

MR SPEAKER Now we take up clause by clause There are no amendments to clauses The question is

"That clauses 2, 3 and Clause 1, the Enacting Formula and the Title stand part of the Bill "

*The motion was adopted*

Clauses 2, 3 and Clause 1 the Enacting Formula and the Title were added to the Bill

SHRI DHANIK LAL MANDAL Sir, I move

That the Bill be passed

MR SPEAKER The question is

"That the Bill be passed

*The motion was adopted*

15.34 hrs

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS  
SEVENTH REPORT

SHRI NIRMAL CHANDRA JAIN  
(Seom) Sir I beg to move

"That this House do agree with the Seventh Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 23rd November, 1977 "

MR SPEAKER The question is

"That this House do agree with the Seventh Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 23rd November, 1977 "

*The motion was adopted*

15.35 hrs.

RESOLUTION RE CHANGES IN THE CONSTITUTION—Contd.

MR. SPEAKER We will now take up further discussion of the Resolution

moved by Shri Ravi on the 5th August 1977 Shri Ravi will continue his speech

SHRI VAYALAR RAVI (Chirayinkil) Mr Speaker Sir I have already moved the Resolution in the last session So I do not want to repeat it

The purpose of moving this Resolution is only to draw the attention of the House to the question of giving a direction to the concept of the new society which we would like to build up March 1977 witnessed a political change in this country and that political change brought many things into our social economic and political life The Congress Party which ruled the country for the last 30 years was thrown out of power and a new political party emerged and came to power

Though the hon Members sitting on the other side may not agree with my analysis I would still say that this new political party emerged due to a negative concept Now it needs a positive approach Before the Janata Party pass a resolution on their economic policy in their working committee they should know the views of the Members of Parliament and the people in the districts and with their concurrence and support, evolve their economic policy

In this context, I feel my resolution is very important The Janata Party came into being at the time of the elections with the enthusiasm of the people But the fact remains that it originally consisted of different political groups working in the country for the last so many years It includes the Jan Sangh, the BLD the Congress (O) and the Socialist Party These different political groups always brought on the floor of this House different political philosophies Even though you have brought out a manifesto, I am afraid it cannot spell out in details the economic and political philosophy of the Party It is only through poli-

[Shri Vayalar Ravi]

tical and economic discussion and through the process of administration a policy is evolved.

Since the Janata Party is the ruling party, when it is framing an economic policy, or taking a political decision, which affects the whole nation, the people of the country has the right to have a close look at their economic and political thinking and express their views. The Parliament has also got the right to give directions so that with the help and support of the people and Parliament the ruling party can evolve a policy. That is why I have brought this Resolution.

It is the Constitution which gives the legal framework for the governance of the country. It gives the directive on policy matters. If you look at the economic climate in the country, even after 50 years of Congress rule, I admit that the vast majority of the people are still living below the poverty line. Who are the people living below the poverty line? They are the weaker sections including the scheduled castes and scheduled tribes, the backward classes and the minorities. I share the responsibility for the fact that our party could not improve their living conditions as much as expected. There were many impediments, I do not want to go into that. But they are backward not only socially, but economically also, especially the Harijans, most of whom are agricultural labourers.

The Constitution provides for a social approach by way of reservation etc., but a concerted effort for their economic uplift, for the improvement of their financial and living conditions, is necessary, and that is why my Resolution includes the tribals, Harijans, the backward classes and the minorities.

Look at their conditions even today. I am not criticising anybody, but look at the attitude of the Government as well as the public towards the Harijans and their problems. This is more

important. Even with the utmost vigilance of the Government, Harijans may be killed or burnt, but the approach to the problems of the Harijans should be to see what we can do for the betterment of their life. As agricultural labourers, they must get better wages, in fact a national minimum wage, with which they can make both ends meet. But, unfortunately, I am not able to see a clear and proper directive towards the problem of the scheduled castes and scheduled tribes from this Government. That is my only regret because the statement made by the Home Minister regarding the atrocities committed on Harijans is quite disappointing. That is why I say that the problem of the Harijans is one of security. That can be guaranteed only through the assurance of a national minimum wage for the majority of them who are agricultural workers.

There are 20 million agricultural workers in the country according to the figures of 1974. They are tenants, not owners of land. There are about 14 million people who work on land who belong to the weaker sections. You must provide a minimum wage to them.

For example, legislation was passed by the Government of Kerala introducing minimum wage, and now the agricultural worker there gets Rs 3.50 against only Rs 4 before. We know that these people cannot get social security unless we give them protection by law. That has been given there.

Let us look at the Constitution in this background. You, Sir, have also given many decisions as a Judge, and they have been debated in Parliament itself, before and after the Forty-second Constitution Amendment. What is the purpose of the Constitution? As you yourself said in one of your judgements, it is to provide a legal framework to guide the governance of the country. This is what Sir Ivor Jennings has said about the Indian Constitution:

"Essentially the Indian Constitution is an individualistic document.

Its prophets are Burke, Mill and Dicey, yet some at least of the Members of the Constituent Assembly thought in collectivist terms. The result is a curious dichotomy. On the one hand, the individualism of the nineteenth century has sought to limit the powers of the Government in the interests of liberty; on the other hand, the collectivism of the twentieth century has sought to expand the powers of Government in order that the state may regulate economic life and incidentally restrict liberty. In such conditions compromise and complexity were inevitable.

This is what is happening for the last 30 years. This is the controversy. There was the conflict even during the freedom struggle. If you look at the history of the Constitution you will find that it started in 1895 when Lokmanya Tilak initiated a Constitution of India Bill in the Assembly. The most important resolution of the Congress Working Committee in 1932, the Karachi Resolution, dealt with the fundamental rights and economic and social justice. This is one of the basic documents of the Indian freedom movement. It injected economic content or economic philosophy into the freedom movement and it created enthusiasm in the people of the country. This is the whole history.

We can see the conflict and compromise in a different way. Here I want to quote your observations:

'Fundamental Rights and Directive Principles are the two faces of the same coin.'

But the Government has put it on a different footing. That is why I say that it is a compromise between the two sections. In the Constituent Assembly the people in the Congress who believed in the full liberty of the individual argued for the fundamental rights and constitutional protection and sanction of the State. Unfortunately the Directive Principles could not derive the sanction of the Government. If you look at the Directive Principles,

it says in Part IV that the citizens, men and women equally have the right to adequate means of livelihood. It means that everybody must have the earning facility to livelihood. That means they must live and they must not die. According to the Directive Principles the State should provide the facility to live. If somebody murders somebody then he will be charged under 302 of IPC. But if somebody dies of starvation whom will you prosecute? According to the Directive Principles you must give the livelihood and not allow him to die. If you take steps to protect the lives of the citizens and not allow them to die due to starvation there comes the hurdle of the fundamental rights. Here I can point out the example of Keshavanand Bharti case in 1973. Sir you know better than I because I am not a jurist. I know that steps taken by the Government had been questioned in the court of law because the Constitution provides for the fundamental rights of the individual.

They cannot be infringed. But unfortunately they infringe on the rights of the society. There is an inbuilt conflict between the two. The directive principles and the fundamental rights have always been contradictory and conflicting. The Constitution twenty-fifth Amendment passed by the Parliament itself has given a sanction to the State in regard to the fundamental rights. The point that I am making in my Resolution is that the directive principles have to get a legal sanction and a priority over the individual's fundamental rights, specially the right to property. I am not talking of the freedom of expression and all that. That is a political aspect. I am only concerned with the economic aspect of it which gives protection to individuals over the society. The directive principles are like a social justice giving a direction to the society through the State to provide social justice.

The hon. Speaker himself knows that Shri B. N. Rao, the then Constitutional Adviser to the Government of India himself argued in the Constitution Assembly that the directive principles

[Shri Vayalar Ravi]

must get a priority over the fundamental rights. It was not accepted. It was the thinking of the founding fathers of the Indian Constitution as to whether the directive principles should be given a priority or not. It was not given. That is why all the conflicts and contradictions have come about on many occasions.

I would like to quote the hon. Speaker what he said when he was a judge of the Supreme Court. In his judgement he had quoted Mahatma Gandhi. He observed:

'What Gandhiji has taught us is the theme of social responsibility. Often an 'over-emphasis on an individual right stems from the identification of democracy with the rights of the individual. But real democracy can be built only on the economic and social responsibility of all its citizens and its success would depend on the sincerity with which social amelioration and economic uplift are carried out.'

He further said:

'From the analysis of the function of law and State, it is clearly seen that it is the solemn duty of a welfare state for its very existence, the well-being and progress of the people to strive for the establishment of an egalitarian society wherein economic, social and political equality and justice prevail. In the final analysis a Constitution draws its strength from the support it receives from the public. The sanction behind the Constitution is primarily public opinion.'

The basic concept is that the respect for the Constitution and the sanction of the State lies on the people. Who are the people? It is the society. A meaningful implementation of the directive principles can come only through a constitutional protection. They have to have a priority over the fundamental rights. I do not want to go into many cases in which a conflict

arose between the fundamental rights and the directive principles.

Again, I would like to quote the learned colleague of the hon. Speaker when he was a judge of the Supreme Court, Justice K. K. Mathew. I quote:

Owing to the complexity of social relations, rights founded on one set of relations may conflict with rights founded on other relations. It is obvious that human reason has become aware not only of the rights of man as a human and civil person but also of his social and economic rights. For instance, the right of a worker to a just wage that is sufficient to secure his family's living or the right to unemployment relief or unemployment insurance, sick benefits, social security and other amenities, in short, all those novel rights which are envisaged in Part IV of the Constitution.

But there was a natural tendency to inflate and make absolute unrestricted in every respect, the familiar Fundamental Rights at the expense of other rights which should counter-balance them.

Then there is a right of property. I think the hon. Speaker can give a better definition of property than I. Even one rupee can be a property.

MR. SPEAKER: I can only hear and not speak.

SHRI VAYALAR RAVI: Different interpretations have been given for it. Even Pandit Jawahar Lal Nehru said even Rs. 10 in my pocket can be a property. Where does the property come from? The property is inherited by somebody. We may inherit some property and then enlarge it. There you give the protection. If I want a house, the Government, as a source of security measure, enacted a legislation and gave me a plot of land. There comes the question of a fundamental right of another individual who owns more land than I. There one can go to the court, that is, there is a

famous case of Keshvanand Bharati where a decision is made This is a basic question You deny my fundamental right from the very beginning itself

You know that 95 per cent of the people have no property If they have to get a small plot of land to have a small house through the source of State legislation, then that right of property which I have to make as an individual—I do not have property but I have a right to live—can be questioned in a court of law in the name of the fundamental rights of another individual The case of Keshvanand Bharati is very important There is a question of right of the individual who has a house itself and the Supreme Court had to take a decision which was followed by some of the amendments in this very House The 25th Amendment came on the Floor of the House for a discussion

MR SPEAKER Unfortunately none of the Members of the Chairman of Panel is here I have to go somewhere Can my Member under the rules with the permission of the House, provided under the Constitution preside over? Mr Stephen was, in the panel of the Chairman

With the permission of the House can Mr Stephen preside over?

SEVFRAT HON MEMBERS Yes

15 58 hrs

[MR C M STEPHEN—in the Chair]

SHRI VAYALAR RAVI Mr Chairman Sir the Keshvanand Bharati case in 1973 had made this Parliament to enact a law or make constitutional amendments because of certain decisions made by the Supreme Court itself

Now I will come to the national minimum wage policy There are people who do the same work but are working at different places There is no wage policy Since there is no wage policy and the State Government does not enact a wage policy it is a question of going to the court

of law I will give you one example Mr Chairman, you also were a party to the decision in Kerala to introduce a minimum wage for the cashew employees There were 3-4 lakhs of people working in the cashew industry The Cashew Board in Kerala demanded Rs 8-9 for every worker The next State is Tamil Nadu There is no minimum wage So what happened was that in the border areas the cashew processors opened a factory This is the chief labour of the Tamil Nadu They took away that labour from Kerala and made the people there unemployed Then the Kerala Government introduced a law prohibiting the movement of raw cashew-nuts But they went to the Supreme Court and got a judgement in their favour This shows that even the introduction of minimum wages by a State has been questioned in the name of Fundamental Rights That Government could not therefore introduce minimum wages for the poor workers, especially for the rural folk engaged in cashew-nuts This is an example of how a State Government has been prevented from introducing a Minimum Wages Act and that is why I say that a national wage policy should be adopted by the Government here and given constitutional protection Our democracy cannot flourish if there is no economic liberty it cannot exist if no economic freedom is given to the poor people

16 hrs

Now who enjoys all the privileges given by the Constitution? If you take the case of Prasad and that of Bharati you will find that the judgement goes against the people If you look at the merits and facts of all such cases one by one, you will see that they go against the people I am not blaming the Court for this it is because of the law We have therefore to change the law I remember that even Mr A K Gopalan had himself said that the Constitution must be changed lock, stock and barrel—though I don't know the policy of the Marxists these days.

[Shri Vayalar Ravi]

Now I come to the 42nd Amendment. I feel that the 42nd Amendment is more of a political nature than of an economic nature, and that is why it has not come in my Resolution. There are some aspects of a political nature in the 42nd Amendment which are harmful to the existence of democracy as they curb the checks and balances of the country—the checks and balances being the Judiciary, Executive and the Legislature against one another. This checks-and-balances position has been curbed due to the 42nd Amendment and it has to be restored. Moreover, I feel that our country is a federal State and not a unitary one. But unfortunately the 42nd Amendment has given it the character of a unitary State. This also has to be corrected.

Now I come to the question of literacy and education. In this connection I would like to mention that the 42nd Amendment included Education in the Concurrent List because the eradication of illiteracy is a duty according to the Directive Principles themselves. But unfortunately the 42nd Amendment did not measure up to our expectations. We have not done anything so far in a big way. It has to be done.

The other aspect is that of Linguistic Minorities and Backward Classes. I do not want to go into the details, but I would like to say that we will have to give more protection to them especially to the Linguistic Minorities. Because of the unemployment problem the 'son of the soil' slogan has come up, which has created a very disharmonious situation in the country. So, we will have to give more constitutional protection to the linguistic minorities.

But more fundamental question which I would like to pose is in regard to the philosophy or political thinking that the economic policy is controlled by political authority. The economic policy which you enunciate

—whether it is *laissez faire* or socialist (I don't understand much of these things)—will have to be in the hands not of a few individuals but of the overwhelming sections of the people. The 'ruling class'—as I would call it—which rules the State here in Parliament, is omnipotent and omnipresent. It controls everybody. It controls the apparatus of administration and financial control is in its hands. It controls the entire economic system of the nation. We need to fight against the danger of this ruling class. The ruling class would infiltrate into every section and every walk of life. They are capable of controlling everything especially the political administration.

The most important question before us today is to wage a war against these people. This work can be done within the framework of the Constitution and for that we have to give legal protection. As I said the Fundamental Rights, and the individual freedom have been misused so far by the ruling class and this needs to be curbed. This has to be done through the legal protection of the Directive Principles. The purpose of my Resolution is to give a directive to this Parliament and to the ruling class that we have to make changes in the Constitution for the benefit of the people of this country who have been suffering for a long time. This is only possible and has to be done within the framework of the Constitution. That can only be done if we curb the unrestricted liberty of the society and the individuals who have been infringing upon the rights of others.

With these words I conclude, Sir.

MR CHAIRMAN Resolution moved

"This House taking note of the new political situation in the country after the Sixth Lok Sabha elections and confronted with the tasks of social and economic reconstruction urges upon the Government to take immediate steps to amend

the Constitution of India, further to secure meaningful realisation of the Directive Principles of State Policy, deleting properly rights from the Chapter of Fundamental Rights, including right to work and literacy and national minimum wage as fundamental rights and further enlarging the guarantees to the minorities—religious and linguistic—Harijans Tribals and other sub-merged sections of our population."

We will now take up the amendments

SHRI NIRMAL CHANDRA JAIN (Seoni): I beg to move:

That in the resolution—

after "reconstruction" insert—

"feels fully satisfied that the erstwhile regime had been indulging in personality-cult politics and had been evading the real issues which would have benefitted the common man and the present Government is capable of delivering goods and"(1)

That in the resolution—

after "Constitution of India."

insert "by repealing 42nd Amendment and" (2)

SHRI VINAYAK PRASAD YADAV (Saharsa): I beg to move:

That in the resolution,—

for "further enlarging the guarantees to the minorities—religious and linguistic—Harijans, Tribals and other sub-merged sections of our population"

substitute—

"in accordance with guarantees given to the minorities—religious and linguistic—Harijans, Tribals and other backward classes immediate action be taken during this session or the next session for reserving sixty percent seats

in the Government services for them" (3)

श्री एम० रावगोपाल रेड्डी (निजामाबाद)  
श्री रवि ने जो प्रस्ताव रखा है उसका मे हुदयपूर्वक समर्थन करता हूँ। जनता पार्टी को सना में आए हुए 6-7 महीने हुए हैं। यह नहीं कहा जा सकता है कि इतने भ्रष्ट में बहुत कुछ किया जा सकता था। लेकिन जो दिशा है वह गलत है, गलत गस्न पर जाने से उसके नतीजे भी गलत होंगे। हमारे वक्त में गरीबों के उद्धार का काम ठीक चल रहा था। इलैक्शन के बाद आपका आ जाने से उसको जबर्दस्त धक्का पहुँचा है और वह पीछे जा रहा है। कोई भी क्षेत्र हो, जमीन के बटवारे का सवाल हो, पट्टाई का हो, पैसा देने का हो, आगे गरीबों को बढ़ाने का हो, उनको नोकरिया देने का हो, किसी भी क्षेत्र में हम नीचे के वर्ग को ऊपर नहीं आने दे रहे हैं। पिछली सरकार ने उनको बहुत प्रोत्साहन दिया था, हरिजन आदिवासी और गरीब लोग सिर उठा कर चलने लग गये थे लेकिन आपके आने के बाद मैं यह नहीं कहता हूँ कि उनसे सिर को बुचला जा रहा है लेकिन उनको झुकाया जरूर जा रहा है। मैं चाहता हूँ कि इन मामलों में जनता सरकार जरा एहनियात से काम करे और अपनी नीति को बदल दे।

श्री मोहन धारिया, श्री चन्द्र गेखर जिस पार्टी में है वह पार्टी जब रिपब्लिकनरी रास्ते पर जाती है तो इसे देखकर हमें दुख होता है। ये बड़े नेता हैं, अच्छे लोग हैं उनके ऊपर देश की अभिमान है। मैं चाहता हूँ कि वे देखें कि जनता पार्टी अपनी नीति को बदलने का काम करे। कांग्रेस की पालिसी को बदलने के बास्ते उन्होंने 1969 से लेकर 1971 तक अनथक कोशिश की थी। मैं पूछना चाहता हूँ कि उस प्रकार की कोशिश वे अब क्यों नहीं कर रहे हैं ?

[श्री एम० रामगोपाल रेड्डी]

जहाँ तक नसबन्दी का सम्बन्ध है पिछली सरकार ने कुछ गलतियाँ की लेकिन यह पालिमी अच्छी थी। इसको आपने जबर्दस्त धक्का पहुँचाया है। पहले आबादी 2.5 प्रतिशत की दर से बढ़ रही थी, अब 3 प्रतिशत की दर से कम दर पर नहीं बढ़ रहा है। एक साल में 1 करोड़ 80 लाख आबादी पैदा हो रहे हैं। ये गरीब लोगों के घरों में ही ज्यादा होंगे रहे हैं। अगर आप डम मामले में लोगों को साथ जबदस्ती नहीं करना चाहते हैं तो न करे लेकिन लोग को अन्न भोजन उपलब्ध करने का काम तो करें। इस मामले में भी जबर्दस्ती न करें लेकिन लोगों को इसके लिए प्रोत्साहित तो करें।

MR CHAIRMAN Why not you speak something about the Resolution also?

SHRI M RAM GOPAL REDDY  
Unless and until certain things are controlled, other things cannot go forward That is the thing

इंडस्ट्रियल पालिमी के मामले में, विदेशी मुद्रा के मामले में जो काम हो रहे हैं ठीक नहीं हो रहे हैं। विदेशी मुद्रा पहले वाली सरकार ने काफी जमा करके रखी थी जिसको फिजूल खर्च किया जा रहा है। इम्पोर्ट्स पर पैसा बरबाद किया जा रहा है। इम्पोर्ट ज्यादा करने का नतीजा यह होगा कि हमारे यहाँ की फैक्ट्रियों में प्रोडक्शन गिर जायेगी और उनकी बनी हुई चीजों को डिमांड नहीं रह जायेगी और रिमेशन आ जायेगा। इसलिए कांग्रेस की हर पालिमी को खराब बताने की, उसको कैंसिल करने की जो कोशिश की जा रही है इसके नतीजे ठीक नहीं निकलेगे। कांग्रेस की तीस साल की जो नीतियाँ थीं ठीक थी और जो इन वर्षों में किया गया है

ठीक किया गया है। हमारे शासनकाल के देश बहुत अच्छी स्पीड से आगे बढ़ रहा था। अब स्पीड बिल्कुल धीमी हो गई है। डेमोक्रेसी में सरकारें बदलती रहती हैं। लेकिन सरकार बदलने के बाद पूरी नीति को ही बदल देना यह कहा का न्याय है। कांग्रेस सरकार ने जो कुछ किया उसको तो इन्होंने गिरा दिया और कहा कि नया ढांचा खड़ा किया जायेगा। मैं कहना चाहता हूँ कि गिराने का काम बहुत आसान होता है, बहुत कुछ आपने गिरा भी दिया है लेकिन आगे बढ़ने का काम आपने शुरू नहीं किया है। जो भी एसेट्स आपके पास है वे सब खर्च होने जा रहे हैं। गरीबों के लिए आप कुछ नहीं कर रहे हैं, बड़े-बड़े लोगों के लिए ही खर्च करने जा रहे हैं। आपके आने से बड़े-बड़े लोग बहुत खुश हैं, गरीब नाखुश हैं। अगर आप इससे सहमत नहीं हैं तो यह बात बहुत जल्दी आपकी समझ में आ जायेगी। जो कुछ आप कर रहे हैं, गलत कर रहे हैं। साउथ में बाई डेवेलपमेंट हुए तो आपको मालूम हो जायेगा कि कितने लोग जनता पार्टी में नाखुश हैं। अगर आप पांच साल सरकार में रहे तो इन पांच सालों में बने रहने वाले बास्ते क्या क्या चीजें करनी हैं उनका तो पता चलना चाहिए, उतनी तो कर जितना आप करना चाहते हैं। लेकिन एक बात निश्चिंत है। पांच साल के बाद आप उधर बैठेंगे और हम उधर बैठेंगे।

श्री निर्मल चन्द्र जैन (सिवनी) : डम प्रस्ताव में अपने विचार रखने की चेष्टा की गई है लेकिन जो भावनाएँ हैं वे इतनी मुन्दर नहीं हैं। मैं समझता हूँ कि जनता पार्टी और कांग्रेस पार्टी की चर्चा करके पूर्व वक्ता महोदय ने वर्तमान सरकार को किसी प्रकार से बदनाम करने की ही चेष्टा की है और इसमें कोई सन्देह की बात नहीं है। मैंने अपने सशोधन में इस बात को स्पष्ट करना चाहा है। इस प्रस्ताव में एक चीज स्पष्ट है। जनता सरकार से कुछ अपेक्षाएँ की गई हैं।



अपेक्षायें उसी से की जाती हैं जो उसकी पूति करने में सक्षम होता है। इसी तरह प्रस्तावक महोदय श्री रवि ने जनता पार्टी से कुछ अपेक्षायें की हैं और यह सोच कर कि जनता पार्टी इसको पूरा करेगी। इनके लिए जनता पार्टी और वर्तमान सरकार बिलकुल तैयार है। प्रश्न यह उठता है कि इन तीस वर्षों में कभी तक क्या हुआ है? सर्वोच्च न्यायालय की विभिन्न प्रकार की दलीलें जाती रही, विभिन्न प्रकार की उनकी कलिंग्स जाती रही लेकिन उसके बाद भी यह जो फर्माइंटल राइट्स हैं उनमें से प्रायः टी राइट को डीलीट करने की बात जो प्रस्ताव में की गई है वह पहले कभी नहीं की गई। इन तीस वर्षों में जो भी सरकार रही, मैं नाम नहीं लेता उसका, लेकिन कभी उसने गरीब की ओर नहीं देखा, कभी उसने मजदूर की ओर नहीं देखा, कभी उसने गांवों में जा कर घुसने की चेष्टा नहीं की। हम लोग जिन क्षेत्रों से आते हैं उनमें बहुत से ऐसे गांव हैं जहां सबके नहीं है, जीप नहीं जा सकती। आखिर उन गांवों का क्या हाल होगा? हम कहने लगे हैं कि गांवों का विस्तार होना चाहिए, हम कहने लगे हैं कि गांवों में लोगों को शहरों की ओर भागना नहीं चाहिए। हम कहते लगे हैं कि गांवों में खेती बढ़नी चाहिए, पैदावार बढ़नी चाहिए। चाहे जब कीमतों की चर्चा चलन लगती है। कीमतें सारी इसीलिए बहुत मात्रा में बढ़ती हैं क्योंकि पैदावार उतनी नहीं हो पाती और वह इसलिए नहीं हो पाती कि जमीन छोटी होती रही है और गांवों का किसान शहरों की ओर भागना चाहता है। कभी इस ओर ध्यान देने की पिछली सरकार ने चेष्टा नहीं की। कभी इन बातों की चेष्टा नहीं की कि 80 प्रतिशत लोग जो गांवों में रहते हैं उनकी ओर ध्यान दिया जाय। प्रजासत्ता के नाम की जो घोषणा दी जाती है उसमें सच्चा का महत्व माना जाता है। पिछली सरकार ने 80 प्रतिशत लोग जो गांवों में रहते हैं उनकी ओर ध्यान नहीं दिया और 20 प्रतिशत लोग जो शहरों में

रहते हैं उनकी ओर ध्यान देने की चेष्टा की। इसलिए गांवों में जो परेशानी उत्पन्न हुई गई है उस पर पुनः हमें विचार करना होगा और इसीलिए जो पिछली सरकार ने नहीं किया वह नवीन सरकार करने जा रही है। पूरे का पूरा केन्द्र बिन्दु उनके ध्यान का गांवों की ओर लग गया है। यदि गांवों की पैदावार ज्यादा होगी, गांव का रहने वाला किसान खुशहाल होगा तो बहुत सी समस्याएँ अपने आप मुलक सकती हैं। यदि भारत का नागरिक होने के नाते कुछ अधिकार हमें दिए गए हैं और कुछ कर्तव्य हमारे साथ जोड़े गए हैं तो एक बात तो निश्चित है कि हमारा पेट भरना चाहिए। गांवों के किसान का भी पेट भरना चाहिए और शहर के मजदूर का भी पेट भरना चाहिए। सबसे छोटे से छोटे व्यक्ति का भी पेट भरना चाहिए और पेट भरने के लिए या तो उस के पास कोई रोजगार धन्य हो या उस का नौकरी मिलनी चाहिए। यह बात बिलकुल स्पष्ट है। अफसोस इस बात का होता है कि प्रस्तावक महोदय ने प्रस्ताव तो रखा लेकिन इस बात की चर्चा नहीं की कि तीस वर्षों में लोगों का पेट क्यों नहीं भरा, तीस वर्षों में लोगों को नौकरी क्यों नहीं मिल पायी? तीस वर्षों का समय एक बहुत बड़ा समय होता है, उसमें वे यह नहीं कर पाए और घाट महीनों में हमें अपेक्षा की जाती है कि सबका पेट भर दें और सब कुछ कर दें। लेकिन मैं उनकी अपेक्षा की तारीफ करता हूँ? हम आप को कुछ दे सकते हैं इसलिए तो आप हममें अपेक्षा करते हैं। यदि हम में अक्षय नहीं होता, बुद्धि नहीं होती, यदि हम में क्षमता नहीं होती तो आप हमें अपेक्षा भी नहीं कर सकते थे। इसलिए मैं इस बात को स्पष्ट रूप से कहना चाहता हूँ कि वर्तमान सरकार सक्षम है इस बात के लिए कि लोगों को राजगार दे और हमारे प्रधान मंत्री श्री मोरारजी देसाई ने स्पष्ट रूप से घोषणा की है कि दस वर्षों में इस बात को पूरा कर दिया जाएगा। यह तो

## [श्री निर्मल चन्द्र जैन]

प्रस्तावक महोदय भी जानते हैं कि नौकरी देना कोई अलावीन के चिराग का काम नहीं है कि एक ब्राह्मण मा धिम दिया एग्जेंसी के नाम पर और प्रचानन सब जाच परम पदी, इम तरह में कभी होता नहीं है। इसलिए यह बात निश्चिन है कि यह जो राइट ट बर्क है इमकी सरकार स्वीकार करती है और इसको पूरा करने के लिए वह चेष्टा कर रही है।

लिटरेसी का जहा तक मवाल है म फिर वही प्रथम दोहराना चाहता ह कि तीस वर्षों में आप इलिटरेसी को समाप्त क्या नहीं कर पाए। लिटरेसी का एक अर्थ और होता है। आप जो स्कूलों में पढ़ाया जाता है वह सिर्फ जानकारी दी जाती है, वह शिक्षा नहीं दी जाती है। दे इम्पार्ट इपमेशन नाट एजुकेशन। आप देखें कि बच्चा जब स्कूल जाता है तो उस पर एक गदह का बोझ होता है? इतनी अधिक कितने उम पर लाद दी गई है, इनने विषय उम पर लाद दिए गए हैं और यह सब प्रयोग चलने रहे हैं शिक्षा के माध्यम में कि शिक्षा किस प्रकार की होनी चाहिए।

श्री अर्जुन तिहू भदोरिया : (छटावा) - अब कुछ नया होना चाहिए।

श्री निर्मल चन्द्र जैन : भदोरिया साहब ने ठीक कहा कि अब कुछ नया होना चाहिए। प्रस्तावक महोदय भी इसकी ताईद में हैं। मैं भी विश्वास करता हू कि जनता सरकार कुछ नया देगी। अभी शिक्षा मंत्री महोदय का बक्तव्य आया था कि इस पर विचार चल रहा है, पूरी की पूरी शिक्षा योजना के बारे में चर्चा कर रहे हैं कि वह किस प्रकार की होनी चाहिए। मैंने तो अपना प्रथम सगोधन दिया है वह इसलिए दिया है कि प्रस्तावक महोदय का जो प्रस्ताव है उसमें सगोधन किया जाए और वह इस रूप में आए कि पिछले तीस वर्षों में कांग्रेस शासन जो नहीं कर पाई वह जनता का शासन करके दिखाएगा।

इस प्रस्ताव में एक और चीज ज के लिए मैंने सगोधन देखा है। इ सविधान की भी चर्चा की है, मैंने कहा है 42वां सविधान सगोधन जो दुध्या था उ पूरा रद्द कर देना चाहिए। इस बात प्रस्ताव के रचना प्रावण्य है। तो मकर कुछ अच्छी चीजे उमर द्वारा आईं हों ते जिस गलत भावना में वह किया गया था जिस प्रकार में परम्पराओं को तोट कर किया गया था तथा टम पायमेंट को हथियार मानकर उनको पाम करवाया गया उमर हम विरोधी है। उम्निंग हम चाहें कि गलत परम्पराओं में आया दुध्या सविधान सगोधन निरस्त होना चाहिए अच्छी चीजों को हम बाद में सविधान में मक्त है इसी भावना में मैंने टम प्र में दो सगोधन प्रस्तुत किए हैं और प्रश्न है कि यह सदन उनको स्वीकार करेगा।

श्री द्वारिकानाथ तिवारी (गोपालगढ़) सभापति जी, हमको डममें नहीं जाना है किम गवर्नमेंट ने क्या किया, क्या नहीं कि जब कांग्रेस गवर्नमेंट थी तो हम सभी उममें शामिल थे। श्री मोहन धारिया हम लोग और दूसर तमाम उममें शामिल अगर कोई दोष था तो उसमें हमारा भी था। आज जो लोग उठर बैठे हैं नेबल का दोष नहीं था।

रबी साहब जो प्रस्ताव यहा पर लाये उसका मैं एक तरह में स्वागत करता स्वागत इसलिए करता हू कि जो कुछ जनता सरकार को कुछ काम न कर वाली सरकार की मन्ना देते हैं उससे प्रति उन्होंने डम प्रस्ताव के द्वारा स्वीकार है कि उनको हमसे बहुत कुछ अपेक्षा है उनके दिल में विश्वास है और वे समझते कि नयी जनता सरकार इन सब कामों करेगी। अन्वथा इस प्रस्ताव को यहा पर

की कोई जरूरत ही नहीं थी। वे इस प्रस्ताव को द्वारा चाहते हैं कि सविधान को अनाद किया जाय। हम भी चाहते हैं कि सविधान अमेन्ड किया जाये लेकिन इसमें आप सहयोग की जरूरत है। आज हम सदन के दोना सदनों में उम बहुतने में नहीं है कि अपने आप सविधान में मशोधन कर मके इसलिए आप से अपील है कि सरकार जो भी मशोधन करने रास्ते की बाधाओं को हटाने व लिए लाना चाहती है उनमें आप सहयोग दे। हम चाहते हैं आप बिना किसी रिजर्वेशन क खान दिल से उसने अपना सहयोग दे ताकि हम प्रस्ताव के द्वारा जा आप चाहते हैं उनकी हम पूर्ण कर सकें। एक तरफ तो आप चाहते हैं कि यह काम होने चाहिए और दूसरी तरफ यदि आप खने लिये में हम सहयोग नहीं देगे सविधान को बदलने में तो यह चीज ही नहीं मानी। आज यह तथ्य को बात है कि हम अपने आप दोना सदनों में मशोधन पारित नहीं करा सकते हैं। आप चाहते हैं डायरेक्टिव प्रिस्क्रिप्शन का कार्यान्वयन किया जाए, यह हम भी चाहते हैं। गरीबी हटे, यह हम भी चाहते हैं। प्रायर्टी राइट न रहे, यह हम चाहते हैं। लकिन नीचे जो आपन कहा है—

including right to work and literacy and national minimum wage as fundamental rights and further enlarging the guarantees to the minorities....”

क्या क्यागारण्टी आप चाहते हैं, इसका उल्लेख आपने नहीं किया। आप उसमें बताते कि यह यह गारण्टी होनी चाहिए—रिलीजस मायनो-रिटीज को, हरिजनो को, बैकवर्ड क्लासिज को यह गारण्टी होनी चाहिए तो हम उस पर विचार करते।

यह भी चीज है कि देश जब आजाद हुआ, अंग्रेजों के शासन से मुक्त हुआ, तो डिप्युसाल एक खरूरत जैसा था और वहाँ कुछ नहीं बनकर था। दुई से लेकर हवाई

जहाज तक हमें बनाने पड़े। मैं यह नहीं कहता कि कांग्रेस सरकार ने कुछ किया ही नहीं। यह कहना ज्यादा उचित होगा कि अितना करना था उतना नहीं किया। हमें तीस वर्षों का समय मिला था। यह बहुत अधिक समय होता है। इसमें हम बहुत कुछ कर सकते थे। लेकिन किन्ही कारणों से हम लोग कर नहीं सके। अब जनता की सही भावना बनी है और जनता पार्टी पर जनता ने विश्वास किया है इसलिए उसे उसने लोकसभा में बहुमत सौ भेजा है। हम लोग आप में निकें तीस महीनों की अपेक्षा करेंगे। आप जहाँ तीस वर्ष तक शासन में रह, हमें कम से कम तीस महीन का समय आप दीजिए। इसमें भी आप हरे सलाह दीजिए। आप हमें क्रिटिसाइज भी कीजिए, हम लोग उसको मुँगे, आपसे कुछ कहेंगे नहीं, अपनी गलतिया सुधारने का प्रयास करेंगे। अगर हम लोग कानून के बाहर जाए, या हमने जो जनता में वायदे किये हैं, उनको पूरा करने की ओर नहीं बढ़ें, अपना मैनिफेस्टो पूरा करने में हिचक करे तो आप हमें दोष दे सकते हैं। आप को हमें क्रिटिसाइज कर न चाहिए। लेकिन जब तक हम मही रास्ते पर चल रहे हैं तो नाहक आपको बीच में रोडा अटकाने की कोशिश नहीं करनी चाहिए। रोडा तब अटकता है जब गाडी चलती है तो उमने नीचे कोई पत्थर या ईंट गन्ध दिया जाए जिससे गाडी अगे न जा सके। (अपवाचन) ये ऐसा काम नहीं करेंगे लाइन व नीचे से फिज-प्लेट निकाल दे। ये लोग भी देशभक्त हैं। हम लोगों की देशभक्ति में हम लोग सन्देश नहीं करते। ये भी देश की भलाई चाहते हैं।

हमारे कानून मंत्री जी बैठे हैं। वे अमेन्डमेंट कास्टीट्यूशन में लायेंगे, उस पर आपको विचार करना है उस समय आपको अमेन्डमेंट करने के बारे में अवसर मिलेगा। उस समय आप डिस्कस कर लीजियेगा कि कौन-कौन सी अमेन्डमेंट आप कास्टीट्यूशन में चाहते हैं जिससे आप सक्षमते हैं कि देश अगे बढ़ेगा। हम आपकी हर अच्छी सलाह

[श्री डाकिन नाथ तिवारी]

को मानेंगे। हमारे प्रधान मंत्री जी ने कहा है कि हम अपोजिशन को रहने देना चाहते हैं, हम लोग स्ट्रॉग अपोजिशन चाहते हैं। लेकिन अपोजिशन कस्ट्रिक्ट हो, बंड्रिक्टिव न हो। जैसा इंग्लैंड वगैरह में होता है ऐसा अपोजिशन हो। आपकी कस्ट्रिक्टिव बातों पर हम लोग ध्यान देंगे, इसका आप विश्वास रखिये।

हम यह नहीं कहते कि हमसे गलतियां नहीं होंगी। वे होंगी, अगर हम से कोई भूल हो जावे तो उसकी तरफ आप हमारा ध्यान आकर्षित कीजिए। हम लोग उन्हें सुधार कर आगे चलेगें। हम लोग चाहते हैं कि हम लोग कोई गलती करके न चले और अगर करे तो उसके बारे में आपके सुझाव जो आये उनको मान लें।

इसमें किसी को एतराज नहीं हो सकता कि कस्टीट्यूशन में अमेंडमेंट होना चाहिए। लेकिन एक-दो महीने में तो यह संभव नहीं है। प्रापर्टी राइट को हटाने में समय तो लगेगा ही। नेशनल मीनिमम वेज को फिक्स करने के बारे में देश की आर्थिक स्थिति को देखना होगा। हमारा भी इरादा है कि हर नागरिक को हम मीनिमम वेज देंगे। लेकिन हमारा डेवलपमेंट इतना नहीं हुआ कि इसको हम जल्दी से स्वीकार कर सकें। वस्तुस्थिति को मानना होगा। आज जो हालात हैं, उन्हें नजर-अंदाज नहीं किया जा सकता है। माननीय सदस्य मानेंगे कि आज देश की जो स्थिति है, उस में हम समर्थ नहीं हैं कि हम सब को काम दे सकें, और हम सब को डोल दे सकें, हमारे फिर्नासिब यह भी परमिट नहीं करते हैं। यह कार्य तो आप लोगों के सहयोग से शीर्ष शीर्ष होगा और इसी लिए हम आप के सहयोग की अपेक्षा करेंगे।

इस से कोई फायदा नहीं होगा कि हम बराबर कांग्रेस गवर्नमेंट को दोष देते रहें कि उस ने कुछ नहीं किया और आप कहें कि हम कुछ नहीं कर रहे हैं। अगर हमारी या आप की तरफ से ऐसी बातें कही जायें, तो हम समझते हैं कि यह भ्रष्ट्युक्ति हो जायेगी आप को हम देशभक्त मानते हैं। इस लिए हम यह कहेंगे कि आप का प्रस्ताव अच्छा है और इस के लक्ष्य की पूर्ति के लिए हम दोनों को आपस में सहयोग करना चाहिए, जिस से हम सब मिल कर देश की उन्नति कर सकें।

श्री विनायक प्रसाद यादव (सहरसा)  
सभापति महोदय, जो प्रस्ताव श्री रवि ने पेश किया है, वह बहुत अच्छा है। लेकिन मैं कहना चाहता हूँ कि सविधान में डायरेक्टिव प्रिंसिपलज का जो चैप्टर दिया गया है, पिछले तीस सालों में श्री रवि की पार्टी ने उसे बिल्कुल भुला दिया था। काम तथा शिक्षा पाने के जो अधिकार डायरेक्टिव प्रिंसिपलज में दिये गये हैं, उन्हें कार्यान्वित करने के लिए पिछले तीस सालों में कोई काम नहीं किया गया है, बल्कि इन अवधि में करोड़ों लोग बेकार हो गये हैं। जहाँ तक साक्षरता का सम्बन्ध है, हमारे माथे पर यह राष्ट्रीय कलक है कि हमारी अधिकांश आबादी तीस साल की आजादी के बाद भी अभी तक दस्ताखत करना नहीं जानती है—उसे अगुठें का निशान लगाना पड़ता है। पिछली सरकार का ध्यान इस ओर भी नहीं गया।

प्रस्ताव में अल्पसङ्ख्यकों, पिछड़े वर्गों और हरिजनों तथा आदिवासियों के बारे में कहा गया है। आज इस बात का बहुत रोना रोया जाता है। जास तौर से उस तरफ के लोग बहुत जोर से कहते हैं कि हरिजनों और उपेक्षित लोगों पर जूल्य तथा अत्याचार बढ़ रहे हैं। आखिर यह समस्या हल कैसे

होगी ? कहा जाता है कि यह पांच हजार साल पुरानी बीमारी है, इसे दूर करने में समय लगेगा ।

मैं सदन को बताना चाहता हू कि आज स्थिति क्या है । अगर किसी इलाके में हरिजन-भ्रादिवासी अफसर हैं, तो वहां हरिजन-भ्रादिवासियों पर अत्याचार कम होते हैं, और जहां हरिजन-अफसर नहीं हैं, वहां उन लोगों पर ज्यादा अत्याचार होते हैं । सविधान में कहा गया है कि इन वर्गों का सविसय में उचित प्रतिनिधित्व मिलना चाहिए । लेकिन तीस साल की आजादी के बाद भी यह स्थिति है कि क्लास वन और क्लास टू सविसय में इन वर्गों के तीन चार प्रतिशत लोग भी नहीं हैं ।

कानून मंत्री बंटे हुए हैं । आज बिहार में एक भी हाई कोर्ट का जज पिछड़े वर्गों, भ्रादिवासियों या हरिजनों में से नहीं है । सविधान के फंडामेंटल राइट्स के अर्टिकल 16(4) में कहा गया है कि अगर सरकार यह समझती है कि सरकारी सेवाओं में किसी वर्ग का उचित या पर्याप्त प्रतिनिधित्व नहीं है, तो उसे इस सम्बन्ध में कानून बनाने का अधिकार है । कांग्रेस पार्टी ने तीस साल में जो कुछ किया, वह देश के सामने है । इमर्जेंसी के दौरान श्रीमती इन्दिरा गांधी सिर्फ हरिजन-भ्रादिवासियों की भासा जपती रहीं—और कांग्रेस पार्टी अब भी उन का नाम जपती है । हम लोगों ने कई एम०पी० के दस्तखत करा कर कानून मंत्री से कहा कि पटना हाई कोर्ट में हरिजनों, भ्रादिवासियों और पिछड़े वर्गों का एक भी जज नहीं है, इसलिए अब जो बहालिया होने जा रही हैं, उन में इन वर्गों को भी प्रतिनिधित्व देना चाहिए । लेकिन आप को सुन कर आश्चर्य होगा कि जिस तरह कांग्रेस के लोग इस तरफ झुके हुए हैं, उसी तरह जनता पार्टी की हकूमत में भी इस तरफ कोई ध्यान नहीं दिया जा रहा है । यह ठीक

है कि हम आशा किये हुए हैं कि नई सरकार का ध्यान उपेक्षित वर्गों की तरफ जायेगा । जैसा कि श्री रवि के प्रस्ताव में कहा गया है, सविधान में संशोधन कर के यह व्यवस्थाकर देनी चाहिए कि जो काम करने लायक है, उसे काम मिलना चाहिए, और यदि सरकार उसे काम नहीं देगी, तो उसे बेकारी का भत्ता मिलना चाहिए । इसी तरह किसी भी आजाद देश में लोगों को शिक्षा प्राप्त करने का अधिकार है । पिछली सरकार ने इस सम्बन्ध में कुछ नहीं किया । लेकिन वर्तमान सरकार का अविलम्ब इस दिशा में काम करना चाहिए । यह खूबी की बात है कि जनता पार्टी ने जो आर्थिक कार्यक्रम अपनाया है, उस में भूमि सेना और साक्षरता सेना बनाने की बात कही गई है । हमें इस बात की भी खूबी है कि बिहार सरकार ही ऐसी अकेली सरकार है, जिसने यह कार्यक्रम बनाया है कि तीन साल में 70,000 पढ़े-लिखे नौजवानों को काम दिया जायेगा, और एक साक्षरता सेना बना कर तीन साल के अन्दर बिहार में एक भी भ्रादमी को निरक्षर नहीं रहने दिया जायेगा ।

यदि बिहार सरकार यह पग उठा सकती है, तो भारत सरकार को भी इन कामों को करने के लिए अविलम्ब कोई कार्यक्रम बनाना चाहिए । जहां हरिजनों, भ्रादिवासियों तथा पिछड़े वर्गों का प्रश्न है, सविधान में संशोधन करके यह व्यवस्था कर दी जाये कि जिन वर्गों का सरकारी सेवा में प्रतिनिधित्व नहीं है, उन के लिये 60, 70 या 80 प्रतिशत, या उनकी आबादी के अनुपात से, आरक्षण किया जायेगा, और कानून के जरिये उस को ईमानदारी से लागू किया जायेगा ।

यदि ये कदम उठाये जाये, तो कोई बजह नहीं है कि पांच दस साल बाद हरिजन-भ्रादिवासियों पर होने वाले जुल्मों का अन्त

[श्री वितायक एसद यादव]

न ही जाये और हमें या आप को हरिजन-  
आदिवासियों की माला जपने की आवश्यकता  
न रहे।

मैं समझता हूँ कि इस प्रस्ताव को साकार  
बनाना चाहिए था और इसमें निश्चित रूप से  
यह करना चाहिए था कि यह कार्य कितने  
समय में करना चाहिए। लेकिन चूंकि यह  
प्रस्ताव देशहित के लिए है, इसलिए हम  
बेहतर इस प्रस्ताव का समर्थन करते हैं।

SHRI SOMNATH CHATTERJEE  
(Jadavpur): It is nice to see that  
Mr Vayalar Ravi who has got back  
has thought of bringing forward this  
his freedom after selfrealisation  
resolution for making some changes  
in the Constitution. When I say that  
he has got back his freedom I was  
thinking of the past when he was  
made to speak in favour of the 42nd  
amendment to the Constitution.  
Some of us have been wondering  
how an hon Member who had so  
much concern for the poor people of  
this country could have behaved in a  
manner which was directed towards  
taking away the minimum rights of  
the citizens of this country by the  
42nd amendment. However better late  
than never.

Shri Ravi's resolution is a commendable one. We have seen that during the last 26 years of its operation our Constitution has not brought about deliverance of the people. Disparity among people has widened and as years go by more and more people are going below the poverty line. Millions are still illiterate after 27 years of Independence. Millions are without jobs without means of subsistence without any prospect of any job. The peasantry are the worst sufferers. There has been no real land reform. Whatever power the Constitution gave has not been utilised for the purpose of bringing about a chance for the

better in the economic condition of the vast sections of the people of this country. We have in our Constitution on part IV called the Directive Principles of State Policy. What was its object, I do not know. Probably it was thought by the framers of the Constitution that those who would take upon themselves the responsibility of governing the country would have those principles in mind for bringing about socio economic changes in the country. But article 37 makes it clear that they shall not be actionable enforceable. Article 38 provides for securing social order for the promotion of welfare of the people. Articles 39, 40, 41 etc speak of living wages and so on. I do not want to read them, hon Member, I know them. Have we proceeded towards this? My hon friend Ravi says that immediate steps should be taken to amend the Constitution in order to secure meaningful results of the directive principles. I agree with him that the directive principles have remained mere paper provisions and platitudes, there has been a breach of every one of them. We cannot deny that this country has not proceeded one step towards achieving a living wage for the workers or giving the right to work to every able-bodied citizen in this country. Therefore as far as making it part of the fundamental rights of the citizens of the country, I am all for it. But we have to realise that we have to bring about real changes in the Constitution tinkering here and there. I do not do. Mr Ravi may not want to change the Constitution lock stock and barrel. At least those provisions of the Constitution have not been implemented and have remained mere paper provision. The organic law of the country, our Constitution contains certain pious wishes they are never to be translated into action. The persons who should be the actual beneficiaries, have not enjoyed any benefits. If you make these directive principles fundamental rights well I am all for it. But we really want complete transformation of the system of society, the system of econo-

mic policy that we have in this country. The means of production are controlled by a handful of people in the country, the monopoly houses through the help of Constitutional provisions are becoming more and more strong in this country, entrenching themselves in the national economy and they are directing as to what course the national economy should take. Unless those aspects are taken note of and unless real changes are brought about, merely converting the directive principles to fundamental rights would not help the people of this country.

Today Sir I have been arguing before the Supreme Court on behalf of the LIC employees. Their rights have been taken away shamefacedly and unconstitutionally. I know that you had some difficulty in supporting that and probably you thought that discretion was the better part of valour and you kept quiet instead of speaking at that time. Now today the employees of the Life Insurance Corporation who got certain benefits under the agreement entered into with the concurrence and blessings of the Central Government their rights were taken away during Emergency by an Act of Parliament passed by the last House. I have been trying to argue before the Supreme Court that this is the property right of the employees and therefore, that property right should be restored. Now we have a system of administration in which a handful of people, the monopolists, the capitalists, the industrialists go on accumulating assets, funds and properties in the name of the so-called method of controlling inflation while the statutory and legal rights of other people are made *ex gratia*. Therefore, I am taking this opportunity to appeal to the Ministers who are present here to really consider the question of bringing about changes in the Constitution in depth. We have seen how this Constitution has been amended forty-two times in this country. We have seen how Parliament has con-

ceded all the powers to the Executive and the Legislature to make any laws it liked. Article 31 (c) had been introduced. But there was no political will. What were the laws that were brought in States after the 24th and 25th amendment of the Constitution? MISA was brought, Additional Emoluments were taken away, bonus was taken away and these laws were put in the Ninth Schedule and all sorts of draconian laws were brought and not a single law was brought for the purpose of improving the conditions of the people of this country. Therefore it is not always that because of lack of Constitutional provisions something cannot be done. I am supporting Mr. Ravi's Resolution, of course I have my reservations about the right to property. The right to property in a sense which is generally understood has to be restricted. But take the case of LIC employees which we are arguing before the Supreme Court. Mr. R. K. Garg on behalf of one of the Associations and I have been arguing today that the right to receive bonus under the settlement is a fundamental right to property of the employees and that cannot be taken away. I am not going to give up that right to property on behalf of the employees. There are many small people who are always the victims of the Executive's vagaries, the bureaucratic malpractices. Their right should not be taken away. Therefore we have to consider this in depth. I have not given any amendment to this resolution. This is not the time to crystallise our thoughts. But our submission is the government is proposing to undo most of the obnoxious features of the 42nd amendment and we are hoping that the Bill will be introduced in this session after due consultation. The questions which have to be answered are: Has the Constitution served the people of the country or not? Have the people gained the minimum rights as citizens of a civilised country? Merely having well-bound copies of the Constitution will not do. Mr. Gokhale gave us

[Shri Somnath Chatterjee]

beautiful editions of the Constitution. But whether he did it willingly or he was made to do it, I do not know, he defied it. The time has come for a really in-depth study of the various provisions of the Constitution. I am not preaching the idea of complete obliteration of the Constitution of the country. I am only requesting the House to consider for whose benefit the Constitution has so far operated in this country. Sir, on principle I strongly support the resolution and I request the government to take appropriate steps in the matter.

SHRI NANASAHIB BONDE (Amravati): Sir, I must congratulate Mr. Ravi on having brought forward such a fine resolution. In fact, I urge the House to forget for sometime as to whether one belongs to this party or that party. It is high time that such considerations should go for the consideration of a bigger cause. This is a resolution which speaks of the agonies of the poor Harijans, tribals and other suppressed people who have no education and who are economically so very poor do not feel that their life is secure at all. So many atrocities have been committed on the Harijans about which we read in the papers daily. Are we giving them that sort of guarantee that they are safe in this country? No, so far we have not been able to give them that guarantee. We have Buddhists who were originally Harijans but who got themselves converted to Buddhism for reasons best known to them. In this very capital of Delhi, they are starving today. They have their own demands. They say, we have been so far neglected and we must get equal facilities as the scheduled castes get. Excuse me, no leader from the Janata Party has so far gone to them saying that at least they are considering to do something about it. All that they want is that some sort of guarantee should be given to them. They are dying in this very capital of Delhi. Their just demands have not been

(Res.)

considered. Supposing all of their demands could not be considered. At least some of those demands which can be considered should be given consideration. The Government should give the understanding to that effect to those people. Mr. Govai, who is the Deputy Speaker at Bombay and Mr. Kumbhare, who is a Member of Rajya Sabha, are on hunger strike. In Amravathi there are so many persons who are on fast. But we have never bothered to go to them and give them solace. Today is the tenth day of their fast. There is no surety how long they will live. This serious situation calls for the attention of all of us to go to them, and specially those Janata leaders in whose hands the present Government is, should go to them and tell them that at least they are doing something in this direction. They will die of their fast, but it looks as if we are not concerned at all. In view of this, my submission is that there are so many things that are to be done immediately and that is why learned brother Mr. Ravi has used that word 'immediate'. 'Immediate' steps are to be taken. There is a lot of misunderstanding about us the Congress people. We are not coming in your way in respect of the betterment of the nation. In regard to the progress of the people we do not come in your way. We are not going to raise that sort of objection. That is our position. We are here. Try to take our help. We are prepared to see that some of the Articles that require to be amended are amended. After all, the Constitution should be elastic. If something is required to be done for a better cause, it should be done immediately and we, the Congress people, are prepared for that. After all, we must see the safety of the nation, we must see the progress of the nation and we must see whether we are going towards that direction. Even now no Harijan feels secure in this country. No man living in the tribal areas feels secure in this country. Nobody bothers about their education, nobody bothers about



their economic conditions. They are starving. Have we ever cared in this Parliament to see whether something is being done for those people? Educationally they are backward and economically also they are backward and therefore my friend has put it that the right to property should be deleted. If we take it in the light in which Mr Ravi has put it we can justify it agree with Mr Ravi in toto. These are the things that are required to be done, whether it is the Congress Government or the Janata Government. Therefore I would appeal to the House that it is time for all of us sitting here as Members of Parliament to forget about the groups to which we belong. It is not the question of group. It is the question of policy. That is all I wanted to appeal to the House through you.

PROF. P. G. MAVALANKAR (Gandhinagar). Mr Chairman Sir, I am very happy that my good friend, Shri Vayalar Ravi has brought this Resolution today which contains a lot of good things but it also contains a lot of vague things because unless you concretise good things in a particular institutionalised manner and suggest to the House and to the country as to the way we ought to do it I do not know how Government can go ahead in that direction. All the same I am very happy that he has brought this Resolution and I am also happy that at least now he and many of his colleagues on the Opposition side do show the good sense and the right sense of accepting what was the wrong that they did in the past, and what good and correct things they are prepared to do in the future now. And that applies to us also because we may also commit certain mistakes in different ways but if we learn that those mistakes are ours we must have the openness and the courage to own the mistakes and rectify them and proceed on the right lines. From that point of view also, I would like to congratulate my friend

17 hrs.

There is no doubt about the fact that new hopes have arisen in the minds of the people and, as some people from the Janata Party rightly said, these hopes have arisen because of the fact that much is expected of the new government. If it were not so then the people would not have waited so long for the fulfilment of many of their aspirations and demands. Much is expected of this government. That is why, if they fail, then the failure would be greater than the failure of the past administration. Much was not expected of the previous administration but much is expected of the present administration.

Having got the experience of the previous Congress Government over 30 years if the alternative government does not give an alternative and better solution, where will the people go? I am in agreement with my hon. friends that eight months is a short enough time to expect miracles to happen. But miracles happen only in a short time not in a long period. So, a good beginning must take place in the right direction quickly. If that does not take place, I am afraid, the expectation of the people from the Janata Government would have almost gone down, and that would be a great disappointment.

Therefore, this fresh climate of expectancy must be exploited, and here I think Shri Ravi is right. Because a fresh climate of expectancy has grown let us exploit it fully in the direction in which we want to go. It is no use saying we all agree that rapid socio-economic development has to take place. Every year the number of people below the poverty line is increasing to our eternal shame. We all agree that we must do something radical in terms of socio-economic betterment. But, how do we put it into practice, in terms of concrete proposals? We cannot put everything

[Prof. P. G. Mavalankar]. . .

in concrete terms, that is true. But we must make a correct beginning

So, I am glad Shri Ravi has brought this Resolution. At least, today, this House has got some time, through the Private Member's Resolution, to discuss certain basic issues facing the nation. When I look back over the period that I have been in Parliament, though not a long period I admit, I find to my dismay that we spent far too much time proportionately on smaller details, on short-lived matters on short-term issues and we did not have much time to discuss fundamental issues affecting millions of people and their economic, social and educational betterment. From that point of view this Resolution has to be welcomed.

Shri Ravi has talked about the Directive Principles. I feel somewhat hesitant to say anything on this subject in the presence of the distinguished Law Minister, who is of course much better versed than I am in matters legal and constitutional. We all know that the Directive Principles of State Policy incorporated into our Constitution are so well drafted that not only do they contain some pious wishes which cannot be enforced through a court of law—in fact they are not meant to be enforced through courts of law, that is why they are in the Chapter dealing with Directive Principles—but they contain a happy blending of Fabian socialism and Gandhian humanism. I do not think that our Constitution-makers wanted that fine blending to be broken. The hope was, the hope is and the hope will be that this fine blending of Gandhian humanism and Fabian socialism will be so translated into action that millions of people who are waiting for generations expectantly for the betterment of their life will get certain deliverance from their abject poverty and ill-health.

It is true that if we put all the Directive Principles under the fundamental rights, then they all become enforceable in a court of law. I agree that there is a practical difficulty. But if we do not go in the direction of transferring at least some of the Directive Principles into fundamental rights by certain economic, social and educational legislation, then I am afraid we have failed the people and we have failed posterity also. We do not want to do that. That is why I am saying that the Directive Principles chapter needs to be constantly viewed from this angle and we should see at what point of time rather how soon we can translate one or more Directive Principles into fundamental rights in the Indian Constitution.

I am not quite sure whether right to property *per se* ought to be eliminated from the chapter on fundamental rights. I want to be very candid on this point. I am against the right to inherit property. If people mean by right to property the right to inherit wealth left us by all means tax it. In England they did it under the Labour Government and in six years, between 1945 and 1951 they practically eliminated the inheriting class. The only virtue of those who inherited was that they chose the right parents! The State ought to take care of those people and see that they do not get any inheritance. When I say this I am not also arguing that the right to property *per se* must go because, after all even in Russia—I do not know whether Mr Chandrapan will agree—the right to property is viewed in a different context, in the modern context. If you have earned something by hard work, by perspiration and within limits if it is regulated by social law, then right to property is there. Therefore I am only saying that inheritance may be controlled. Property beyond a certain limit may be controlled but it should be within the fundamental rights chapter as otherwise I am afraid it may conflict with some of the other fundamental

rights like freedom of speech and expression and many other political freedoms for which a certain degree of right to property is essential because, as Mr. Ravi himself asked, how many people can go to Court?

Right to work and literacy are good, we all agree. The Janata Party's manifesto also talks about it. I do not know how far they will go, but I would like them to move in that direction.

About minorities and a national minimum wage, we all agree.

About the Forty-second Constitution amendment Act, which was then called the Forty-fourth Constitution (Amendment) Bill, it did contain some good things, but the manner in which it was brought and the way in which it was passed, the manner in which the country was not allowed to discuss it freely and openly was highly objectionable. It was badly brought, wrongly passed, tortuously passed by the House. Therefore, let the Janata Party Government reject it lock, stock and barrel, and then bring forward a new Bill incorporating some of the good things which Mr. Ravi has suggested. This is my request and appeal to the hon. Law Minister. I hope he will agree and not have an idea that because it contains some one or two good things, it should be amended and retained. By scrapping the Act entirely you would also be deprived of some of the executive powers which you are at least in theory now enjoying. I do not want even you to enjoy them, even on paper. That is why I am making this appeal to the hon. Law Minister.

17.09 hrs.

BUSINESS OF THE HOUSE—Contd.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): In the

statement which I made this morning regarding Government business in this House for the next week I had mentioned that "Further discussion on the motion regarding train accidents" would be put down for Wednesday, 30th November, 1977, and the "discussion on the motion regarding the statement on Samachar" on Thursday, 1st December, 1977.

However, for unavoidable reasons, it has become necessary to interchange these two discussions. The discussions would now be held as follows:

(a) Discussion on the motion regarding the statement on Samachar—on Wednesday, 30th November, 1977.

(b) Further discussion on the motion regarding the statement on the serious train accidents—on Thursday, 1st December, 1977.

17.10 hrs.

RESOLUTION RE. CHANGES IN THE CONSTITUTION—Contd.

SHRI C. K. CHANDRAPPA (Cannanore): I am very happy that my friend, Mr. Valayar Ravi has brought forward this Resolution which gives us an opportunity to discuss some of the vital problems of today. Most of the points mentioned in the Resolution deserve to be supported. But my approach to the whole problem is slightly different from what was expressed by my good friends here. It is good that we included many good things in the Constitution but it is another matter whether that will be translated into practice. Now Mr. Mavalankar just now mentioned that there is a need to look into the chapter of Directive Principles and from time to time take some of them and put them in the Fundamental Rights so that to that extent you are assuring the people that it will be translated into practice. But the pic-