

**PAYMENT OF BONUS (AMENDMENT)
BILL***

(Amendment of sections 2, 10 etc)

PROF. MADHU DANDAVATE
(Raipur) I beg to move for leave to introduce a Bill further to amend the Payment of Bonus Act, 1965

MR DEPUTY SPEAKER The question is

"That leave be granted to introduce a Bill further to amend the Payment of Bonus Act 1965

The motion was adopted

PROF MADHU DANDAVATE I introduce the Bill

15 35 hrs

CONSTITUTION (AMENDMENT) BILL

(Insertion of new article 16 A)

MR DEPUTY SPEAKER Further consideration of the following motion moved by Dr Karni Singh on the 5th August 1971 —

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

together with the motion for reference to a Select Committee

Two hours were allotted; 28 minutes were taken, the balance is 1 hour and 32 minutes

****SHRI JAGADISH BHATTACHARYA** (Ghatal) The Constitution Amendment Bill that has been introduced in this House seeks to include Art 49 of the Constitution which is a directive principle under Art 16 of the Constitution. On behalf of our party we have also given notice of a similar amendment and since both are similar in spirit I feel that the present legislation is worthy of our support

The provisions of the Directive Principle in question are such which are not justiciable and hence cannot be enforced through a court of law. This provision has been kept in the Constitution, just like keeping some food before a hungry man whose hand and feet have been bound down and he cannot approach the food. Here also one cannot compel the Government to enforce it even through a court of law

I feel Sir that the right to work, which at present is included under the Chapter of Directive principles should have been enshrined in the Chapter on Fundamental Rights. The Congress Party has been in the seat of power for the last 25 years even today they are holding the reins of power in the Centre but during all these years they have not tried to bring about any amendment to the Constitution and today we are to discuss the matter through a Private Members' Bill. The right to work, the right of every worker to earn his livelihood through work, I feel, is a fundamental right. We very often hear about socialism both in this House and outside. Only the other day the members of the Congress Party were heard saying in this House that under the leadership of Shrimati Indra Gandhi the country is marching towards socialism. But I fail to understand why the provision regarding the right to work, which should have been made a fundamental right, was not made

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**The original speech was delivered in Bengali

so by this party. What does a common man want? He wants work. But where is the work. Very often the leaders of the country urge the people to work and work more. But when the unemployed people approach the Government and ask them for work, what do they get in return. They get lathis, teargas and jail. And this history is being repeated again and again for a long time now. The Government is fully aware of the fact that unemployment has assumed alarming proportions in the country but the Government have taken no genuine interest nor made any positive effort to tackle the issue. We have heard of a Rs. 50 crore crash programme for solving unemployment, but I feel that we would not be able to achieve much out of it because unless our objectives are clear we can never achieve the goal. We have first to enthuse the people to do work by giving them a right to work. Today we find that factories are closed down; a lock out is imposed on a factory and the workers are retrenched. To deal with such a situation, the Government have to frame many laws and we have to indulge in many a controversy. But I say that all these legislations could have been made redundant if only we could make the right to work a fundamental right, and if we could do it then we could solve many of our problems. The number of the unemployed persons in the country is indeed a formidable one, and among them a very large number comprises of those who are doctors, engineers, or persons with technical knowledge. When we think of this problem, we simply shudder. It is, indeed, very sad that all these persons, having spent a lot of money on acquiring some technical knowledge, despite their willingness to work and still unemployed. I need not refer to the plight of those who are educated but have no technical education, because it is in everybody's knowledge that their number has not only reached alarming proportions but also continues to rise day after day. If we are to deal with the situation, we have to make

the right to work a fundamental right. The question of reforming the system of education and making it job-oriented will follow from this automatically.

Sir, today nearly one crore of refugees have come to our country. Calculating roughly, we are, at least, spending Rs. 100/- per refugee per month. After all we are able to bear the financial burden of the problem and we have also imposed fresh taxes on the people to bear this financial burden. But I say, Sir, that in a similar way we should have tackled the issue of solving the unemployment in our country. We could on an emergency basis, raise funds to help the unemployed men of our country. If we could give an unemployment of Rs. 100/- per head to our unemployed young men, we could as well ask them to go to the rural areas and work there for the removal of help the Government to collect money. There are enough resources in the country. Today the country is subjected to exploitation by the monopolists, the foreign capitalists, and the feudal lords and the moment we give this right to the people they would help the Government to put an end to his exploitation and help them to collect necessary funds. Therefore, if we are sincere about our objective, we have to follow this course of action in a natural way. Unless we keep our objective clear, we can never reach the goal. Therefore the Government will have to move in this direction. But on the other hand if the Government does not feel concerned about this issue and continues to follow the stereotyped methods and is indifferent to the problem, then I say they do not deserve to be called a Government.

Therefore, if we are to deal with the problem of unemployment in the country which has assumed dreadful proportion, we should not feel shy to give to the people the right to work as a fundamental right. If we are able to do it, it would be

[Shri Jagadish Bhattacharya]

a boon to the people and bring in return many good changes in the country

Therefore, let us give to the working people of our country the Constitutional right to work. After all this is not asking for the moon. There are only two options before the unemployed people of this country—either they starve to death or go about with a begging bowl. But if we look to China, what do we find. China got independence much later than we got it. Their country was ravaged by wars. The illiteracy among the masses I am sure, Sir, that there is no dearth of such young men in our country who will gladly undertake such a work against payment of a small amount. This will not only solve the problem of unemployment but will also solve the problem of illiteracy in the country. Our young men could free themselves from poverty. Thus the Bill does not want to introduce anything revolutionary. It strives to achieve a simple thing. Even leaving aside the examples of the Socialistic countries of USSR or China, we find that a Capitalistic country like Japan has given a constitutional right to its people *i.e.* the right to work. In U. K. and USSR, laws have been made for giving compensation for unemployment. 25 years have gone by since we attained independence; it is not a short period. Much water has flown under the bridge since and yet we have not been able to do anything in this regard in our country. We hear many things from the ruling party. They talk big of many things particularly about socialism but they have done nothing in this matter.

Therefore, I say Sir, that the people of our country should be given the right that the present Bill seeks to give them. I know Sir, that it will be said as a counter-argument that the scheme entails a financial commitment and wherefrom the money can be made available. Whenever we make a proposal to the Government

they say that the proposal is good but where is the money to implement the scheme. But I say, Sir, that if we are able to make the right to work a fundamental right then I say that those very people whose population of China is nearly 1-1/2 times more than that of our country. Yet in China, no one is unemployed. Therefore, I feel that it is not impossible to achieve the results in our country as has been achieved in China.

I therefore feel Sir, that we must accept this Bill and give to our people a right to work enshrined in the Constitution as a fundamental right

*SHRI E. R. KRISHNAN (Salem) : Mr. Deputy Speaker, Sir, on the Constitution (Amendment) Bill of Dr Karni Singh, M P., seeking a constitutional provision for unemployment allowance to be paid by the State to the unemployed in the country, I would like to say a few words.

Article 16 of the Constitution there is the fundamental right of equality of opportunity in matters of public employment for all the citizens in the country. Article 41 of the Constitution says that the State shall make effective provision for securing the right to work and to public assistance in cases of unemployment. Article 39 of the Constitution stipulates that the State shall direct its policy towards securing right to every man and woman of adequate means of livelihood. The above articles of the Constitution give to every citizen of the country the fundamental right of equality of opportunity in public employment and also make clear how the State should endeavour in the direction of making that fundamental right a reality.

As the Tamil proverb goes, the words should be followed by deeds. Unless the fine phraseology in the Constitution is translated into concrete action, it will be of no use to the common man in the street.

* The original speech was delivered in Tamil.

It is to be acknowledged that the Central Government and the State Governments have taken energetic steps to establish thousands of small industries throughout the country. In the public sector many major industries have been set up during these years. In the private sector too, big industries have come up. But, what do we see today? Having become the pawns in the chess-game of politics, having become the plaything of politicians, the workers in West Bengal resorted to strikes, *haults*, etc. and in consequence many established industrial units have been closed. On their whims and fancies, the capitalists and the monopolists are closing their industries. The public sector undertakings continue to lose heavily every year in crores of rupees, which may lead to closure in the foreseeable future. The small scale industries are facing acute shortage of raw materials and that may result in their winding up their units. Why I say all these things is that this may further aggravate the already worsening unemployment problem.

In a reply to a question yesterday, the hon. Minister of Labour, Shri Khadilkar has said that as on 31-12-1970, 29,92,982 people are unemployed and they are on the rolls of the Employment Exchanges. Instead of ushering in an era of peace and stability in the country, if the number of unemployed increases, it will lead to open revolt, chaos and confusion in the social and economic life of the country. We have no doubt invested thousands of crores of rupees in the three Five Year Plans and the Fourth Five Year Plan is also under implementation. But, in the very same answer, Shri Khadilkar has stated that for the social programme for educated engineers and technicians a sum of Rs. 25 crores has been provided this year. You will appreciate that this is too small a provision as compared to the gigantic problem of unemployment. It is just like offering sugar-candy to a hungry elephant. The State may get a crore or two from

this provision to solve this mighty problem and it will be just like putting salt in the ocean.

In this answer quoted by me earlier, the number of unemployed in the three major States in the country is: Tamil Nadu—3,00,01,481; Uttar Pradesh—3,27,133; West Bengal—4,10,945. In other States the figure is 2 lakhs, 1½ lakhs, 1 lakh and so on. It is estimated that at the end of Fourth Five Year Plan the figure of unemployed will be 330 lakhs. If the population growth continues to be 2.5% per annum, you can imagine the magnitude of the problem of unemployment in the country.

Being the Government of common men, being the Government of workers, being the Government of the down-trodden, the Dravida Munnetra Kazhagam Government in Tamil Nadu has formulated a scheme to assist the drought affected areas in the State. There are 384 Panchayat Unions in the State and each Union has been given a manual labour force of 300 to 400. The Government have not stopped at that. With a view to helping the educated unemployed, they have also constituted Youth Corps in which B.Sc., B.A., and M.A. qualified young men have been enrolled and they are being given training so that they can, after completing the training, work for the development of villages in the State. Each trainee is given Rs. 200 per month. For the time being 2000 young educated unemployed have been taken in the Youth Corps and next year the Government have the target of doubling this figure to 4000. In this connection, I would like to draw your attention to the statement of Shri Khadilkar yesterday in his answer that there is no scheme for payment of employment or unemployment allowance. But the Tamil Nadu Government, within their limited resources, are trying to solve the problem of the educated unemployed in the State.

[Shri E. R. Krishnan]

I would like to warn the Government here that the problem of unemployment has reached the stage of an erupting volcano. If the Government want to contain this erupting volcano, then they should take immediate steps in the direction of solving this problem. The Government should evolve a two pronged attack. To arrest the ever growing population, the family planning programmes should be intensified and they should be taken on a war-footing. Secondly, both the Central Government and the State Governments should initiate forthwith steps to set up cottage industries throughout the country. The Central Government should extend greater financial assistance to the State Governments so that every home in the State has a cottage industry. Then, only this problem of unemployment can be successfully tackled.

It is really enigmatic that even after the completion of Three Five Year Plans, the number of unemployed has not declined; on the contrary, it has gone up by leaps and bounds. This only shows that the Five Year Plans have not touched the core of the problem. They have not carried the people to the expected level of improvement and they have not generated that much enthusiasm also in the hearts of the people. It is not that the Members of the Opposition Parties have said this. The Ministers in the ruling party, the Members of the party in power and their erstwhile colleagues in the party have been saying this. When the Fourth Plan is under implementation, the Centre should endeavour to pay greater attention to the grave problem of unemployment. In no country of the world the problem of unemployment is so acute as it is in India. Here, I would suggest that our present educational system should be completely re-oriented. The present educational policy depends more on the spread of theoretical knowledge. Unless the educational policy is job-orient-

ed, unless the Centre decides to do this immediately, there is no hope for the future. That day will not be too far when monster of unemployment will swallow the entire country.

Before I conclude, I would suggest that prompt and meaningful steps should be taken by the Government here to solve this problem of unemployment and more financial assistance should be given to the States, especially to those who are striving hard to tackle this problem, so that they are able to strike at the root of the problem of unemployment. I thank you for giving me this opportunity to participate in the debate.

श्री सरजू पंडि (गाजीपुर) : उपाध्यक्ष महोदय, यह जो बिल सदन में महाराजा कर्ली सिंह ने पेश किया है उससे मान्य होता है कि अब वह भी समाजवादी हो रहे हैं परन्तु शायद वह समाजवाद में विश्वास नहीं करते। सबसे दुःखदायी अवस्था तो हमारी सरकार की है कि जो दिन भर समाजवाद की बात करती है और यहां पर समाजवाद के विरोध में खड़ी होती है और इस प्रकार के प्राप्रेसिब मेजर को प्रपोज करती है तथा जो समाजवाद के विरुद्ध हैं वह समाजवादी और प्राप्रेसिब मेजर के लिये फाइट करते हैं। यह प्रश्न कमाल की बात है।

15:59 hrs.

[SHRI SURESHYAN in the chair]

शुद्ध सरकार इस बात को कहती है और मानती है कि इस चुनाव के बाद से जनता में जो आशा जगी थी वह धीरे-धीरे क्षीण होती जा रही है। पूरे देश को आश्वासन दिया गया था और इसी आशा के कारण देश ने सरकार को पूरा बहुमत

दिया, मगर आज भी हमारे देश में कोई प्रगतिशील कदम नहीं उठाया गया है। कभी संविधान के नाम पर, कभी दूसरी अनेक चीजों के नाम पर झड़ने डालने की कोशिश की जाती है। नतीजा यह हुआ है कि जनता में जो विश्वास उठा था वह धीरे-धीरे टूटता जा रहा है। दूसरी तरफ हमारे मुल्क की प्रगति-विरोधी शक्तियाँ और बाहर के लोग भी इस बात का प्रचार डालते हैं यह सरकार भूठ बोलती है, कुछ करने वाली है नहीं क्योंकि देखो, हम कितना बढ़िया बिल ले आये कि देश में जिन लोगों के पास काम नहीं है उन्हें भत्ता दिया जाये, लेकिन यह सरकार उसको मानती नहीं है। अगर प्रस्तावक महोदय से कहा जाय कि वह अपनी पेशान छोड़ दे तो उसके लिये हाउस में शोर मचाते हैं कि हमारे साथ अन्याय हो रहा है। यह दोमुहरी बातें मेरी समझ में नहीं आती। लेकिन फिर भी जो हमारे कांग्रेसी भाई हैं, मेरी समझ में नहीं आता कि उनसे किस भाषा में बात की जाये।

16 Hrs.

आज देश में बेकारी बढ़ती जा रही है। पिछले बजट में इन्होंने कुछ करोड़ रुपये का इसको दूर करने के लिए प्रोजेक्ट किया था। यह भी कहा था कि कुछ योजनाएँ बनाई जाएँगी। जो योजनाएँ आज अंश में आ रही हैं उनमें सिवाय इसके कि कुछ ठेकेदारों और कुछ इंजीनियरों को पेंसा कमाने की और मौका मिले और कुछ नहीं हो रहा है। देश में गरीबों को पकड़ना तो ज्यादा काम मिले, इसकी व्यवस्था नहीं की जा रही है। मैं अपना तफुर्ती आपकी बता रहा हूँ। सरकार की ओर से

एक हजार आदमियों को रोजाना काम देने की घोषणा की गई। उनको ठाई रुपये रोज देने की बात कही गई। लेकिन उनको रोजाना पेमेंट नहीं किया जाता। महीनों उनसे काम करा लिया जाता है लेकिन उनको पैसा नहीं दिया जाता है। इसका नतीजा यह हुआ है कि कोई आदमी काम पर अब नहीं आता है। जो पचास-पचास लाख रुपया डिस्ट्रिक्टम वर्गरेह को मिला है वह सब का सब ठेकेदारों के पेट में चला जाएगा। यह जो नौकरशाही है हिन्दुस्तान की यह एक मगरमच्छ की भाँति है जो सरकार को भी खा रही है, मंत्रियों को भी खा रही है और देश के पूरे पैसे को भी खा रही है। पैसे का सही इस्तेमाल नहीं हो रहा है। देश में इंजीनियर बेकार हैं, डाक्टर बेकार हैं, कालेजों से निकलने वाले विद्यार्थी बेकार हैं। हम वास्ते अगर इन बेकारों के लिए संविधान में कोई व्यवस्था की जाय तो इसमें किसी को कोई एतराज नहीं होना चाहिये। सरकार को इसके लिए कदम उठाना चाहिये। अगर ऐसा नहीं किया गया तो क्या होगा? आप समाजवाद की बात करते हैं लेकिन उस व्यवस्था में जो समाजवाद के शत्रु हैं उनके हाथ में इनिशिएटिव चला जाएगा और देश का बही हाल होगा जो जर्मनी का हुआ था। जर्मनी में व्हिलर ने समाजवाद का नारा दे कर फेसिज्म को स्थापित किया। यही हाल हमारे देश का भी होने वाला है। समाजवाद का नाम लेंगे, मजदूरों का नाम लेंगे, गरीबों का नाम लेंगे और काम दूसरे करेंगे। इसका नतीजा यह होगा कि गरीबों में असन्तोष बढ़ेगा। जब असन्तोष बढ़ेगा तो वे कहाँ जाएँगे, कौन-सा रास्ता संकल्पार करेंगे, इसको आप सोचें? वे ऐसे बलों और लोगों के पास जाएँगे जो लोग सही मामलों में समाजवाद में यकीन नहीं करते हैं।

[श्री सरजू पाठे]

मैं जानता हूँ कि ला मिनिस्टर प्रगतिशील नीतियों के हामी है। मैं उनको जाती तीर पर जानता हूँ। मैं आशा करता हूँ कि कम से कम इस प्रस्ताव को तो वह स्वीकार कर ही लेगे। वह चाहे तो इसकी भाषा को बदल दें, कुछ भी करें लेकिन उनको चाहिये कि इसको वह स्वीकार कर ले। जो राजे महाराजे हमारे देश के हैं और जो खूब धन ला रहे हैं, उनकी भी वह कुछ न कुछ व्यवस्था जरूर करे। सब सम्पत्ति देश की ले लें। कोई जरूरत नहीं है कि यह लोगों के पास रहे। इनके पास जा धन है उसको भी वह ले ले। हममें असन्तोष बढ़ता है। अगर उन्होंने ऐसा किया और जो इस बिल का मसौदा है उसको स्वीकार कर लिया तो फिर उनकी जवान भी बन्द हो जाएगी और इस तरह के प्रस्ताव भी आने बन्द हो जाएंगे। अगर ऐसा नहीं होता है तो देश में असन्तोष बढ़ेगा और हिंसा बढ़ेगी। तब वाजपेयी जी जो सस्कृति और सभ्यता की बात करते हैं वह भी बची नहीं रहेगी। तब न तो सभ्यता और न ही सस्कृति और न ही इमान बचेगा (इन्टरप्रॉज) इंदिरा गांधी जो की तो आप लोगों ने बहुत दिनों तक सेवा की है। हम तो नए आदमी हैं। हम उनकी पार्टी के सेवक नहीं हैं। आज भी श्रीमती इंदिरा गांधी की सेवा नहीं करते हैं। जिन पालिसियों को ठीक समझते हैं उनका हम समर्थन करते हैं। हम जानते हैं कि इंदिरा जी भी इस मामले में आस्थावान नहीं हैं और कोई ऐसा कदम नहीं उठाना चाहती है जिससे देश में सही मानी में परिवर्तन आए। लेकिन मैं कल्पना चाहता हूँ देश में अमन बनाए रखने के लिए यह जरूरी है कि जो

असन्तोष है उसको दूर किया जाए, उसके कारखों को दूर किया जाए।

आज सब से बड़ी चिन्ता की बात यह है कि महंगाई बढ़ रही है। एक तमाशा खड़ा हो गया है और महंगाई बढ़ती ही चली जा रही है, गरीबी बढ़ती ही चली जा रही है, बेकारी बढ़ती ही चली जा रही है। मैं गोरखपुर से आया हूँ। मैं आपको बताना चाहता हूँ कि वहाँ रेलवे के जनरल मैनेजर न डाई लाव रपया बगलोज का फनिश करने के लिए खर्च किया है। इसके विपरीत हम देखते हैं कि मजदूरों की छुट्टी की जाती है। ऐसी स्थिति रहेगी तो कैसे समाजवाद आएगा? आपके जो प्रफसर हैं उनमें से एक एक पचासो हजार रुपया फिज़ल खर्च कर देता है और मिनिस्ट्रो से कह देता है कि आप मसमने नहीं है, अगर ऐसा नहीं किया गया तो गड़बड़ हो जाएगी। अगर रेडीवल चेजिज लाने की जरूरत हो तो सविधान में और समाज में आप रेडीवल चेजिज लाये। सविधान की तमाम धारयाँ अगर बदलने की जरूरत हो तो उसमें भी कोई एतराज नहीं होना चाहिये। सविधान जनता के लिए है, जनता सविधान के लिए नहीं है। सविधान कोई कुरान शरीफ या वेद नहीं है जिसको बदला ही न जा सकता हो। अगर आप नहीं बदलेंगे तो वक्त इसको बदलेगा। वह आगे की बात है। जब उसका मौका आएगा तब देखा जाएगा। इस वक्त तो मेरा इतना ही निवेदन है कि श्री कर्णी सिंह का जो बिल है चाहे उनके विचार कुछ भी हो लेकिन उन्होंने इसमें एक अच्छी बात कही है इसको आप मान लें। मैं इसका समर्थन करता हूँ। चाहे किसी कानून के जाएँ, अगर कोई सही बात आती है तो उसको हमें मान लेना चाहिये।

श्रमर इस तरह से कह कर और इस तरह के प्रस्ताव का बिल ला कर वह समाजवादी बनना चाहते हैं और उस में आस्था प्रकट करना चाहते हैं तो हमें कोई एतराज नहीं है। वह कहें कि वह समाजवाद चाहते हैं, कोई झगड़ा नहीं होगा। लेकिन ऐसी बात नहीं होनी चाहिये कि मुंह में राम राम और बगल में छुरी। इस तरह जो किस्से चलते हैं ये बन्द होने चाहिये। ला मिनिस्टर सदन में बैठे हैं। उन से मेरी प्रार्थना है कि वह इसको स्वीकार कर लें और चाहें तो इसकी भाषा बदल लें लेकिन इसको संविधान में जरूर जोड़ें।

इन शब्दों के साथ मैं इसका समर्थन करता है।

SHRI M. SATYANARAYAN RAO (Karimnagar): Mr. Chairman at the outset I will congratulate Dr. Karni Singh for bringing forward this progressive legislation. It is a very important Bill. This question is agitating not only Dr. Karni Singh but lakhs of people in our country. We know, after achieving our independence we are not able to provide employment opportunities to the people. Day by day thousands of people are becoming graduates. Of course, they are becoming graduates but their standard of education is very low and instead of becoming useful to the country they are becoming very useless. First of all, the defects are in education and, secondly, we are not providing any opportunity for them to work. So, they are becoming a burden, a liability, on our nation. If this continues, I think, there will be no democracy and it will definitely lead to chaos and confusion.

When we analyse the reasons for why so many young educated people are becoming Naxalites, we find that it is because

they are lacking these opportunities and because we are not able to provide them with work. There is no alternative for them; so, they are becoming Naxalites and are creating so many problems for our country.

Keeping all these things in mind the Government must come forward with such schemes which will provide lakhs and lakhs of people with employment opportunities. My friend from DMK was emphasizing upon the small scale industries in place of big industries. Of course, industries and key industries are necessary but for this purpose small-scale industries must be established not only in cities but also in villages.

I come from a village and I know that now there are several opportunities for the people. They are providing electricity to the people and the people are erecting electric motors etc. in the villages. For the electric motors mechanics are necessary. Because there are no mechanics, people are going to laymen who do not know much about them but know something. If a scheme to train mechanics is undertaken it will be possible for us to provide lakhs of people with employment opportunities. For this purpose our education must be changed. By producing graduates or double-graduates we are not going to solve our problems and are not going to do anything for our country also.

SHRI R. S. PANDEY (Rajnandgaon): Nor will their problems be solved.

SHRI M. SATYANARAYAN RAO: Therefore, education must be such as will create such people as mechanics etc. That way we will be able to solve this problem also.

We proclaim ourselves to be a welfare society. Whenever our guests from foreign countries come, they must be seeing people begging at the railway stations and everywhere. Of course, I can understand if some lame, sick or old persons beg. But

[Shri M. Satyanaryan Rao]
 able-bodied persons, persons who are very young and energetic, also beg. This should be discouraged and something must be provided for them. Even if there are opportunities for them to work, they are not coming forward to work; they are not willing to work. So there should be legislation under which they must be compelled to work

These are my suggestions and, I think, the Government will keep them in mind

डा० लक्ष्मी नारायण पांडेय (सदस्य) :
 मैं समाजवाद सरकार और समाजवादी सरकार की समाजवादी समाज रचना के मन्त्र में कुछ नहीं कहना चाहता। मैं संविधान और संविधान के जो निर्देशक तत्व हैं उनके सम्बन्ध में कुछ निवेदन करना चाहता हूँ। जो निर्देशक तत्व हैं उनमें स्पष्टतया दम बात को बताया गया है कि हर एक नागरिक को नाम पाने का अधिकार है। प्रत्येक व्यक्ति द्वारा काम पाने के अधिकार को संविधान के इन तत्वों में जब स्वीकार किया गया है तो सरकार का भी यह कर्तव्य हो जाना है या उसका भी यह दायित्व हो जाता है कि वह प्रत्येक नागरिक को काम दे। ऐसी अवस्था पैदा करे जिसमें वह काम प्राप्त कर सके। लेकिन गुणों उसमें नहीं किया है। हम गोज मूतने हैं कि किसी नवयुवक ने दम कारण आत्महत्या कर ली कि उसको काम नहीं मिला। कोई नवयुवक काम न पाने के कारण यदि आत्महत्या करना है तो हमारी सरकार के माथे पर वह एक बहुत बड़ा कर्णक है।

आज हमारे नवयुवकों में इस बात को लेकर असंतोष फैला हुआ है कि वे उच्च शिक्षा प्राप्त करते हैं, डाक्टर और इंजीनियर बनते हैं, लेकिन फिर भी उनको काम पाने का अधिकार नहीं मिलता है। सरकार की तरफ से कहा जाता है कि हम इन्जी-

नियरो को कुछ ऋण देते हैं, लेकिन स्थिति यह है कि बार-बार चक्कर काटने के बाद भी उन लोगों को ऋण नहीं मिलता है। हाँ सकता है इसमें दो चार व्यक्तियों की समस्या भले हल हो जाती हो, लेकिन देश के ग्राम बेकारों की समस्या हल नहीं होनी है।

सरकार द्वारा तीन पंच-वर्षीय योजनाये कार्यान्वित की जा चुकी हैं और अब चौथी योजना चल रही है। इन योजनाओं पर करोड़ों अरबों रुपए खर्च किए गए हैं। लेकिन इसके बावजूद हमारे देश में बेकारों की समस्या निरन्तर बढ़ रही है - वह करोड़ों में ऊपर पहुँच गई है। हमारे देश के करोड़ों हाथ आज गम चाहते हैं। वे हाथ देश के लिए पैदा किए गए हैं, उनकी मजदूरी बढ़ा सकना है। आज हमारे देश को दौलत का आवश्यकता है। लेकिन सरकार हमारे लोगों का काम पाने का अधिकार नहीं देना चाहती है।

सरकार मूलभूत अधिकारों को छीनने की बात तो मानती है, लेकिन सर्वोच्च न्यायालय की व्यवस्था के अनुसार मरणाद संविधान में दिए गए मूलभूत अधिकारों को बहाल करनी है लेकिन सरकार ऐसे अधिकारों का बहाने में संकोच करती है इस विधेयक के द्वारा उन मूलभूत अधिकारों को बहाने की बात कही गई है जो रोजगार से संबंधित है। सरकार "गरीबी हटाओ" का नारा लगाती है। उसने बेकारी को मिटाने के लिए पचास करोड़ रुपये की व्यवस्था भी की है। लेकिन इस सम्बन्ध में उस की कोई योजना सफल नहीं हुई है। छोटी योजनाओं, अल्प-प्रधान योजनाओं की बातें की जाती हैं। लेकिन ऐसी कोई योजना सफल नहीं हुई है, जिससे

देश की अनमील अर्थ-व्यवस्था में सुधार हो और बेकारी को दूर करने में सहायता मिले। सरकार भी इस बारे में चिन्तित दिखाई नहीं देती है। सरकार ने कुटीर उद्योग बढ़ाने की दिशा में कोई भी कदम नहीं उठाया है।

जैसा कि मैंने कहा है, सरकार द्वारा चलाई गई चार-चार योजनाओं के बावजूद देश में बेरोजगारी बढ़ी है, शिक्षित और अशिक्षित बेकारों की संख्या निरन्तर बढ़ती जा रही है। हमारे देश में जो एम्प्लायमेंट एक्सचेंज है, वहां पर बेरोजगारी के भयावह रूप को प्रत्यक्ष रूप से देखा जा सकता है। वहां पर हजारों बी०ए० और एम०ए० पास नौजवान अपना नाम दर्ज कराने के लिए क्यू लगा कर खड़े होते हैं और काम पाने के अधिकार की मांग करते हैं।

इस विधेयक में कहा गया है कि सरकार को काम पाने के अधिकार को मौलिक अधिकार के रूप में स्वीकार कर लेना चाहिए जिससे देश के प्रत्येक नागरिक को काम पाने का अधिकार मिल सके। अगर सरकार यह स्वीकार करती है कि देश के प्रत्येक नागरिक को काम उपलब्ध करना उसका दायित्व और कर्तव्य है, तो सरकार की सब नीतियां और योजनाएं इसी उद्देश्य से बनेंगी कि हम ने देश के हर व्यक्ति को काम देना है। ऐसा करने पर देश की बेरोजगारी की भीषण समस्या की हल किया जा सकता है।

आज सरकार की गलत नीतियों का परिणाम देश को भुगतना पड़ रहा है। सरकार ने बैंकों और कुछ कल-कारखानों का राष्ट्रीयकरण किया है। मैं राष्ट्रीयकरण के मूलभूत सिद्धान्त का विरोधी

नहीं हूँ। लेकिन हम देखते हैं कि सरकार द्वारा जो कारखाने चलाए जाते हैं, उनमें निरन्तर घाटा हो रहा है और उन पर करोड़ों रुपये की पूंजी लगाने के बावजूद पर्याप्त उत्पादन नहीं हो रहा है। इसके कारण देश में मुद्रा स्फीति फैली है और देश की अर्थ-व्यवस्था में हिलाई आ गई है। हमारी नीतियों में जो मूलभूत कमियां हैं, अगर उनकी खोज कर के ठीक उपाए न किये गये, तो सारी योजनाओं के बावजूद सरकार देश की अर्थ-व्यवस्था में गतिशीलता लाने और बेरोजगारी को दूर करने में असफल रहेगी।

प्रस्तुत विधेयक का समर्थन करते हुए मैं कहना चाहता हूँ कि सचिवालय में सशोधन करके उस में जो मूलभूत अधिकार जोड़ने की व्यवस्था की गई है, उसको स्वीकार करना चाहिए। आज हमारे देश के लाखों नवयुवक सड़कों पर बेकार घूमते नजर आते हैं। उनके माता-पिता की आशाएं उन पर केन्द्रित होती हैं। वे सोचते हैं कि उन के बच्चे पढ़-लिख कर कुछ काम करेंगे और हमारी सहायता करेंगे। लेकिन जब वे नवयुवक बेकारी के कारण आत्म-हत्या करने पर बाध्य होते हैं, तो उनके माता-पिता को खून के आसू बहाने पड़ते हैं। हमारी सरकार यह सब कुछ निर्लज्जतापूर्वक देखती रहती है और अपनी नीतियों और योजनाओं में कोई फेर बदल करने के लिए तैयार नहीं होती है।

मेरा नम्र निवेदन है कि सरकार इस बारे में विचार करे। इस विधेयक में ऐसी कोई बात नहीं है, जो सरकार को प्रस्वीकार्य हो। सरकार को इस विधेयक को स्वीकार कर लेना चाहिए। यदि सरकार सिद्धान्त रूप से यह मानती है कि

[डा० लक्ष्मी नारायण पांडेय]

देश में बेरोजगारी समाप्त हो और प्रत्येक नागरिक को रोजगार मिले, तो उसे इस मूलभूत अधिकार को संविधान में जोड़ने में कोई आपत्ति नहीं होनी चाहिए।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ।

श्री राम सहाय पांडे गभापति महोदय, इस बिल पर मैं पहले बोल चुका हूँ, लेकिन मैं कुछ सुझाव देना चाहता हूँ।

SHRI K. MANOHARAN (Madras North) Why don't you speak in English so that we can understand?

SHRI R. S. PANDEY I have already spoken on this very Bill, but I shall very much prefer, after hearing the speech of my few friends

MR CHAIRMAN It is the practice in this House

SHRI R. S. PANDEY Only a suggestion, Sir, no speech My suggestion is this that since we are talking

DR. KARNI SINGH (Bikaner) You will be establishing a bad precedent How can an hon. Member speak twice on the same Bill?

SHRI R. S. PANDEY I am giving a suggestion. I am only supporting you

DR. KARNI SINGH That is all right but how can you speak twice?

SHRI R. S. PANDEY At the University level, I wanted to make a suggestion

MR CHAIRMAN At this stage we cannot allow a speaker to speak more than once. I am sorry

Hon. Minister

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI NITIRAJ SINGH CHAUDHARY)

Before I take up the various points raised by the hon. Members, I would like to point out the salient features of this Bill and the difficulties that the Government or anybody would have to face if this Bill is accepted

By this Bill the hon. mover seeks to include right to work and adequate means of livelihood and on failure entitlement to employment allowances. He has estimated the entitlement or employment allowance at Rs. 7200 crores per year. My friend who spoke in Tamil referred to Art. 39 and 41. I would like to draw the attention of the hon. mover to Art. 41 which says

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

My friends who have spoken in support of the Bill have said that the Government should accept this position, especially, my esteemed friend, Mr. Pandeyji, made a special reference. I would have been happy if Pandeyji had also suggested as to how the Government is going to get this Rs. 7200 crores per year. (Interruption) Whether the estimate of Rs. 7200 crores is a realistic estimate or not, and even accepting it as an approximately correct estimate, it is a figure which it would not be easily possible for any Government to find

Dr. Pandeyya, while speaking, referred to the plans and he said that nothing has been achieved in the Plans, no employment potentials have been created and no employment has been provided

In the year 1950, the Government resolved and I would like to quote this Resolution. It says :

“Resolved to promote a rapid rise in the standard of living of the people by efficient exploitation of the resources of the country, increasing production, and offering opportunities to all for employment in the service of the community.”

This House in the year 1964 adopted a Resolution. I would like to quote that, It was resolved

“that the objective of economic policy should be a socialistic pattern of society and that towards this end the tempo of economic activity in general and industrial development in particular should be stepped up to the maximum extent so that they result in appreciable increase in national income and employment.”

In reference to these two Resolutions, it has to be seen whether the Government has acted up to them and has achieved something

With your permission, Sir, I would like to point out that to provide employment, various schemes have been introduced by the Government.

They are :

(1) A scheme for development of small but potentially viable farmers ;

(2) A scheme for marginal farmers and agricultural labour ;

(3) A scheme for development of dry farming;

(4) A scheme for area development;

(5) Development of infra-structure facilities like roads, regulated markets, etc.

(6) A scheme for dairy development;

(7) A scheme for Agro-services centres.

A crash programme for rural employment, the Engineers and Technicians Employment Scheme, and a scheme for the educated unemployed has been introduced.

During the years 1951 to 1960, 31.5 million jobs were created but the unemployment figure has grown by about 38 million during the same period. My learned friend said that population increase is one of the main problems. I can very well see the point. Whereas 31.5 million jobs were created, we found about 38 million coming forward for new jobs.

The Government is laying special emphasis on the promotion of medium and small-scale industries to which Mr. Pandey referred. There are schemes for providing technical and managerial know-how as well as schemes for necessary credits through the banks and other financial institutions to needy persons. Recently a Committee of Experts on employment has been set up to assess the expenditure on employment in all its aspects and suggest suitable remedial measures.

From this, it would be seen that all possible steps to promote employment opportunities to the maximum extent consistent with the availability of resources have been taken.

As I said earlier, Government is doing whatever is possible to be done, in accordance with the Resolution of the Government and the decision of this house and it has achieved some measure of success in providing employment to 31.5 million job-

[Shri Nitiraj Singh Chaudhary]

seekers but the difficulty is about the new number of persons who come for employment

I would request the House to consider this that the two successive crop failures and the two external aggressions that we faced and the third aggression that we are facing now have destructed the Governmental efforts of creating more employment opportunities. With these difficulties, how is the Government expected to provide Rs 7200 crores per year? I would be obliged if my friends suggest concrete ways and means by which this amount could be raised and made available especially for this purpose

I think the hon Mover will realise that this is just a Motion which cannot be implemented. Mover's intention is only political and not social. There are the Directive Principles. I would like you to refer to Art. 41.

SHRI ATAL BIHARI VAJPAYEE (Gwalior) That also provides Article 41 says about that

DR KARNI SINGH Those Directive principles are not enough now, after 20 years

SHRI NITIRAJ SINGH CHAUDHARY It says, the State shall do this, "within the limits of its economic capacity and development." The question is whether this proposal is within those limits I submit, it is not.

DR KARNI SINGH: We submit, it is.

SHRI NITIRAJ SINGH CHAUDHARY: With regret, I oppose this Bill, I request the hon. Mover to withdraw it

DR. KARNI SINGH (Bikaner) Before I say something in trying to conclude my remarks on this Bill that I have moved, I would like to make one thing quite clear, namely that as a responsible Opposition

Member, I shall try to modulate my views. There are many provocative things that have been said in this House, some of them personal during this debate but because of the fact that we have an emergency on our hands, it is not my desire at this stage to say anything that will undermine the competence or strength of our Government in meeting the aggression from Pakistan. But I do feel that the time has come when this country must realise whether the party in power honestly believes in all this Socialist task or whether it is lip service. It is for the country to decide

The New Congress undoubtedly has won the general elections this time with a tremendous majority like in the Nehru days. Whether they will continue to win with the same majority or not is for the people to decide. But it is certainly important that the nation should know where exactly these people the ruling Congress, stand with regard to socialism

Only a few months ago, I had introduced a Bill in this very august House, namely Bill No 12 which sought to make education free and compulsory up to 14 years and also provide for old age insurance and what not. But that was defeated in this House. Many of us in the Opposition thought that that was a socialist measure, and compulsory free education for primary classes was one of the directive principles and what harm was there if it were put in the Fundamental Rights chapter. The right to education is a fundamental right no matter what you say

SHRI INDER J. MAHOTRA (Jammu) After the abolition of the privy purses

DR. KARNI SINGH As far as the privy purses are concerned, I would request the hon Member not to provoke me, because I am trying to steer clear of anything personal. I can also be very personal. But that can be discussed when the privy purses Bill is introduced. Right now, the

subject of discussion there is not the privy purses but the question of unemployment relief for India's masses. The right to work is a fundamental right. An hon. Member very rightly said so and it must be put in the chapter on fundamental rights and be made justiciable. That was my intention and that is the intention of this Bill.

We also want to restore to the Indian, citizen no matter who he is, the dignity that is attached to being a human being and that can only come through work, not by people running around as beggars, people without jobs, people who are frustrated. I can understand the hon. Minister's misgivings about the question of how he could raise the funds. That is his headache. As the Americans would say, that is his pigeon. They have been in power for about 25 years. If they bungled and created a condition in this country whereby so many more people were born and the family planning programme had failed and they (the Government) were not able to save money, it is their fault, it is not our fault. The duty of the Opposition is to point out the lacuna and the defects and the needs of the country. It is for the Ministry to see that the needs of the people are understood and the Constitution amended as and when necessary.

The volume of unemployment in this country is something that the Minister would have greater access to. From what little figures I have been able to get together I find that in 1955, the unemployment figure stood at 50 lakhs, in 1965 it stood at 1.5 crores, and in 1975 it is expected to be 4.5 crores, that is, almost the same population as that of Great Britain who will remain unemployed in this one country alone. 70,000 engineers currently are unemployed, and 60 per cent of India's industrial capacity lies idle.

Only yesterday, I had asked a question, namely Q. No. 762 of the Ministry of Labour and Rehabilitation about the total

number of man-hours lost. I find that according to available information, the total number of man-hours lost and loss in production due to strikes and lock-outs during 1970 were as follows:

Railways including workshops	31,134 man-hours
Banks and others	97,000
Air transport including workshops	7,000
Coal Mines	4,67,000

How do we get the resources? That is the responsibility of Shrimati Indira Gandhi's Cabinet. How they raise the resources is their business. If Shri Atal Bihari Vajpayee becomes the Prime Minister, it will be his business. If Shri A. K. Gopalan becomes the Prime Minister, it will be his business. But the fact remains that the problem is there. The Government just cannot shirk it off by saying that they do not have funds.

You will have to find the funds; you will have to plug the loopholes in public expenditure; you will have to save from your plan funds, and above all, from the moneys sent to the States which are squandered away in crores. You will have to plug all these loopholes. If that is done I am sure we can only solve this problem. How much you wish to pay as relief to each unemployed citizen is for the nation to decide, for the Government to decide. I had suggested Rs. 100. If you can find funds for Bangla Desh refugees at the rate of Rs. 4 crores a day, surely we can find funds for our own people. Whether it is Rs. 4 crores or Rs. 1 crore a day, surely this humane work of trying to solve the problem of India's timing millions will also be as important as the problem of solving the Bangla Desh refugee question.

I hope the Bangla Desh problem will be over in the next few months. After that, let the Government give an assurance

[Dr. Karni Singh]

that the moneys that are being spent on Bangla Desh refugees will be diverted towards unemployment relief. Surely that is on way of handling this matter.

The directive principles in the Constitution were never meant by our founding fathers to be mere platitudes. They were meant to be implemented. 25 years is a long enough time for any Government to reach the conclusion that the time is come for action. We have heard so much about *garibi hatao*, *amiri hatao* and what not. I would like to see some tangible steps taken by this Government, I would like to see this Government redeem some of its election pledges. You can feel the people once, twice but not all the time. They also know what is happening.

I know that my hon. friend, the Minister opposite is a very senior Minister. We all have great respect for him. I would like him to search his heart and not ask me for a solution. I am not the Prime Minister. He should find the funds, levy whatever taxation is necessary to find the answer to this problem of unemployment relief.

It was said by the Prime Minister in some of her utterings on the floor of this House that if the unemployment problem was not solved, there would be a revolution in the country. We know it. Those of us who mix with the masses realise the frustration there is in their hearts.

Japan, was tiny little country, with one-fifth of India's population was able to solve its unemployment problem. It is an Asian country. Why can't we? Surely, we are not prepared to accept that we are a second-rate country compared to Japan. If we have the ability as an Asian country to march ahead, Japan has shown the way. Regarding population control we should do it effectively. I have been for the last 15 years on the floor of this very House requesting hon. members from all parties:

for God's sake; get on that platform, reach the people and tell them that one day the population explosion is going to blow the lid off and the time will come when we will not be able to employ India's masses. It is a simple matter. The age of science and technology is upon us. It is within our means to be able to control the population. Japan has done it. The Latin American countries are trying to do it. India can achieve it.

Only yesterday I was listening to a broadcast of the proceedings of the Press Conference arranged by the National Press Club of America which the Prime Minister addressed. One of the questions asked to her was on the overpopulation of India and the Latin American countries. She started off by saying that it was a very vital matter, and soon ended with the remarks that it was not all that important; it was a matter of second importance. I have always disagreed with her on this point, because I feel that the Prime Minister does belong to a dynamic generation, a generation which has to solve the overpopulation problem, and the problem of unemployment. These are linked questions.

Taxation is not alone the answer. I am sure the Communist Party feels that taxation and confiscation of property is the answer to the problem. I feel that first and foremost, if you can reduce the increase in India's population and provide a better way of life for all these living presently on this earth, that will partly mitigate the problem. We would also like to see India remain a non-communist democratic and free country. Of course, there are these who feel that communism is the only answer. I have no quarrel with them. Each one has accepted a way of life. Some countries have done well under communism. I would still prefer to be living in a free country that Gandhi and Nehru wanted to see. It is a matter of individual choice.

Now Sir, as I said, I do not want to go into too much of these personal things that were thrown in. I would only like to make a very humble submission to the hon. Members here. Whether I belong or am the son of a former Maharaja does not make an iota of difference to me. I am a Member of Parliament, the same as you are; and also, I have been here for 20 years, and in the 20 years you will find that great leaders like Shri Hiren Mukerjee, Shri A. K. Gopalan staunch communists have been here and you ask them what they think of my views. It is no use my answering my hon. communist friend there. He hardly knows me. (*Interruption*) I am asking him to ask his leaders about my views. He may think that I have a *churi* in my, what shall I say, gloved hand and I may be introducing all these measures for political reasons. I do not come to hoots for what he says. But I would like him, as a responsible Member of Parliament, to ask his own leaders what they think of another colleague of theirs by the name of Karni Singh.

But whatever may be the fact, there are one or two points to which I would like to reply, because this hon. House must know some facts. The hon. Member, Shri M. C. Daga, from Rajasthan says that this is a cheap publicity stunt so that "he can tell the people of his constituency that he raised the issue of giving unemployment allowance to the unemployed, in Parliament, and that he should, on the other hand, talk of providing for employment for everybody." The second part is absolutely correct, and I must inform the hon. Member that 18 years ago when the hon. Member Mr. A. K. Gopalan raised a resolution on unemployment, I had then spoken, "being merely a boy out of college, that "the income that the Government derives from estate duty should be exclusively set aside for unemployment relief; this way you will justify to the country that you are taking money from the haves and giving it to the have-nots." The question at that time was

not so acute, but then Mr. Daga goes on to say that it is a cheap publicity stunt. I understand the hon. Member comes from Rajasthan. He also knows that we crossed swords during the elections. But surely that is not enough reason for us to keep on crossing swords in the Parliament here; we are colleagues and we are friends. The job before us is to solve India's problems. (*Interruption*)

SHRI M. C. DAGA (Pali) : It is a privilege.

DR. KARNI SINGH : Yes; privileges are enjoyed by us as MPs also. We enjoy privileges. I never questioned the hon. Member how he got elected. He is a respected hon. Member; a Member of Parliament.

The question before us today is not who has moved this Bill. The question before the house is whether this Bill should be moved, whether it is an important enough legislation, and should the House accept it or not. Mr. Daga then goes on to say:

"what did the Maharaja do at the time of famine? He made a gibe at me. I want to tell him, first and foremost, that I never ruled. I am not responsible for what happened before me. I was in college, and come straight into Parliament, and I have spent 20 years making speeches here. But I would like to remind the hon. Member, first, that he comes from Jodhpur. 25 or 30 years ago, in Jodhpur, there was a very bad famine, and Rs. 1 crore, which was equal to Rs. 10 crores today, were spent by the Jodhpur State, and that was spent when there was no income-tax or foreign or Central aid.

SHRI M. C. DAGA : Collected by the people.

DR. KARNI SINGH : It is collected by the people today also. It is not your

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money. Your party may be ruling the State but does not make the money yours. He then asked, "What did any body else do? They did nothing in the famine." Well, my grandfather 70 years ago, was a boy of 18. There was a big famine, and he had travelled 23,000 square miles on a camel back trying to solve the problems of the people, and he was given the Kaiser-i-Hind at that age, when he was a boy of 18. The hon. Member might even say this is a hoax. It is up to him to say so. If the hon. Member likes to meet the people of Rajasthan on a public platform in his own constituency, I will be happy to discuss it with him in front of his electorate.

Then, the question was raised by the hon. Member, Shri R. S. Pandey—I think it was joke because he is a very, very close friend of mine and I have known him for many, many years. But I can only say that this is, what I might call, the "battle of the aunties." He said that "the objectives of the Bill are laudable; the allure-ment of unemployment allowance will make the job-seeker..." and so on, and then he said "I think the mover of the Bill should exhort his aunts, the Rajmatas of Gwalior and Jaipur, to take out the hidden money and give that to the unemployed as the allowance. For God's sake, what is it that they have got now? These States were handed over to the Government and the successor government's job is to see that this work is done. Supposing Mrs. Gandhi tomorrow ceases to be Prime Minister, will it be Sanjay Gandhi's job to see that all these Government measures are undertaken by him personally? His personal remarks are not in keeping with, shall I say, our old friendship and dignity.

SHRI R. S. PANDEY : The question of dignity does not arise. First of all I said that this Bill was well-intentioned Bill. There is no dispute about it. The question

is one of the money needed for spending. It has got to be seriously considered. He mentioned the figure of Rs. 7200 crores in order to eradicate unemployment and I said: you have got three aunties: Jaipur, Gwalior and Jodhpur; if you request them—I also will come with you to request them—we can get some substantial amount and perhaps we can take steps towards solving this problem of unemployment. What is wrong in it? They have got hidden money underground, gold, jewellery and what not. I said: you use your good offices; you are a very nice and respectable person. It was not a joke; I am serious.

DR. KARNI SINGH : I have a fourth auntie—he forgot—Mrs. Gandhi. All the aunties have become a bit of a joke. I would say this much that I am proud of those three aunties of mine who had won in this election in spite of his auntie, and that his hon. auntie, if she did not exert pressure, my hon. friend would not be here ... (*Interruptions*) Now, you are talking about hidden wealth. What about Nagarwala's sixty lakhs? ...

SHRI R. S. PANDEY: We have not lost one paisa from the Government Exchequer.

DR. KARNI SINGH : I know nothing ... (*Interruptions*) Because he has made it personal.

The Indian National Congress in its declaration of fundamental rights and duties adopted at its Allahabad session in 1933-34 also included a provision to this effect. Clause 2 (b) of that declaration stated: the State shall safeguard the interests of industrial workers and shall secure for them protection against sickness and old age—that was my last Bill—and unemployment—my present Bill. You have to do something about this solemn pledge.

Article 23 and the latter part of article 25 of the Universal Declaration of Human Rights of the UNO also contained provisions analogous to the one contained in this Article. Article 23 (1) says that "everyone has a right to work, free to choose his employment and just and favourable conditions of work and to protection against unemployment."

Many advanced countries in this world like Germany, Italy, USSR, Japan, France have this system of unemployment relief so have England and the United States. India will be in very good company. India is a poor country. You need this Bill here much more than in rich countries where there are more avenues of employment.

I hope Government will not allow the young in our country to go about disorganised and grow up as distorted youngmen out of sheer frustration because that is not good for the country. We have to accept the fact that today more than sixty per cent of India's population is under 21. That generation is the one that is going to face the first brunt and impact of large scale unemployment.

Twenty years from now these millions of Indian people, grown up distorted, frustrated and disgruntled are going to be the people that the Governments later on will have to grapple with. I feel that the time has come when we should try to solve the problem, this human problem, well in time, so that you will have a generation of young men and women better oriented, better able to

serve the country, better able to fit in a socialist society that we are trying to build.

With these words I would like to commend this Bill to the hon. Members and I request that the House may kindly support this measure, which is a socialist measure, in keeping with the directive principles of the Constitution.

MR. CHAIRMAN : There is an amendment by Shri Daga to refer the Bill to a Select Committee.

SHRI M. C. DAGA : I withdraw my amendment.

MR. CHAIRMAN : Has he the leave of the House to withdraw his amendment ?

HON. MEMBERS : Yes.

The Amendment was, by leave, withdrawn.

MR. CHAIRMAN : This being a Constitution (Amendment) Bill, voting has to be by Division, if the Member insists on proceeding with it.

DR. KARNI SINGH : I am not withdrawing it because we are called reactionaries and the ruling party are said to be progressives. If we withdraw a progressive Bill, we will be again called reactionaries. So, I do not want to withdraw it.

MR. CHAIRMAN : The question is -

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

The Lok Sabha divided :

AYES

Division No. 1

16.5 Hrs.

Banera, Shri Hamedra Singh

Bhattacharyya, Shri Dinesh

Bhattacharyya, Shri Jagadish

Bhattacharyya, Shri S. P.

Chandrappan, Shri C. K.

Chaudhary, Shri Ishwar

Das, Shri R. P.

Dhandapani, Shri C. T.

Godfrey, Shrimati M.

Goswami, Shrimati Bibha Ghosh

Gowder, Shri J. M.

Jha, Shri Bhogendra

Joshi, Shri Jagannathrao

Karni Singh, Dr.

Krishnan, Shri E. R.

Lalji Bhai, Shri

Mukherjee, Shri Samer

Mukherjee, Shri, Saroj

Pandey, Shri Sarjoo

Pandeya, Dr. Laxminarain

Parmar, Shri Bhaljibhai

Patel, Shri Natwarial

Rao, Shri M. Satyanarayan

Singh, Shri D. N.

Vajpayee, Shri Atal Bihari

Verma, Shri Phool Chand

NOTES

Bajra, Shri Bejabrata

Bhuvanahan, Shri G.

Chaudhari, Shri Anirsinh

Chaudhary, Shri Nitiraj Singh

Chavan, Shri Yeshwantrao

Dhamankar, Shri

Dumada, Shri L. K.

Jeyalakshmi, Shrimati V.

Kader, Shri S. A.

Kaifas, Dr.

Karan Singh, Dr.

Kedar Nath Singh, Shri

Kushok Bakula, Shri

Maharaj Singh, Shri

Malhotra, Shri Inder J.

Mohan Swarup, Shri

Mohsin, Shri F. H.

Pandey, Shri R. S.

Pandey, Shri Tarkeshwar

Panigrahi, Shri Chintamani

Paokai Haokip, Shri

Raj, Shrimati Sahodrabai

Rao, Shri P. Ankineedu Prasada

Reddy, Shri P. Narasimha

Roy, Shri Bishwanath

Saini, Shri Mulki Raj

Satpathy, Shri Devendra

Shukla, Shri B. R.

Swaminathan, Shri R. V.

Unnikrishan, Shri K. P.

Verma, Shri Balgovind

Vidyalankar, Shri Amarnath

MR. CHAIRMAN: The result* of the division is :

Ayes : 26

Noes : 32

The motion is not carried by the required majority.

The motion was negatived.

16.50 Hrs.

CONSTITUTION (AMENDMENT) BILL
(Substitution of Article 370)

श्री अटल बिहारी वाजपेयी (स्वालयर) : मैं प्रस्ताव करता हूँ "कि भारत के संविधान का और संशोधन करने वाले विधेयक पर विचार किया जाए।"

सभापति महोदय, संविधान की धारा 370 में संशोधन करने के लिए मैंने यह विधेयक प्रस्तुत किया है। प्रत्येक लोकसभा ने इस प्राक्षय के विधेयक पेश होते रहे हैं। यदि आप संविधान पर दृष्टिपात करें तो आप पावेंगे कि धारा 370 संविधान के ऐसे अंग में सम्मिलित है जिसे संविधान निर्माताओं ने टेम्पोरेरी और ट्रांजिशनल कहा है। संविधान का भाग 21 अस्थायी और अन्तर्कालीन है। इस बीच के स्पष्ट है कि इस भाग के अन्तर्गत

जो धाराएं हैं, अनुच्छेद हैं, वे किसी विशेष परिस्थिति के कारण संविधान में शामिल किए गये थे और संविधान के निर्माता चाहते थे कि यह उपबन्ध संविधान के स्थायी अंग न बनें।

मुझे याद है कि जब इस धारा पर संविधान परिषद् में बहस हो रही थी तब मौलाना हसरत मोहानी ने कहा था कि धारा 370 का समावेश करके जम्मू और कश्मीर के साथ भेदभाव क्यों किया जा रहा है? सचमुच यह धारा जम्मू और कश्मीर के साथ कोई विशेष रियायत नहीं करती। यह वहाँ के नागरिकों के साथ भेद भाव करती है। उन्हें सारे देश के नागरिकों के समान स्तर पर नहीं माने देती और इसी लिए मौलाना हसरत मोहानी ने कहा था कि आप जम्मू कश्मीर के साथ यह डिस्क्रीमिनेशन क्यों करते हैं। डा० गोपालस्वामी आयंगर ने इसका जो उत्तर दिया था मैं उसको उद्धृत करना चाहता हूँ। उन्होने कहा था कि :

"This discrimination is due to the special conditions in Kashmir. That particular State is not yet ripe for this kind of integration. It is the hope of everybody here that in due course, even Jammu and Kashmir will become ripe for the same sort of integration as has taken place in the case of other States."

The following Members also recorded their votes:

AYES : Sarvashri D. K. Panda and Mohanraj Kalingarayar.

NOES : Sarvashri Banamali Pattnaik, Chandra Shailani, Nageshwar Rao, Nathu Ram Mircha and Anant Prasad Dhumla.