose to oppose this Bill. It was really shocking. It is they who should have brought this Bill, because in her election manifesto and election speeches, Shrimati Indira Gandhi, the Prime

Minister of India, promised employment to all. Her slogan was *garibi hatao*. It is amusing to see that when a Member of the Opposition is pressing the Government to accept this Bill which will enable us to remove poverty and unemployment from our country, it is the Members of the Treasury Benches, the party which is wedded to *garibi hatao*, who are opposing it.

SHRI HARISH CHANDRA SINGH RAWAT: You are giving slogans and we are implementing it.

SHRI SATYASADHAN CHAKRABORTY: You have got the chance to implement it. Here is an opportunity for you to support the Bill which will go a long way in the abolition of the poor conditions in which our people live. But it is strange that you are opposing it. Why? You say it is not possible for you to give employment to all. May I ask you, why not?

We got independence in 1947. There was a solemn pledge by the Indian National Congress to eradicate unemployment. It was said that poverty, unemployment, etc., were due to the imperialist exploitation. You asked the people to give you time and you would eradicate unemployment. You have had enough of time. After independence you robbed the people in the name of planning. You imposed taxes. Just think about the amount of indirect taxes and the rate with which they have gone up! You promised the people so many things after Five Year Plans. I ask you to go through the papers. You promised self-generating economy i.e., we will be economically independent. You wanted the people to sacrifice to help you. People helped you. But what is the condition now? After raising taxes after imposing this burden, after deficit financing, after taking loans from many countries, what has happened? You moved to Washington, Paris, London with a begging bowl. You got help from I.M.F., from World Bank. But what do we see to-day? India is a vast desert land of poverty,

illiteracy, ill health and shame. There are some oases of wealth, power and affluence in India. I can quote from the statistics supplied by the Government of India.

(Interruptions)

We are not ruling India. You will see the result when we rule India.

You have been able to make our country a land of poverty, illiteracy, degradation.

Our country is a Member of the United Nations Organisation. We have accepted their principles. I would like the hon. members of the treasury benches to go through that document. In that document itself it is said that man after his birth has a right to bread. He has a right to education. This is the primary condition of existence. I ask you, as you run the Government, have you not accepted the responsibility of feeding our people? If a man is unemployed, how will he be able to earn his bread? A man is born with two hands. He wants to work. But you have created such a society, the young men who are willing to work cannot work because there is no opportunity. Why? I ask you to search your own heart. Why is it that unemployment is increasing? There was a time when people used to say that poverty was natural. The white people used to say that under-developed countries will remain under-developed. Prosperity will be enjoyed by the white people. But it is the Soviet Union, it is the Chinese people, the socialist countries who have demonstrated that poverty, illiteracy and under-development is not the lot of Asian and African people.

I ask you to answer this question. In China after the communist party assumed power, they have been able to eradicate unemployment. They have guaranteed right to employment. How? Their population is now 100 crores. The Japanese fought against imperialists. They were less developed than what we are. How is it that they could eradicate unemployment? I do not say that the Chinese people

[Shri Satyasadhan Chakraborty]

are living in affluence. But I emphatically say that they at least have two meals a day. They are having the benefit of education. After assuming power, they nationalised all foreign assets; they nationalised monopoly houses and they went in for genuine land reforms. They gave land to the tiller. By adopting these three radical measures, they started their five year plans.

Today, I ask you—you are all knowledgeable persons—to compare the production of China with that of India in respect of steel, cement, chemicals, cereals and all that. This is because of the fact that they have introduced radical changes which you have been speaking for years and years to deceive the people. When actually there is a real land reform, as it is being done by the West Bengal Government, the Congress party gives an open call to big land-owners to take arms and fight and go against the poor people of the villages in West Bengal. That is the difference between what you profess and what you practise.

You talk of the poor people. You enter into unholy alliance with traders, black marketeers, monopolists and capitalists. For getting votes, you go to the people and say, *garibi hatao*, but in actual practice, there is concentration of wealth in the hands of a few people. I can quote from the Mahalanobis Committee report that 75 families and today, it is not 75 families but 15 to 20 families who control the whole of wealth of India. How is it? Why is it that 8000 crores of rupees of black money has created a parallel economy? It is your doing. You are blaming the Janata Party rule for three years. It is the Congress Party which has been ruling for all these years. I know, you won't condemn your past and say, "We start with a clean slate." Please do it. But I know you cannot do it. It is because of your lack of any political will to have genuine radical land reforms, to nationalise the monopoly houses and to nationalise all the foreign assets.

You are not nationalising the foreign assets. They are looting our wealth. The monopolists, the capitalists, are denuding the people every day of their purchasing power. The big land-owners are killing the labourers and exploiting them. There has been greater concentration of land during the Congress regime than what it was during the British days. I ask you why?

While supporting the Bill, I once again say that the right to work must be incorporated as a fundamental right in the Constitution because this is the primary condition of any human existence. All of you are not rich people. Suppose your boy who is an engineer—you have educated him and you have spent money on him—is unemployed. How will you feel? You will naturally feel that his life is going to be destroyed, is going to become useless. Why? It is because of the simple reason that you refuse to usher in certain radical changes in the economic institution of our country. I once again urge that this Fundamental Right should be incorporated. Do not talk of Directive Principles. Do not talk of removing the Fundamental Rights, the Right to Liberty, as if they are opposed to Directive Principles. The right to life, the right to liberty and the right to employment are not opposed to one another. You can implement the Directive Principles without touching the independence of the judiciary and without touching the Fundamental Rights of the people. You attack private property, the source of exploitation, and you will find that there will be no need to attack the judiciary and the rights of the people. Do you mean to say that, if you want to have all these radical reforms, the courts will stand in your way? I can cite some examples. President Roosevelt wanted to do certain things during the economic crisis. Was it possible for the Supreme Court to desist him from going his way? It was not possible. (Interruptions) I shall be quoting from all the countries....

AN HON. MEMBER: Quote from China.

SHRI SATYASADHAN CHAKRABORTY: You have not to go to China for this. You are a learned Member. Do not live in a fool's paradise. One need not go to China to quote. It is not necessary. Books are available. You read them.

When you talk of changing the basic structure of the Constitution, I can remind you of this. (*Interruptions*). One person used to talk of socialism, used to talk of the poverty of the people, used to talk of changing the Constitution attacking the democratic rights in the name of socialism. He was Adolf Hitler. There was another person, Mussolini, who was actually the editor of a paper known as 'Socialist'. And you are also going to do this! In the name of Directive Principles, in the name of 'Garibi Hatao', you are hoodwinking the people; you are trying to wreck the Constitution to subserve the interests of the village kulaks, the big landowners, the capitalists and the imperialists, which you did all along after Independence; and during the period of Emergency, that attack on the people was intensified. Are you going to do it again? Are you planning to do it? You will be doomed if you want to do it. With these words I conclude.

MR. DEPUTY-SPEAKER: Are you supporting the Bill?

SHRI SATYASADHAN CHAKRABORTY: I support the Bill, at the very outset, I have supported it.

श्री तारिक अनवर (कटिहार) :

श्री बापूसाहिब पर्लेकर जी ने जो बिल पेश किया है उसका समर्थन तो किया ही जाना चाहिए लेकिन उनकी नीयत पर जरूर शक किया जा सकता है और वह इसलिए कि आज जिस दल से वह आते हैं, पिछले दिनों जब उनकी सरकार थी, उनके दल की हकूमत थी, जनता पार्टी की सरकार थी तब ऐसा बिल नहीं लाया गया सरकार की और से और उसका नतीजा

यह हुआ कि आज फिर से उनको यह बिल सदन में पेश करना पड़ा है। इससे यह साफ जाहिर होता है कि बिल पास करने के पीछे जो नीयत होनी चाहिए, वह नहीं है, बल्कि राजनीति से प्रेरित हो कर यह बिल यहां पेश किया गया है।

अभी हमारे बुजुर्ग साथी शास्त्री जी ने बड़े जोरदार लफ्जों में यह कहा कि उनके युवा संगठन द्वारा आन्दोलन छेड़ा जायेगा और सारे हिन्दुस्तान के नौजवान बेरोजगारी के खिलाफ जेलों को भरेंगे। आज से कुछ दिनों पहले की बात मैं याद दिलाना चाहता हूँ जब कि 1974 में बिहार के अन्दर जयप्रकाश बाबू के नेतृत्व में एक ऐसा ही मूवमेंट नौजवानों की ओर से कुछ राजनीतिक दलों के उकसावे में वहां के नौजवानो ने किया था जो कि आज भी जे० पी० मूवमेंट के नाम से जाना जाता है। उस समय वहां के नौजवानों को यह सुनहरा सपना दिखाया गया कि अगर तुम इस वर्तमान सरकार के खिलाफ लड़ोगे, जेलों में जाओगे, लाठियां खाओगे तो हम तुम्हारी बेरोजगारी की समस्या का समाधान करेंगे, सरकार बदलते ही हर नौजवान को रोजगार मिलेगा और हर हाथ को काम मिलेगा। लेकिन जिस प्रकार सरकार बदलने के बाद 1977 में जब जनता पार्टी की सरकार बनी तो आपने देखा कि कुछ लोगों की बेरोजगारी जरूर दूर हो गई, कुछ लोग मंत्री बन गये, कुछ संसद-सदस्य बन गये और कुछ लोग विधान-सभा में चले गये, लेकिन वह बेरोजगार नौजवान जो कल भी बेरोजगार था वह जनता पार्टी की सरकार बनने के बाद भी बेरोजगार ही रहा और वह बड़ी आशा और निराशा के बीच में लटकता रहा और उसकी समस्या ज्यों की त्यों बनी रही।

यह मैं इसलिए कहना चाहता हूँ कि अगर नीयत ठीक हो, सही मायनों में

[श्री तारीक अनवर]

नौजवानों की समस्या को मुलझाना है तो इसके लिए सभी राजनीतिक दलों को अपने दलों को संगठित करना होगा तभी इस बेरोजगारी की समस्या का समाधान हो सकेगा। तभी जो बिल हम यहां पेश कर रहे हैं, उसको सही ढंग से रखा जा सकता है।

बेरोजगारी का यह सवाल केवल हिन्दुस्तान में ही नहीं है, यह सारे विश्व के लिए समस्या बनती जा रही है। हिन्दुस्तान तो गरीब मुल्क है, अमेरिका, ब्रिटेनिया जैसे मुल्कों में भी आज बेरोजगारी बढ़ती जा रही है और आज वे भी इस समस्या से वंचित नहीं हैं। अब प्रश्न यह उठता है कि हम इस बेरोजगारी को कैसे दूर करें? कैसे इस समस्या का समाधान करें? क्या सिर्फ बिल पेश कर देने से ही बेरोजगारी की समस्या का समाधान हो जायेगा? अगर यह ठीक है तो यह बहुत अच्छी बात होगी, लेकिन इसके पीछे हमें देखना होगा कि इस बिल के पाम करने के साथ-साथ बेरोजगारी दूर करने के ठोस मुझाव भी आयें।

अभी और लोगों ने जैसे बताया कि 1 करोड़ 54 लाख पढ़े-लिखे नौजवान इस देश में बेरोजगार हैं। गांव, विलेज में जो बेकार लोग हैं, उनको छोड़ कर यह आंकड़े हैं, जिन्होंने कभी स्कूल या कालेज देखा तक नहीं। वैसे लोगों को भी अगर जोड़ा जाये तो यह एक बहुत बड़ी संख्या हो सकती है। ऐसी हालत में हमें यह देखना होगा कि कैसे हम बेरोजगारी को दूर करें।

जहां तक इसे दूर करने का सवाल उठता है, उसके लिए जरूरी है कि हमने और हमारी सरकार ने जो कदम उठाये हैं, उनका ठीक ढंग से इम्प्लीमेंटेशन किया

जाये। हमने जमींदारी खत्म की, जमीन का बंटवारा किया। इस बात की कोशिश होनी चाहिए कि अभी भी जो बड़े-बड़े भूमिपति हैं, जो बड़े-बड़े लोग हैं जो इस देश का शोषण कर रहे हैं, जो चाहते हैं कि इस देश में उनकी ही जेब भरी रहे, उनकी जेब खाली करनी होगी और धन का बंटवारा करना होगा और सही मायनों में जिस समाजवादी समाज की कल्पना हम करते हैं, उसको यदि पूरा करना है तो उसके लिए आवश्यक है कि सही दिशा में हम आगे बढ़ें।

आज नौजवानों में एक गलत भावना पैदा हो गई है कि बेकारी दूर करने का रास्ता सिर्फ सरकारी नौकरी हासिल करना है। लेकिन हमें कोशिश करनी चाहिए कि सरकारी नौकरियों के साथ-साथ नौजवानों को खेतों और खलिहानों में, कल-कारखानों और छोटे काम-धंधों में लगाया जाये, ताकि अन-एम्प्लायमेंट की समस्या का समाधान हो सके।

यह सही है कि इन्सान की मूल समस्या रोटी, कपड़ा और मकान है। इसके लिए जरूरी है कि हर आदमी को रोजगार मिले, ताकि वह अपने खानदान, परिवार, का पालन-पोषण कर सके।

जो बिल पेश हुआ है, अगर इसकी नीयत ठीक हो, अगर इसको सच्चे दिल से रखा गया हो, तो जरूर इसका समर्थन करना चाहिए। लेकिन हमें यह कहने में कोई हिचक नहीं है कि जब लोग आपो-जीशन में बैठते हैं, तो लम्बी-लम्बी बातें करते हैं, लेकिन जब कुछ करने का मौका मिलता है, जब वे सत्ता में आते हैं, तो नौजवानों को भूल जाते हैं, जो सही मानों में इस देश का भविष्य हैं। अगर नौजवान बेकार हों, डाक्टर और इंजीनियर बेकार हों, तो देश कभी भी मजबूत नहीं हो

सकता है, वह कभी भी तरक्की नहीं कर सकता है। अगर देश को तरक्की की ओर ले जाना है, तो यह जरूरी है कि हर एक नौजवान को रोजगार मिले। उसे सरकार की ओर से सब तरह की सुविधा और समर्थन मिलना चाहिए, ताकि वह अपने पैरों पर खड़ा हो सके और अपने परिवार का पालन-पोषण कर सके।

इन शब्दों के साथ मैं इस बिल का समर्थन तो जरूर करता हूँ, लेकिन इनकी नीयत पर शक भी जरूर करता हूँ।

श्री रामावतार शास्त्री : वेस्ट बंगाल और केरल में बेकार लोगों को भत्ता देने की व्यवस्था की गई है।

MR. DEPUTY-SPEAKER: Mr. Shastri, you must appreciate the freedom that has been given to the Congress (I) Party members.

श्री सुन्दर सिंह (फिल्लोर) : उपाध्यक्ष महोदय, यह बिल बहुत अच्छा है, लेकिन इसमें जिस ढंग से काम मांगा जा रहा है, वह गलत है। महात्मा गांधी ने कहा है कि अगर कोई एबल-बाडिड आदमी बेकार है और हम उसको काम नहीं दे सकते हैं, तो हमें खाना नहीं खाना चाहिए, हमें सोना नहीं चाहिए। इन लोगों का काम है दिन-रात हड़तालें करना और धरना देना और तरह-तरह के हुकूम मांगना। जो आदमी काम नहीं करता है, उसको रोटी मांगने का क्या हक है? जो आदमी एबल-बाडिड है, एजूकेटिड है, उसे कोई भी काम करने के लिए तैयार रहना चाहिए। जो आदमी बिना काम किये खाता है, वह चोर है। आज तो हमारे मुल्क में एक तमाशा बना हुआ है। भूख-हड़ताल की जाती है, धरना दिया जाता है। लोग रोटी तो सोसायटी की खाते हैं, लेकिन सोसायटी के लिए कोई काम नहीं करते हैं।

आज दफ्तरों में क्लर्कों के पास कोई काम नहीं है। मैं आपको अपनी मिसाल देता हूँ। मैं 33, फ़िरोजशाह रोड पर रहता हूँ। मेरे पास एक सूट-बूट पहने हुए माली आया। मैंने उसे कहा कि मैं खुद यह काम करूंगा। आज महात्मा गांधी के उसूलों पर कोई नहीं चलता है। आज पढ़े-लिखे लोग अनएजूकेटिड लोगों की कास्ट पर पनप रहे हैं। हर एक आदमी का फ़र्ज है कि पहले वह लेबर का काम करे और फिर दूसरा काम करे, अगर किसी को काम नहीं मिलता है, तो यह सोसायटी और गवर्नमेंट का कुसूर है। आपोजीशन वाले भी गवर्नमेंट को काम नहीं करने देते हैं। मैंने कई हरिजन भाइयों को बैठे हुए देखा, तो पूछा कि वे काम क्यों नहीं करते हैं। उन्होंने कहा कि हम अपनी मांगों मनवाने के लिए धरना दे रहे हैं। जहां तक हरेक को काम का अधिकार देने की बात है, कोई भी गवर्नमेंट बन जाए, कोई भी एबल बाडीज है वह अगर खाली रह कर, निकम्मा रह कर खाता है और कोई काम नहीं करता है तो वह चोर है, उसको जो भी काम मिल जाए वह काम करना चाहिए। ये इंजीनियर किसकी कास्ट पर बने हैं? अनपढ़, हरिजन और मजदूरों की कास्ट पर ये इंजीनियर बने हैं। इस लिए किसी को यह नहीं सोचना चाहिए कि मैं पढ़ा-लिखा हूँ, इंजीनियर हूँ इसलिए मुझे कोई बड़ा काम दिया जाए। गांव के जो लोग पढ़-लिख कर शहरों में आ जाते हैं वे आराम की जिन्दगी बसर करने लग जाते हैं। वे गरीब और अनपढ़ लोगों की तरफ कोई ध्यान नहीं देते हैं। हर एक आदमी का फ़र्ज है कि काम चाहे किसी किस्म का हो, उसको वह करे। जो बड़े-बड़े लीडर बने हैं वे हाथ से काम करने वाले थे। आज अगर आपोजीशन अच्छा हो तो हमारी गवर्नमेंट भी अच्छी हो सकती है अगर आपोजीशन का ही भट्टा बैठा हो तो गवर्नमेंट कैसे ठीक

[श्री सुन्दर सिंह]

रह सकती है ? अगर आप मजबूत हैं तो हम भी मजबूत हो जाएंगे। अगर आप ही निकम्मे होंगे तो हम कैसे ठीक हो सकते हैं ?

जहां तक काम का ताल्लुक है जो भी एबल बाडीड है उनको हर एक काम करने के लिए तैयार रहना चाहिए। पहले वे लेबर हैं, उसके बाद कुछ और। हम में से जो लोग ऐजूकेटेड हो गए हैं उन्हें यह नहीं कहना चाहिए कि हम फलां काम नहीं करेंगे। अगर नहीं करते हैं तो जैसी मर्जी करते रहो। गवर्नमेंट हर एक को मर्जी के मुताबिक काम कैसे दे सकती है ? पढ़े-लिखे लोग गरीबों और अनपढ़ों की कीमत पर ऊंचे उठे हैं और अब वे शानदार कपड़े पहनते हैं। यहां पर जो लोग रोज़ लेक्चर देते हैं मैं उनसे कहना चाहता हूँ कि सिर्फ लेक्चर देने से काम नहीं चलेगा। आज मुल्क के गरीब लोग यह समझ गए हैं कि अपोजीशन वाला ख्वामख्वाह बक्त जाया करते हैं। ये बात इनकी समझ में आ गई है कि हमें किम्को वोट देना है।

Nothing can resist truth, love and sincerity. If you are sincere and unselfish unto death then fear not, not even death.

मैं 1927 से पब्लिक में काम कर रहा हूँ और हमेशा गरीबों की मदद करता रहा हूँ। परमात्मा की दया से मैं हमेशा जीतता आया हूँ। मैं शास्त्री जी से कहना चाहता हूँ कि वे यहां पर लंबी-चौड़ी तकरीरें न किया करें और हरिजनों की बातें न कहा करें, क्योंकि सिर्फ ऊपर से ही वे ऐसी बातें कहते हैं, उनके दिल में उनके लिए कुछ नहीं है। अगर आप लोग गवर्नमेंट बनाना चाहते हैं तो कुछ काम करें, ताकि लोग महसूस कर सकें कि ये लोग काम करने वाले हैं।

Be pure and holy.

Love for love's sake;

Love for the poor, the miserable and the down-trodden; God will bless you.

इसलिए मैं समझता हूँ कि यह बिल गलत है। हमें गवर्नमेंट पर ही सब नहीं छोड़ना चाहिए। हमें खुद काम करना चाहिए। हम खुद काम करेंगे तो गवर्नमेंट भी अपने-आप ठीक हो जाएगी।

श्री गिरधारी शाला डोगरा (जम्मू) : जनाब डिप्टी स्पीकर साहब, मैं हैरान हूँ कि सदन में इतने संजीदा आदमी बैठे हुए हैं और कहते हैं कि एम्प्लायमेंट फण्डामेण्टल राइट होना चाहिए। फण्डामेण्टल राइट कोर्ट के जरिये एन्फोर्स कर सकते हैं और इस के इस प्रकार एन्फोर्स करने से बेकारी दूर हो जायगी। जहां तक डाइरेक्टिव प्रिन्सिपल्ज का ताल्लुक है—आप की इकानामी उन पर बेम करना है। हमारी जो इकानामी बनेगी, वह सुपीरियर होनी चाहिए, सैक्रिण्ट्री नहीं होनी चाहिए। अगर आप फण्डामेण्टल राइट बना देंगे तो उस का क्या परिणाम होगा। आप कोर्ट में जा सकेंगे, डिग्री ले सकेंगे, लेकिन नतीजा क्या होगा। हम को तो ऐसी सिचुएशन क्रिएट करनी चाहिए, जिस से ज्यादा से ज्यादा एम्प्लायमेंट जैनरेट हो और इस के लिए हम सब को मिल कर काम करना चाहिए। यह कोई जन्त-मन्तर तो है नहीं, जन्तर लिखा और उस को कहीं रख दिया, जिस से उसका असर हो गया। इस को फण्डामेण्टल राइट बना देने से—किस को लाभ होगा ? हो सकता है कुछ बेकार लोग कोर्ट में चले जायें और डिग्री लें, इससे कुछ वकीलों को काम मिल जाय, लेकिन आम आदमी को इस से फायदा होने वाला नहीं है। हमें अपने बेकार लोगों को फायदा पहुंचाने के लिए जरूरी है कि अपनी इकानामी को

दुरुस्त करें, उस को ठीक ढंग से चलायें, उसको सोशलिस्ट पैटर्न पर लायें। इस काम को करने के लिए हमारे पास जितने सोर्सेंज हैं, रिसोर्सेंज हैं, पैट्रियोटिक एलीमेण्ट्स हैं—उन सब को इस में काम पर लगायें, तभी एम्पलायमेण्ट जैनरेट हो सकता है।

चौधरी साहब ने ठीक ही कहा है कि जब एक आदमी मैट्रिक पास कर लेता है, पतलून और कोट पहन लेता है, तो वह काम नहीं करना चाहता, कोई जिम्मेदारी लेने को तैयार नहीं होता है, डोल देने से तो उसमें काम करने की भावना पैदा नहीं होगी। मैं तो यह समझता हूँ कि डोल देने वाले हमारी सोसायटी के दुश्मन हैं। हिन्दुस्तान में जो अनपढ़ हैं, आज वे बेकार नहीं हैं, लेकिन जो पढ़े-लिखे हैं, वे ही बेकार हैं, जो कि काम करने और जिम्मेदारी लेने से कतराते हैं। यह भी ठीक है कि जो फैसिलिटीज उन को मिलनी चाहिए, वह हम नहीं दे पा रहे हैं। हमें अपने बैंकिंग सिस्टम को रि-ओरिएण्ट करना होगा, जितने हमारे पास रिसोर्सेंज हैं उन का इस्तेमाल करना होगा, उन में लार्ज-स्केल इण्डस्ट्रीज, स्माल स्केल इण्डस्ट्रीज, टाइनी इण्डस्ट्रीज इन सब को डोव-टेल करना होगा।

जहां तक एग्रीकल्चर का ताल्लुक है उसे भी वैज्ञानिक ढंग से चलाना होगा। जब तक कोआपरेटिव्ज ठीक नहीं होंगी तब तक एग्रीकल्चर ठीक नहीं होगा और एग्रो-इण्डस्ट्रीज ठीक नहीं हो सकती। हमारे सदन में पढ़े-लिखे लोग और प्रोफेसर्ज बैठे हुए हैं जो इस बात को जानते हैं कि—
The stability of our country's economy is very essential. Putting the right to work here or there, itself, is not going to make any difference.

फण्डामेण्टल राइट की बात तो कन्फ्यूज करने वाली है, इस आधार पर आप चाहें नौजवानों

को कन्फ्यूज कर दें, लेकिन इस से कुछ होने वाला नहीं है। जब तक आप उनको सही रास्ता नहीं दिखलायेंगे तब तक काम नहीं चल सकता है। इस लिए मैं समझता हूँ कि यह बिल इल-कन्सीड है, इससे कुछ नहीं बनेगा। डायरेक्टिव प्रिन्सिपल्ज को—

Give them greater importance than fundamental Rights. तब जा कर तब इकानमी का विल्ड करने में मदद मिल सकेगी। जैसा चौधरी साहब ने कहा है—जितनी विजिलेण्ट अपोजीशन होगी, उतनी विजिलेण्ट गवर्नमेंट होगी। जितनी इफेक्टिव अपोजीशन होगी, उतनी ही इफेक्टिव गवर्नमेंट होगी। अगर आप इस तरह की बातें करेंगे जिस का न सिर होगा और न पैर होगा तो उसका कोई नतीजा नहीं निकलेगा। इस लिए मैं अर्ज करूंगा कि मूवर साहब इस नजरिये से इस पर गौर करें। मैं समझता हूँ यह बिल बिलकुल फिजूल किस्म का बिल है, इससे कुछ नहीं बनेगा, सिवाय मुकदमे बाजी बढ़ने के।

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SHIVRAJ V. PATIL): Mr. Deputy-Speaker, Sir, the mover of this Bill, hon. Member, Shri Bapusaheb Parulekar, referred to different Constitutions when he moved this Bill. I would like to draw the attention of the hon. Members to the provisions in the Constitutions of different countries.

In the world today, there are socialist countries and there are non-socialist countries. There are countries in the Constitutions of which the right to work is enshrined and which belong to the socialist fold and these are: Romania, Bulgaria, Czechoslovakia, Hungary, Poland, Cuba, Vietnam, China, German Democratic Republic, USSR and Yugoslavia.

SHRI SAMAR MUKHERJEE (Howrah): And the Democratic Republic of Korea also.

SHRI SHIVRAJ V. PATIL: I am only mentioning some of the important countries, not all the countries.

In the Constitutions of Bulgaria, Romania, Hungary, Poland, China, Cuba, Yugoslavia and Vietnam, the right to work is a fundamental right and in other countries, the right to work is not given as fundamental, but it is simply mentioned as a right to work. There are some non-socialist countries which believe in capitalist economy, or a different kind of economy, which is not a socialist economy. Such countries which have provided for right to work in their Constitutions and which belong to the non-socialist fold are Japan, Ireland, Portugal, Italy, Luxembourg, France and Denmark. Capitalist countries which have not accepted the right to work in their Constitution are: Australia, Argentina, Belgium, Finland, USA, UK, Sweden, Kenya, Egypt, Brazil, Norway, Austria, Canada, Laos and Uruguay. I am mentioning only those countries the Constitutions of which I could study and I could get some information, but these are important countries in the world belonging to the non-socialist fold and they have not mentioned the right to work in their Constitution.

SHRI BAPUSAHEB PARULEKAR: But they have provided for unemployment benefits.

SHRI SHIVRAJ V. PATIL: I am just classifying; please wait for some time.

The countries which belong to the socialist group and which have mentioned right to work as a simple right or fundamental right in their Constitution have mentioned duty to work in their Constitution. Almost all countries have mentioned duty to work in their Constitution.

Just now, my learned friend on the other side referred to the French Constitution. The French Constitution, does refer to the right to work, but at the same time, it refers to the duty to work also. Duty and right go

together; they are not separate. It is very important. You cannot have a right to work without a duty to work. Right to work and duty to work should go together. And here is a bill which mentions only right to work and nothing about duty to work. I am analysing and after I have finished my speech, you have a right to reply. I am just analysing. If you are so impatient, I am sorry. I am analysing and I will give you the floor, then you can reply. I am saying that right to work and duty to work should go together. These are the two sides of one coin. We cannot have only one side neglecting the other. We cannot neglect it. But here is a Bill where the right to work is only mentioned. I have to refer to it later on in my speech.

Sir, these socialist countries have mentioned right to work but they have not mentioned one more thing. They have not given the right to the individuals to go to the court of law to enforce those rights. It is a very important provision. If we provide right to work in the fundamental rights Chapter in our Constitution under Article 32 and under Article 226, every citizen shall have a right to have a recourse to the court of law for implementing that fundamental right. This is the fundamental difference which we have to bear in mind. I am just analysing and putting the facts before you. That is one of the most important differences.

Sir, this is to be borne in mind. Now, there are the capitalist countries. My learned friend said that 32 years or 33 years or 34 years have passed and we have not done anything to include the right to work in our Constitution. How many years have passed in the United States of America after the Constitution came into existence? They have not mentioned that fact in their Constitution. Is it not a fact that even in United States of America which is doing quite well—I do not have anything to say against their system, but, there also, that is a very fortunate country, it has a

virgin land, it is a land which values science and technology and all those things, it is a land which is prosperous and affluent, even in that country,—they have not mentioned right to work in their Constitution, nor have they been able to solve the problem of unemployment completely. That has to be borne in mind. Yet they have not mentioned in their Constitution and if anybody thinks that simply by mentioning the right to work in the Constitution the problem of unemployment can be solved. I would humbly submit it is not correct.

Now, I come to China. Sir, it is very important that we should refer to the constitutional provisions in China because the population position in our country and in China, are identical. So, we should refer to the constitutional provision in China.

Sir, I would refer to Article 10 in the Chinese Constitution. What does the Article 10 in the Chinese Constitution say? It relates to right and duty to work. It says, "The State applied the socialist principle. He who does not work neither shall he eat and from each according to his ability, to each according to his work. Work is an honourable duty for every citizen able to work. The State promotes socialist labour emulation and putting proletarian practice in command. It applies to policy of combining moral encouragement with material reward with the stress on the former in order to heighten the citizens' socialist enthusiasm and conservativeness in work. Then there is Article 48 which is directly relevant to the point here. "Citizens have a right to work, to ensure that citizens enjoy the right,..." Sir, this has to be analysed, this provision has to be analysed, because we have identical situations in both the countries.

"Citizens have the right to work, to ensure that the citizens enjoy this right. The State provides employment in accordance with the principle of overall consideration and on the basis of increased production. The state gradually increase the

payment of labour, improve the working conditions, strengthen the labour protection and expands the collective wealth."

Now what is the point on which the emphasis is laid in this Article? The point on which the emphasis is laid is the production. Have they increased the production and distributed the fruits of production to all? Have they increased their wages and improved their working conditions? You give the right to them in the light of these things. This is how they have provided in their Constitution in China. This is how they are trying to solve the problem of unemployment in China.

If somebody stands up in this House or outside and says that China had solved the problem of unemployment entirely, I would say that it is not correct. They have not been able to solve the problem of unemployment entirely. They may have their problem of unemployment a little better or less than other countries have it; but they have not been able to solve the problem of unemployment in their country also.

SHRI SAMAR MUKHERJEE: I came back from China only two weeks back.

SHRI SHIVRAJ V. PATIL: This has to be borne in mind. In a socialist country, the means of production are owned by the State; the wealth is owned and possessed by the State. In a socialist country like ours, the means of production, the commanding heights of the economy may be controlled by the State, but everything that exists in the society is not owned and possessed by the State. We have a family which has the property. We have a society where the property is there. We have a State which is also having the property, but the property which is owned and possessed by the State in our country is certainly less than the property and the wealth which is owned and possessed by the society as a whole and the family taken together. This fact has to be kept in view while trying to say whether we can have a

[Shri Shivraj V. Patil]

provision of this kind in our Constitution; whether it would be practicable for us to implement that provision.

Now, what is the position in our Constitution if we transfer this provision from the directive principles to the fundamental rights? Every citizen gets a right not only to move the lower court or the city civil court but to go to the High Court and the Supreme Court. This problem has to be solved by all by putting our heads together, not simply taking any stand. I am not quarrelling with the principle. I am just trying to put before this hon. House the difficulties, the problems that have to be solved. How are you going to solve this problem if you have it in the Fundamental Rights Chapter, if you have it in Part III of the Constitution? If all the citizens go to the High Court and the Supreme Court, these courts would be flooded with writ petitions. Is it going to solve the unemployment problem? Is it going to give employment to the educated ones and uneducated ones living in the rural areas? If you want to solve the problem of unemployment, I would not say that this should not be done or that should not be done. But what has to be done is the creation of the opportunities for employment in the rural areas, in the urban areas. In this way, we can solve the problem and at the same time, we may have this kind of problem also.

Now, why I have analysed the constitutions in the world, in the socialist countries is that the right to work is there but right to go to the court is not there. In the capitalist countries, where there is unemployment, they have neither the right nor the right is given to the citizens to go to a court of law. They have laws and under the laws, they can have a recourse to the court of law. I am not saying that we do not have those laws. Maharashtra has made a law. The Central Government is not saying that the State Governments should not have the law and should not implement it. What we are saying is this. When a position arises

where it will be possible for us to implement this provision in the Constitution, that is a different thing. But today simply by just having it in the Fundamental Rights chapter we are not going to solve the problem. What is the practical difficulty? I have tried to explain the practical difficulty. One hon. friend put it jocularly that if you put it under Fundamental Rights chapter, the problem of lawyers may be solved. We may have writ petitions in the High Courts and the Supreme Court. Now that does not mean anything. We may have more litigation but the problem will not be touched on the fringe also by transferring it from the Directive principles to Fundamental Rights.

My hon. friend Shri Chitta Basu says: You say the Directive principles are superior to the Fundamental Rights; now when we are trying to transfer the Directive principle into Fundamental Rights chapter, you are objecting. That logic is very intelligent. I must appreciate. But what is the objection to have it in the Directive principles and give it an upper hand over Fundamental Rights? What kind of objection you could have when it is said that a law to implement the Directive principles should not be challenged in a court of law on the basis that it goes against Fundamental Rights. That was what was tried to be done. Now if you have it transferred from the chapter on Directive principles to Fundamental Rights and then you try to implement the directive principles, it is not going to be possible.

One hon. friend from the other said that the right to liberty and the right to give work do not clash. They do clash in many cases. If you seen the judgement given by the Supreme Court and the High Courts, there are cases and cases and laws had to be amended and changed in order to see that the rights given to citizens in order to do social justice were implemented. They were challenged in the court, they were set aside as *ultra vires* the Constitution and amendments were to be effected to the Constitution in order to

see that those provisions were implemented. That was done in the olden days. If you want me to quote chapter and verse of those judgements, I can do that. But that is not relevant here.

My point is that Directive principles try to do social justice and Fundamental Rights try to do justice to individuals. Here we have a provision in the Constitution which tried to do justice to the individual and we have a provision in the Constitution which tries to do justice to society as a whole. Which is more important? Justice to the whole society is more important. In my humble opinion justice to society or a majority of people in society should be taken as more important than justice to individuals. That is also what Jurists like Rescoe Pound have written in their treatises. When there is clash of interest between the interest of the individual and the interest of the society as a whole, it has to be decided in favour of the society or it has to be balanced in such manner that no injustice is done to both sides, individual as well as the society as a whole. That is what he has said. When we tried to take into account the constitutional position of the Directive principles and the Fundamental Rights and when we tried to say that the Directive principles were at least as important

as the Fundamental Rights, there were difficulties and we tried to solve those difficulties. But unfortunately something else happened and I need not refer to it.

18.00 hrs.

How this problem of unemployment is to be tackled—that is the question. If we can solve it simply by transferring it to the Fundamental Rights chapter, we are all for it. But if we cannot do it, if we create more difficulties by doing it, it would not be wise on the part of this august House to do that. Now, we are saying at this time, Sir, that the problem cannot be solved simply by doing that. If we want to solve the problem of unemployment Sir,....

I would like to take five to six minutes more.

MR. DEPUTY-SPEAKER: You can continue. We cannot continue to sit after 6.

18.01 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, November 24, 1980/Agrahayana 3, 1902 (Saka).