

[Dr. Saradish Roy]

vacant for want of engineers or medical practitioners, but then, many engineers and medical practitioners are remaining unemployed. This is the case with the dentists also. There are hospitals where dentists' posts are provided, but the dentists are not being appointed. There are hundreds of dentists who remain unemployed for years together. That is the anomaly, and the Government should take note of it and do the needful.

In the rural areas and the primary health centres, there is no provision for dentists and as a result, poor people in the village and rural side are not having any dental service. I suggest that the Government should make efforts to provide dentists in the primary health centres; if not permanently, at least for once or twice a week they may be provided.

Dental hygiene should be taught in the schools so that the young people may be conversant with dental hygiene and in future they may not be put to trouble. Now-a-days, dental diseases have increased enormously due to insufficient food and vitamin deficiencies. Dental decay is a common feature among the children. So, this should be looked into.

The most important thing is that dental equipment is not provided in the hospitals as a result of which the dentists who are there could not work properly.

Coming to the Bill, one could observe that the Government as it is doing in other spheres, is concentrating power in the Centre. Under clauses 8 and 11 in this Bill the same thing is sought to be done. Under clause 8 the Central Government wants to take away the power from the Dental Council. Clause 8 provides for recognition of dental qualifications, under original section 10, the Dental Council was empowered to give recognition; they could recommend to the Government necessary amendments to the schedule. This power has been taken away. Similarly, clause 11 relates to section 16 and under that clause the power of recognition has been taken away from the Dental Council. I take exception to these amendments by which they want to have concentration of power in the hands of the Central Government.

Section 5 is being amended by clause 3. Only heads of dental wings of medical colleges or recognised medical institutions are empowered to contest an election. Originally under section 5 all the professors of the dental colleges and dental wings were eligible to stand as a candidate or vote. Now a restriction is imposed and only the principals, deans, directors and vice principal of dental colleges are eligible now.

By another sub-clause the right is restricted to heads of dental wings of medical colleges. There is an amendment by some hon. Members for four and two members respectively, to make up six members. The Government should accept this amendment. Professors should be given a chance to vote and stand as a candidate. With these observations I conclude my submission.

डा० लक्ष्मीनारायण पांडेय : उपाध्यक्ष महोदय, डेन्टिस्ट्स (एमेंडमेंट) बिल को देखने से पता चलता है कि 1948 के बाद जब कि प्रारंभ में यह कानून बना, 1950 और 1955 में इस में कुछ संशोधन किये गये और 1950 तथा 1955 में जिस धारा 3(सी) में संशोधन किये गये थे, उसी में सरकार द्वारा फिर संशोधन प्रस्तुत किये गये हैं।

MR. DEPUTY-SPEAKER: The hon. Member may continue on Monday.

15.00 hrs.

CONSTITUTION (AMENDMENT) BILL—Contd.

(Insertion of new articles 23A, 23B and 23C) by Prof Madhu Dandavate.

MR. DEPUTY-SPEAKER: The House will now take up Private Members' business — Further consideration of the following motion moved by Shri Madhu Dandavate on the 4th August 1972 :—

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

Dr. G. S. Melkote was on his legs. He may continue.

DR. G. S. MELKOTE (Hyderabad): Sir, Prof. Dandavate, in his introductory remarks, while moving the motion

for consideration of the Bill, said as follows:

"...the Constitution Amendment Bill seek to amend the Constitution by suggesting insertion of new articles 23A, 23B and 23C. The objective of this Bill is to see that certain basic provisions which are missing from the fundamental rights are incorporated there. I would like to see that our Constitution ensures work and adequate means of livelihood for all citizens; secondly, failing such a provision of work and adequate means of livelihood, there should be some sort of unemployment allowance to be given to the unemployed; thirdly, there should be a monetary assistance to those who have completed the age of 60 years or who are chronically sick or disabled and, lastly, there should be free and compulsory education for all children upto the age of 14 years."

I would like to support this Bill. The arguments that are being placed before us are that India has emerged free only 25 years ago, that we have a large population of an explosive nature—it is not merely numbers but explosion is coming from the younger generation—and that the planners are trying to give full employment to everyone. In the last four five year plans, we have seen that the number of unemployed and under-employed is increasing and those who get employment are a very small number. If we see what is happening in other parts of the world, we find that only a very small percentage of people are unemployed and their economy could bear that strain and help them to get all these amenities. In 1948 I was in England and I asked the Employment Bureau about the number and type of unemployment there. They said, it is about 300,000. I asked, what is the employment potential. They said, 500,000. I asked, when there is employment for 500,000 and the unemployed are only 300,000, how can unemployment exist? The reply was, everybody is attempting to get better and better job. This evening I resign my job, become unemployed and tomorrow morning I accept some better job and I become employed.

I went to West Germany in 1968 and asked what is the nature of un-ours, which is developing, depends on employed. West Germany is still being

dogged by four governments—America, Russia, France and England; they are sitting tight on their neck. Still after the second world war, when all the industrial potential was carried away by these governments, within a very short time that government has been able to provide full employment in the country. Not only have they provided employment for all the people in Germany but people from all over the world, including India, go to Germany for employment.

Take the case of China, which is very big, with a population much bigger than ours, with a *per capita* land distribution which is much smaller than ours. There is full employment in China. I do not know the nature of the employment because it is very difficult to get that information, but we know there is full employment there.

It is also said that in Russia more and more people are getting more and more aid from the government. There is liberalisation in the amount of financial help, employment loan, old age pension and so on.

I had been to Australia in 1959. They said that unemployment is a very big headache for them. I wanted to know the nature of their problem. They said that 3,000 people are unemployed, and their population is nearly 12 million.

In our country the number of unemployed runs into millions and millions. How are we going to tackle it? Is it going to dog us for life, not only the present generation but also the future generations? What are the steps which we are going to take to solve this problem? It is no use blaming the government. We are part of the government. So, we have to look at it from that point of view. We are at the end of the Fourth Plan. The Fifth Plan is going to start in a year or so. What are the measures that we have taken to create full employment so that every citizen in the country will have at least one full meal? People talk big. We want amendment of the Constitution and all that. But what concrete measures have we taken?

The first and foremost is the employment potential. The main source of employment in a poor country like ours, which is developing, depends on three or four factors. Every man wants

[Dr. G. S. Melkote]

food. So, more people can be engaged in growing more and more food of various kinds. After food comes clothing. Maximum amount of cloth may be produced in a way which will give the maximum amount of employment. If you compare the number of people employed in khadi and in the mills you will see the disproportion. Then, people can be usefully engaged in constructing roads, irrigation schemes and so on, so that the country will progress and people will also get employment.

In the Fourth Plan we laid stress on manpower in order to man all these plans. Now what is the position? Recently, three people came to me. One of them was MA, another Ph.D. and the third M.Sc., all of them with good academic records. They could not get employment for the past four or five years. When this is the position of highly educated people, what about the pitiable plight of ordinary people? Those three people wanted to know how they can support their families and whether they should beg one rupee to take a cup of coffee. It is a very pitiable condition. Therefore, looking to the nature of what is occurring in the country, it is not merely I but, I am quite sure the Government itself will support this amendment. But merely supporting the amendment will not take us far. We have got to think in terms of what is to be done.

The first and foremost thing to do is to give right type of education. The education should be job-oriented. What a huge amount is spent by society on training a person upto the level of M.A. or Ph.D.? With an amount spent by society on a person for M.A. or Ph.D., you can train 45 of our primary students. After having spent so much amount, a person who is M.A. or Ph.D. remains unemployed, not a fit person in society, and is not able to get any job. Today, education is not job-oriented. It should be job-oriented. That is the primary thing that has got to be done. There should be more and more emphasis on primary education in the village sector, in the rural sector, and it should be job-oriented. If this is not done, the students will go on passing higher and higher examinations without getting any jobs. One will say, "I have got money and, therefore, I go in for college education." Another person will say, "I want to

improve my social status and, therefore, I go in for college education." Somebody else will say, "What can I do after passing the matriculation examination? Let me go to college." This is what is happening.

What type of education is there? There should be technical education. The sandwich courses and other things are being added....

MR. DEPUTY-SPEAKER: He may try to conclude now.

DR. G. S. MELKOTE: Would the House permit me to say a little more?

MR. DEPUTY-SPEAKER: He has already taken 10 minutes; he may take 2-3 minutes more.

DR. G. S. MELKOTE: This question has got to be thought about. I examined this question as to what Germany did. I have tried to understand it. The first and foremost thing is that this wide disparity at the economic level that is existing in the country between the rich and poor should be reduced. There is a poor man earning Rs. 200 or even less and there is an ordinary middle-class civilian earning Rs. 2000 or even more. This is a very big disparity which has got to be reduced, leave alone other things. What did Germany do? In 1949, when they faced such a situation, there were no jobs and there were no industries. The Government came forward to demonetise the currency. Now, preliminary to demonetisation, they said that they must take certain measures to get the benefit out of demonetisation. They took certain measures. They said, if a civil servant has got to get Rs. 2000 or Rs. 3000, let him get it, if an ordinary worker has got to get Rs. 400 or Rs. 500, let him get it. But everything should be given in the form of a cheque. That cheque has got to go to the bank. Everybody will not draw all the money on the very first day. Some money will be left at the disposal of the Government which will be used to improve agriculture and industry. Secondly, they said, nobody can draw more than Rs. 200. They said, "It will accumulate in your name. But you can draw not more than Rs. 200." So, everybody has got to live within Rs. 200, whether he is a man earning Rs. 2000 or Rs. 3000 or even Rs. 4000. Therefore, they have to wear the same

cloth and eat the same food and so on. Then, the rich man, the capitalist class, the managerial class, saw how can a poor man live like this. The question of giving more bonus and all that to the working class came in. The working class said, "We are working for the betterment of the country." So, instead of working for 8 hours, they worked for 14 hours a day. That way, they got more production all around in the country.

We too have got to have such a revolution. That is how their economy improved. Further, the rich man realised how could a poor man live within Rs. 200. So, he said, increase his salary from Rs. 200 to Rs. 300 or Rs. 400 or Rs. 500 because they wanted to live a better life. Therefore, there was no clash between the managerial class and the working class. They worked together as one man for the development of the nation. If the education pattern is job-oriented, one comes to accept any job that is available. Everybody starts accepting it. One does not say, "I want a cushy job or this job or that job." Any job that is available is accepted.

Unless that kind of socialist revolution is brought about in the country wherein people will work in peace, in a coherent manner, support one another, work together and the whole of the wealth of the nation will be utilised for giving more and more employment—and that employment will be not in capital-intensive industries but in job-intensive industries—unless that is done. I do not think that this problem before us will get the solution. Therefore, in supporting the Bill, I would request the Government to examine it and try to do their very best in order to create more employment opportunities.

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI BALGOVIND VERMA) : I would like to intervene in the debate on this Bill brought forward by Prof. Madhu Dandavate. He is trying to insert new articles, articles 23A, 23B and 23C, in the Constitution. He has said in his Constitution (Amendment) Bill :

"All citizens shall have the right to work and shall be entitled to adequate means of livelihood.

"Failing to procure such means as referred to in clause (1), every citizen shall be entitled to an unemployment allowance to be paid by the State."

As we all know, this right to work finds a place in the Directive Principles of State Policy *vide* article 39 of the Constitution. But his contention is that it has not achieved the desired objective. I think, it is not justified because he already knows that Government is making continuous efforts in the Five-Year Plans for creation of more and more employment opportunities. In consonance with the objectives embodied in the Constitution, employment has been accorded a high priority in the successive Five-Year Plans. The Government Resolution of March 1950 clearly states that the objectives of planning in India is 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 of employment to all citizens of the country. I think, this is a clear proof of the intention of the Government that Government is making all-out efforts to create opportunities of employment to all people. Again in 1954 Parliament itself has affirmed and passed a resolution that the economic policy is to be based on the socialistic pattern of society and that the tempo of economic activity in general and industrial development in particular will be stepped up. This was the desire of Parliament and as a result, an appreciable increase in national income has been made and employment opportunities have been created.

You might have seen that, in the Third Plan, greater emphasis was laid on raising the standard of living of all the citizens and especially of those persons in low income group and those who were lacking opportunities to work. Thus you will find that Government has made all-out efforts to create opportunities of work to as many people as has been possible. Again in 1951 continuous efforts were made to generate substantial volume of employment opportunities. . .

SHRI SOMNATH CHATTERJEE (Burdwan) : What is the figure of the unemployment ?

SHRI BALGOVIND VERMA : I do not deny that unemployment is

[Shri Balgovind Verma]

increasing. I know, Sir, the Government has not been able to eradicate this evil of unemployment and there are some reasons behind it... (Interruptions)

The growth of the labour force has always been greater than the opportunities that have been generated in the development plans and it is because of this that we have not been able to tackle this unemployment problem and you know also that there was recession in the country. There were two successive failure of crops and there were three aggressions committed against our country. All these things had to do a lot in checking our onward march to solve this problem.

You will appreciate that in the Three Plans alone, that is from 1951 to 1966, there were created as many as 31.5 million jobs, but, at the same time, 38 million labour force was added to the labour market. Therefore, our efforts were set at naught. Whatever efforts the Government made, those efforts did not prove effective. I have heard many of the hon. Members on this point. I share their concern. But, at the same time, they will have to appreciate that precise estimates are not available about the number of unemployed. But, there is no doubt it is growing. The Planning Commission collected some figures. Some estimates were prepared there but those estimates were open to doubt on the ground that they lacked statistical foundation. So, an expert Committee was appointed under Prof. Dantwala and they collected all the estimates and they have suggested certain measures about improving unemployment statistics.

Sir, lack of data did not deter the Government from marching onward to solve this problem. Rather, the Government tried to take remedial action against unemployment. The Government's anxiety is quite evident in the Five Year plans. In the Fourth Plan emphasis has been laid on the promotion of labour-intensive schemes such as construction of roads, soil conservation, area development programmes, rural electrification programme, village and small scale industries programme, etc. All these programmes have been taken on hand to create employment opportunities. Not only this, the weaker

sections of the society also and also the backward areas have received the attention of the Government to a greater extent. You will see that many schemes have been chalked out to create additional employment opportunities as this will be evident from the following :

- (a) Scheme for development of small but potentially viable farmers.
- (b) Scheme for sub-marginal farmers and agricultural labour.
- (c) Scheme for development of dry farming.
- (d) Drought-prone areas programme, commonly known as rural works programme.
- (e) Area Development Schemes for development of infra-structural facilities like roads, regulated markets, etc.
- (f) Scheme for development of agro-service centres.

All these programmes are there simply to tackle this problem of unemployment.

MR. DEPUTY-SPEAKER : What is the thrust of your argument ?

SHRI BALGOVIND VERMA : My argument is that with regard to the right to work he is talking about, the Government is doing its best to provide work to all its citizens. Also he is talking about allowance and other things. A crash programme was started last year and the idea was to give employment to one person from each family.

That programme is being continued this year. Last year, a provision of Rs. 25 crores was made in the Budget. This is for the sake of the educated unemployed.

श्री जगन्नाथराव जोशी (शाजापुर) : यह सही है पैसा रखा था 25 करोड़, 50 करोड़ भी रखा गया था लेकिन उसमें से खर्च कितना हुआ और कितने लोगों को काम मिला ?

SHRI BALGOVIND VERMA : I think the hon. Member will appreciate that in each district Rs. 12½ lakhs were allotted by the Government ; work is going on in all the districts, I know.

SHRI SOMNATH CHATTERJEE : Will it be treated as a fundamental right

or not? What is being attempted or not attempted is not the point. Are you going to make it a fundamental right?

MR. DEPUTY-SPEAKER : What is the drive of all these statistics that you are presenting to the House? That is what they want.

SHRI BALGOVIND VERMA : I am arguing out my case on these points, to show them, that Government is doing its best under the circumstances in which we are placed. I am emphasising that the Government is doing its best...

MR. DEPUTY-SPEAKER : That is not the point. The point is whether you would agree to the amendment of the Constitution to provide employment to everybody.

SHRI BALGOVIND VERMA : No, Sir, I am opposed to it. I will oppose it at the end.

MR. DEPUTY-SPEAKER : Then please be brief; other Members would like to make their submissions.

श्री टी० सोहनलाल (करीलबाग) : मैं एक इन्फार्मेशन चाहता हूँ। जैसा कि मंत्री महोदय ने कहा कि पिछले साल जो पर्स किया था कि हर घर से एक आदमी को नौकरी मिलना चाहिए तो उसके ऊपर सरकार ने क्या कार्रवाई की जिससे लोगों को नौकरी मिले? मेरी जानकारी में ऐसा है कि अभी तक एक एक घर से 6-6 आदमियों को नौकरी मिलती है लेकिन हर घर से एक आदमी को नौकरी नहीं मिलती है तो इसपर सरकार क्या कर रही है? . . . (व्यवधान) . . .

MR. DEPUTY-SPEAKER : From one irrelevancy to another! Order please.

SHRI BALGOVIND VERMA : As I said, Rs. 25 crores were provided last year in the Budget. This is to solve the problem of the educated unemployed. Continuous emphasis is being laid on providing entrepreneurial training to the educated young men, engineers, diploma-holders, etc. Suitable financial assistance is being provided and other facilities are provided to them to generate self-employment. The Planning Commission is chalking out a

plan to give employment to all those engineers who are going without jobs. This is being done in the Planning Commission. The Apprentices Act of 1961 is being amended in order to bring within its purview the apprenticeship training of engineering graduates and diploma holders in order to make them self-sufficient and to help them stand on their own legs. Necessary steps are also being taken for strengthening the Career Advising and Vocational Guidance Programmes in universities and schools to channelise the youth in productive employment or self-employment. Banks are directed that they should advance loans to all those who want to set up their own industries. There is a expert Committee under the Chairmanship of Bhagavatiji which has submitted its interim report. This is being studied in the Planning Commission, in consultation with the other Ministries...

MR. DEPUTY-SPEAKER : The hon. Minister may resume his seat for a minute.

In the first place, he has taken almost 15 minutes. There are other Members who would like to make their submissions, and I must honestly say that up to this moment I have not been able to follow the thrust of his argument. What is he driving at?

SHRI BALGOVIND VERMA : My whole purpose in putting forward these arguments is that it is no use arousing false hopes. We should do everything according to the scarce resources at our disposal. It is no use incorporating this amendment in the Constitution; it will only arouse hopes and it will go against the interests of the country....

SHRI DASARATHA DEB (Tripura-East) : This will compel Government to give them work.

SHRI BALGOVIND VERMA : No. So far as unemployment is concerned, the question of giving unemployment allowance has been raised. As far as this unemployment allowance is concerned, you know that the economy of the country has not reached a stage where this can be thought of. It can be thought of only in very advanced countries where there is frictional unemployment, but in our country where the resources are very scarce and where we must divert them in other channels to set up more industries which could

[Shri Balgovind Verma]

provide employment to our young people, it is no use giving doles. Therefore, I oppose this Bill and this Bill cannot be accepted by Government.

SHRI S. B. GIRI (Warangal) : May I seek one clarification from the hon. Minister ?

MR. DEPUTY-SPEAKER : Let the hon. Member please resume his seat. The Deputy Minister of Labour has not been replying to debate but he has only intervened, as any other Member does. This subject relates to the Law Ministry, and the reply will be given by the Law Minister who is here. The stage of seeking clarification at the moment has not arisen. He can seek clarification from the hon. Minister concerned when he makes his reply, not at this stage.

SHRI S. B. GIRI : Since it relates to employment, I would like to ask him. . .

MR. DEPUTY-SPEAKER : He can ask at the end of the debate.

SHRI K. NARAYANA RAO (Bobbili) : I must congratulate Prof. Madhu Dandavate for having brought forward this Bill before the House.

SHRI SOMNATH CHATTERJEE : Will he vote for it ?

SHRI K. NARAYANA RAO : I shall presently say why I am not voting for it. This Bill highlights certain problems which are pressing, and to that extent, I think that Prof. Madhu Dandavate has succeeded in his attempt. Beyond that, I must confess that I am not in a position to accept this Bill. My reasons will follow presently.

The burden of this Bill is to transfer some of the provisions in the Chapter on the Directive Principles of State Policy into the chapter on Fundamental Rights. That is the crux of the problem. So, to what extent this may be accepted is a different matter. So far as the Directive Principles are concerned, the question unemployment benefit, sickness benefit, disablement benefit and the right to work etc. are already provided there.

Today, the problem of unemployment has been assuming very alarming proportions. If we look at it we find that it is true, and the hon. Minister himself has referred to several reports

of the Planning Commission on this, that there has been a growing tendency towards further unemployment. But we have to look at it in the proper perspective. Along with this unemployment, we have to see also that there is another Directive Principle which is being put into effect, namely the provisions for free and compulsory education. If you look at these two in perspective, you will find that they look as if they are at cross-purposes. Those sections which had previously not been educated adequately and had been prevented from entering into service and had been deprived of the opportunity for employment have now been brought into the mainstream of employed classes, and therefore, new hopes have been created among newer sections. The number of educated people is thus increasing but the malady or the disease is that the other sections which are already entrenched in the services are firmly resisting the entry of these new strata of society. This is a very disquieting feature, and I hope that this will receive the attention of Government.

Secondly, when we come to the nature of the provision about unemployment let us see the exact wording of art. 41 :

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

The hon. Minister has stated that we do not have the necessary capacity. But the directive principle says that we have to make a beginning. Did Government make a beginning within the limit of their capacity ? At least, I insist upon the hon. Minister that this should be done. There are certain people to whom scholarships have been given, out of which they have got themselves educated. But if they are remaining idle and unemployed, is it not the duty of Government to give them certain unemployment benefit ? Should they not make a start at least ?

Similarly, in the case of disabled persons, we have not done it. Therefore, Government should look into these matters.

Then again, look at the plight of the unemployed. It is really tragic that

these people who are very much worried about their prospects in the future have to run from pillar to post at their own expense. At least is it not the duty of Government not to charge fee for application and to give them travel allowance for that purpose? Cannot that much at least be done by Government? Therefore, it is the primary duty of Government at least to make a beginning.

Having said this, I will now come to the provisions of the Bill and say why I cannot support the Bill. Both the directive principles and fundamental rights are fundamental, with a difference. The fundamental rights enshrined in chapter II are negative in character whereas the directive principles in chapter IV are positive in character. It is extremely difficult to enforce positive rights against the State. I do not want to quote extensively. But according to Salmond :

"The distinction is one of practical importance. It is much easier for the law to prevent the infliction of harm than to enforce a positive beneficence. Therefore, while liability for harmful acts of commission is a general rule, liability for acts of omission is the exception".

Therefore, it is very difficult to enforce the directive principles. I will explain how difficult it is. If you make the right to employment in a fundamental right under chapter II, how can any court issue an order to the Government or Parliament to give him employment? Similarly, if you make unemployment benefit a fundamental right, which court is competent to say that a particular person is entitled to it, and how much is to be given to him? The question hinges on practicability. By their very nature, these provisions cannot be enforced.

Prof. Dandavate says that these rights are not justiciable. That is not so; they are justiciable, but not enforceable. There is a lot of difference between the two. The courts will take cognisance of the directive principles; they have to. This is clearly spelt out in art. 37 :

"The provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in

the governance of the country and it shall be the duty of the State to apply these principles in making laws".

Therefore, these rights are as much constitutional as any other part of the Constitution because in the governance of the country, the State has to take note of them. The State has to play a vital role and in this the judicial administration is an important ingredient.

The directive principles are outside the purview of the fundamental rights, though they are as much a part of the Constitution as any other provision of the Constitution. But they cannot be enforced. The very nature of the provisions contained therein are difficult to be enforced. Therefore, these are not such as could be included in Part III of the Constitution.

So, while I am opposing this Bill, the Government must take serious note of what lies behind this Bill and see what they can do about it. Let the legislative system be such that they could be implemented.

With these words, I oppose the Bill.

*SHRI A. M. CHELLACHAMI (Tenkasi) : Hon. Mr. Deputy Speaker, Sir, I am grateful to you for giving me the opportunity to make my maiden speech on the floor of this House.

I would like to say a few words on the Constitution (Amendment) Bill of Prof. Madhu Dandavate, which is under discussion. Prof. Dandavate through his Bill wants to incorporate in the Chapter on Fundamental Rights of our Constitution the right to work and to adequate means of livelihood. He has moved this Bill with the best of intentions. Our Prime Minister, Mrs. Indira Gandhi, has been stating, has been constantly emphasising, the need for removing educated unemployment prevalent widely throughout the country. She is also endeavouring earnestly to implement employment-oriented policies by creating additional employment potential in the country.

The basic and primary requisite of the people of our country is work. This question of adequate means of livelihood assumes greater significance in the case of unemployed educated young men. I have no hesitation in saying

*The original speech was delivered in Tamil.

[Shri A. M. Chellachami]

that the right to work should become the fundamental right of every citizen of our country. I need not say that it is the bounden duty of the Central State Governments to provide employment to the educated young men of our country. If it takes longer time to create additional employment opportunities for the increasing number of educated young men, then they should be given unemployment allowance by the State. If this is not done, the galloping educated unemployment will lead to an explosive situation in the country.

One of the Fundamental Rights enshrined in our Constitution is the right to property. I would like to state categorically that the people who enjoy this right to property can be counted on our finger-tips. The majority of our people are undergoing untold hardships and they are not getting two square meals a day; they have not got sufficient cloth to hide their shame; they have not got shelter over their heads to protect themselves from the sun and showers. So far as they are concerned, what is the benefit that they derive from the fundamental right of right to property?

During 1970 in 429 Employment Exchanges in our country there were 45.15 lakhs of applications on the live registers. Sir, the placements effected during this year came only to 4.47 lakhs. I have not included in these figures the number of unemployed in the rural sector. 40.68 lakhs of applicants are still awaiting placement. Their fundamental and basic requirement is the right to work.

No doubt it is stated in the Directive Principles of State Policy that the State will strive its best to provide employment and adequate means of livelihood to every man and woman in our country. We have recently celebrated the Silver Jubilee of our Independence and in this year of rejoice and re-dedication it will be fit and proper to have this right to work as a fundamental right.

The recent study carried out by the Council of Scientific and Industrial Research regarding unemployment among technical personnel and graduates has revealed that 5.80 lakhs with at least 1st class degree in Science, Agriculture, Arts and Commerce, and also

Engineering Technology were unemployed in April last year. One can console himself or herself that these young men might be belonging to middle-class families. The situation is really irreconcilable so far as the unemployed graduates of Scheduled Castes and Scheduled Tribes are concerned. As on 31st December 1969 11,459 educated young men belonging to scheduled castes and scheduled tribes were on the live registers of the Employment Exchanges in the country. I came across a news item that this number might have gone up to nearly 17,500 during the year ending 31st December, 1971.

Before I conclude, I would appeal to the Government that unemployment allowance must be given at least to the educated young men belonging to the Scheduled Castes and Scheduled Tribes. Simultaneously, the Government must strive for creating greater employment opportunities in the country so that the evil of educated unemployment can be eradicated.

With these words I conclude.

डा० लक्ष्मीनारायण पांडेय (मंदसौर) : श्री दंडवते ने जो संविधान संशोधन विधयक प्रस्तुत किया है उसका मैं समर्थन करता हूँ। वर्तमान में स्थिति यह है कि देश के लाखों नवयुवकों के सामने अपन भविष्य के बारे में चिन्तायें व्याप्त हैं। उनको काम न मिलने के कारण चाहे वे शिक्षित हों, अशिक्षित हों या अर्ध शिक्षित हों निराशाजनक स्थिति है। इसलिए यह आवश्यक है कि उनके लिए रोजगार की व्यवस्था हो और अगर ऐसा नहीं हो सकता है तो उनको वित्तीय सहायता प्राप्त हो। जसा कि इस विधयक के उद्देश्यों और कारणों में बताया गया है संविधान के अनुच्छेद 41 और 45 के अनुसार राज्य सरकारों का यह दायित्व था कि वे रोजगार का व्यवस्था करें। लेकिन अपने इस दायित्व को पूरा करने में वे असमर्थ रही हैं। उस असमर्थता के कारण ही इस विधयक को यहां प्रस्तुत करने की माननीय सदस्य को जरूरत पड़ी है। इसीवास्ते उन्होंने यह चाहा है कि अनुच्छेद 23 के बाद 23ए, बी और सी और जोड़ दिये जायें ताकि प्रत्येक व्यक्ति के लिए रोजगार

प्राप्त करने के अधिकार को मूलभूत अधिकार गिना जा सके। क्योंकि इसको आवश्यकता का अनुभव करते हुए भी इसको पूर्ति आज तक नहीं हो सका है। यह बात निश्चित है कि आजादी के पच्चीस साल बाद भी हमारे देश में ऐसी परिस्थिति पैदा नहीं हो सकी, राष्ट्रीय चरित्र का निर्माण हम नहीं कर सके, शिक्षा पद्धति तथा आर्थिक स्थिति ऐसी नहीं बना सके कि नवयुवक उस चिन्ताजनक स्थिति को छोड़ कर यह कहने में समर्थ हो सकें कि हमें रोजगार के अवसर प्राप्त हैं। इसी वास्तु आज यहां पर इस विषय पर चर्चा चल रही है।

इस विधेयक में कुछ और भी बातें कही गई हैं। ये आर्थिक विषमता को लेकर कही गई हैं क्योंकि आर्थिक विषमताओं को दूर करने में सरकार असफल रही है। इस विधेयक में कहा गया है :

"All children until they complete the age of 14 years shall have the right to free education."

कुछ हद तक तो सरकार ने एजुकेशन को फ्री किया है लेकिन चौदह वर्ष की आयु के बच्चों को अभी भी निःशुल्क शिक्षा नहीं दी जा रही है। यह भी आवश्यक है कि इसका व्यवस्था की जाए।

तीसरी बात यह कही गई है कि जो लॉग असमर्थ हैं, असहाय हैं, जिनकी आयु साठ वर्ष से ऊपर हो गई है, जो किसी प्रकार का काम नहीं कर सकते हैं, जो काम करने के लिए बिल्कुल असमर्थ हैं, उनको भी सरकार जीवन निर्वाह योग्य भत्ता प्रदान करे। ये तीनों बातें ऐसी हैं जिन से किसी को विरोध नहीं हो सकता है। मुझे पता नहीं कैसे श्री राव इसका विरोध कर सकते हैं। क्या उनको इसलिए इसका विरोध करने के लिए खड़ा होना पड़ा कि वह देश के लाखों नवयुवक को रोजगार प्रदान नहीं करना चाहते हैं या चौदह वर्ष की आयु के बच्चों को निःशुल्क शिक्षा प्राप्त हो, इसको वह नहीं चाहते हैं

या जो काम नहीं कर सकते हैं, जिनकी आयु साठ वर्ष से ऊपर हो चुकी है, जो असहाय हैं, उनको किसी प्रकार की सहायता प्रदान न की जाए।

मैं कुछ आंकड़े बताना चाहता हूँ एम्प्लॉयमेंट रिव्यू 1969-70 है। इसके पेज 2 पर कहा गया है :

"Notwithstanding the measures taken by the Central and State Governments to increase the avenues of employment, the number of work seekers on the live register of employment exchanges continued to increase by 17.4 per cent in 1969 as against 8.7 per cent in 1968-69 and 5.6 per cent 1967-68. The rate of increase among the educated work seekers, matriculates and above were however much less, 14.7 per cent as against 21.3 per cent in 1968-69."

जो ग्रेजुएट हैं जो पोस्ट ग्रेजुएट हैं वे भी बताया गया है कि बहुत लम्बे असौ से बेकार हैं और रोजगार की प्रतीक्षा में हैं। इनकी संख्या भी बहुत बढ़ी है।

इसके पेज 44 के ऊपर जो कुशल इंजीनियर हैं, जो डाक्टर हैं, उनकी संख्या भी दो हुई हैं। इंजीनियरों के बारे में कहा गया है :

"Unemployment among the engineers became a serious problem towards the end of the Third Plan period. Thereafter there has been a steep rise in unemployment amongst engineering degree and diploma holders. The number of candidates who applied for admission to the combined engineering services examination held by the Union Public Service Commission, for instance, gradually increased from 2078 in 1965 to 3161 in 1966."

इन आंकड़ों से पता चलता है कि सरकार अच्छी तरह जानती है कि किन परिस्थितियों में माननीय सदस्य को यह विधेयक लाना पड़ा है। लेकिन मालूम होता है कि देश के नव-निर्माण, देश में समाजवाद लाने और सभी नागरिकों को भोजन और अन्य सुविधाएं देने की बातें करने वाले शायद यह बात

[श्री लक्ष्मी नारायण पांडेय]

मानने के लिए तैयार नहीं है कि हर व्यक्ति को रोजगार का अवसर मिले और इस लिए रोजगार का अधिकार हमारे संविधान के मूलमूल अधिकारों में जोड़ दिया जाये। मैं समझता हूँ कि इस विधेयक में कोई आपत्तिजनक बात नहीं है। अगर सरकार यह निर्धारित कर सकती है कि अमुक व्यक्ति का अमुक कर्तव्य है और कानून बना कर हर व्यक्ति को आचर कर तथा अन्य कर देने के लिए बाध्य कर सकती है, तो उस का यह भी दायित्व है कि हर एक व्यक्ति को काम पाने का अधिकार मिले। सरकार को अपने इस दायित्व से मुक्त नहीं होना चाहिए।

मैं इस विधेयक की इन दो बातों से भी सहमत हूँ कि निःशुल्क शिक्षा और अक्षय तथा असमर्थ व्यक्तियों को सहायता देने की व्यवस्था की जाये। मैं इस विधेयक का तन्निर्णय करता हूँ और सरकार को इसे स्वाकार करना चाहिए।

SHRI B. V. NAIK (Kanara): Sir, the Bill tries to shift to the Fundamental Rights Chapter the right to work which is now provided in the Directive Principles Chapter. The Labour Minister was at pains to explain that the Directive Principles are almost equivalent to Fundamental Rights and it was rightly objected to because while the former are non-justiciable, the latter are justiciable. It is not a question of the ethics of the problem that we should be able to provide jobs. In the context of the Indian conditions, can the mover cite any country in the underdeveloped world of Asia and Africa where identical circumstances of backwardness or economic underdevelopment prevail, where the right to work has been enshrined as a fundamental right and put into execution? It is very easy for us to compare ourselves to USA or Russia. To that extent I appreciate on the intellectual plane the thrust of Prof. Dandavate. But if we compare ourselves to the conditions of reality which prevail here, in that way, the Indian socialist model has been accepted as a good mode, particularly in the countries of Africa. For instance, Em-

peror Haile Selassie of Ethiopia has asked his Government to follow the Indian model of economic development. Can we put the Government in the dock by asking them to do a thing which is virtually impossible of achievement, when we have not been able to translate into action the existing fundamental rights adequately and when we know that there is a tremendous amount of backlog in our unemployment? It is all right to climb to the top of the Himalayas, but where is the ladder to do it? Therefore, leaving aside the instinct for popularity involved in such a Bill where there is everything for everybody, particularly for unemployed and the injured section of our society, I would like to suggest one thing to the Ministry of Labour.

Even though it is not possible to make it a justiciable right which can be enforced either through the process of compensation or obtaining a decree from the judiciary, is it not possible to accept this demand in principle? We have been saying that there will be support price for agricultural produce and old age pension for those who are disabled and destitute and a certain amount of legal and financial protection for the unemployed. Is it not possible for us to accept this in principle and make a beginning with a token amount? Even a token old age pension will go a long way in alleviating the distress of the old people.

In some States old age pension is paid to the extent of Rs. 30. According to the statistics of the 1961 census, the number of people above the age of 65 who have no means of livelihood is very small. In my constituency, it would not cost more than Rs. 4 crores, if it is implemented. At the same time, the State Government is getting a revenue of Rs. 16 crores from my constituency. So, what is wrong in ploughing back Rs. 4 crores out of the 16 crores which they earn? Also the unemployment dole will be only for a short period because in course of time those people will become self-employed. Therefore, while at the intellectual plane we would like to see that such a provision comes into operation, to enshrine it in the fundamental rights at the present juncture would be very difficult.

As Gunnar Myrdal has said, we would be making very progressive legislation,

we would be taking very progressive steps, but they will all remain in paper. It will not be possible for us to translate these various liberal measures into action and take them to the grass roots.

So far as unemployment is concerned, I want to refer to one more point. The employment exchanges have become notorious as harbingers of corruption. It is not only unemployment that hurts people but the corruption in the agency which has been established by the welfare State to provide employment for the four million people who are in the live register.

SHRI SHYAM SUNDER MOHAPATRA (Balasore): Mr. Deputy-Speaker, Professor Madhu Dandavate has really evoked keen interest in us, and might have gone a long way to impress upon the public and the Government the importance of these vital questions which are really exercising our minds today. During the last elections we went to the electorate with many questions and certainly these were the most vital questions confronting the school-going and college-going children, persons who are old and infirm and the vast multitude who are unemployed.

15.59 hrs.

[SHRI K. N. TIWARY in the Chair]

In the Constitution of Soviet Russia the right to work has been guaranteed as a fundamental right. After the Bolshevik revolution succeeded, in the Stalin Constitution of 1936 they went to the extent of saying that every man should have the right not only for employment but also for rest and leisure and old age pension.

16.00 hrs.

All these fundamental rights in the Soviet Constitution definitely guide us to one conclusion, that is, to have socialism in our country. We have to give food to the people. The people who have voted us to power certainly demand that they should live in the world and they will not die without food.

Today, if I am permitted to say on the floor of the House, 50 per cent of the people are not on human standard. They are definitely on sub-human standard. Then, 25 per cent of the people are on mal-nutrition, towards starvation, towards human decay. If this is the condition, the Government has to

think seriously and very seriously how to give employment to the people. If it means nationalisation of all industries, even medium-sized industries, even small industries as it is in Burma, nothing will stand in the way. But we have to give employment to the people.

There are the Directive Principles. It has been said that these are the things we are aiming at. But these Directive Principles are pious principles; these are all a wishful thinking. There is no force behind them. There may be moral force behind them. But there is no legal force behind them. In our country today, political rights are justiciable but economic rights are not justiciable. What about the vast multitude of people who want redress of their economic grievances?

In the Soviet Constitution, it is said that citizens of U.S.S.R. have the right to work, that is, the right to guaranteed employment and payment for their work in accordance with quality and quantity. (Interruption). What I intend to say is that communism says, each according to his need and from each according to his capacity. That is why probably in the Soviet Constitution, it is said about payment according to quality and quantity.

Prof. Madhu Dandavate has said that there should be right to work and shall be entitled to adequate means of livelihood. Even if it means Re. 1 a day, I will not disagree with him. If it is only 1 Kg. of rice or what which the Catholic fathers are now giving in distress areas, I will not even grumble with that. Let it be 1 Kg. of rice or wheat for these people who are starving today.

Education is very important. It has come out in the newspapers that, in our country, today hardly 30 per cent of the people are literate. I am quoting an expert who has said that after 25 years of freedom, there are more illiterates now than they were before. It is due to population explosion only. So, the question is how to become confronted with it. Plato said in his Republic, "Education is a means to the harmonised development of mind and soul." If you want to harmonise mind and soul, you bring in a new India, an egalitarian society, the socialism—the greatest good to the greatest number of people. Unless you educate the people at least upto

[Shri Shyamsunder Mohapatra]

the age of 14 years, free and compulsory education, the society cannot develop.

The British Prime Minister, Mr. Gladstone, when he brought the Education Bill, said in the British House of Commons, "Let us educate our masters." Who are our masters? They are the people outside, the electorate. So, unless we educate our masters, we are not doing any justice to them. That is why I say that our country is proceeding towards socialism.

Prof. Madhu Dandavate's submission is that these are vital questions and more vital question is giving help to the old and infirm people. Sir, you can appreciate my point that when we are above 60 years of age, we certainly need the cooperation of the Government to maintain us.

So, my point is that these old and infirm people certainly demand and need some food; at least some gratuitous relief, as we give a distressed areas, for these old and infirm people should suffice. Old and infirm people, to quote another expert, constitute 20 per cent of the population of the Republic of India. Such a vast multitude have to depend on their sons and daughters who, in this modern age, do not certainly care for their parents. Therefore, it is the State which should guarantee their food.

With these submissions, I appreciate Prof. Dandavate's Amendment, but I would say that it will not be necessary in view of the fact that our Government is today alive to these basic principles.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI NITIRAJ SINGH CHAUDHARY): Prof. Dandavate wants that the principles enunciated in the Directive Principles of State Policy of our Constitution, as they are not justiciable and cannot be enforced, should be brought under Fundamental Rights. By the insertion of three new articles he wants to give to all citizens the right to work and to adequate means of livelihood, failing which an unemployment allowance of Rs. 5 per day, as per the Financial Memorandum, free and compulsory education to children upto the age of 14 years, and to give

to every citizen above 60 years of age or remaining chronically sick or permanently incapacitated or disabled, etc., some monetary assistance.

Prof. Dandavate has himself given figures of unemployment and other figures. I will basically refer to them, and wherever he has not given figures, I will try to give the figures that I have with me. He has pointed out that every one says that he is in complete agreement as far as the spirit of the Bill goes, but then there are difficulties. I will not say anything about the first part but will only put forward the difficulties before him and before the House and would leave it to the House to decide whether it is possible for the Government to accept this Bill.

In this very House Dr. Pande, who has left the House and is not here now, and Dr. Karni Singh had moved two Bills in the last Session. They were discussed—they were almost identical with the present Bill. There were little variations here and there. These Bills were negated by this House.

About the question of unemployment, Prof. Dandavate has given the figure of 14 million of those who are on the live registers of employment exchanges besides those who are under-employed or who live in villages and do not avail themselves of the facilities of getting themselves registered in employment exchanges. If we accept the figure at 14 millions of those whose names exist in the registers and who are not employed, and add to that figure those who are partially employed and those who have not gone to the employment exchanges to get their names registered, the total figure may go to many times 14 millions. If the allowance, Prof. Dandavate has suggested is given to each one of them, then the figure of the allowance would be fantastic—it would come to Rs. 4,000 to 5,000 crores per year; he says that it should be at the rate of Rs. 5/- per day per head; that means, Rs. 150 per month per head; in other words, Rs. 1,800 per head per year I leave it to him and the other hon. members to calculate how much it would be.

PROF. MADHU DANDAVATE (Rajapur): Then give them employment.

SHRI M. RAM GOPAL REDDY (Nizamabad): We will.

SHRI NITIRAJ SINGH CHAUDHARY : The question of giving employment has been discussed in this House many times and I would not like to waste the time of the House in repeating what has been said in the House more than once.

The other provision which he wants to add is about education. He suggests that there should be free and compulsory education for all children upto the age of 14 years. With your permission Sir, I would like to tell the hon. Members of the House that all education is free in two States—Jammu & Kashmir and Nagaland. Tamil Nadu has made all school education free including the secondary stage. In Andhra Pradesh, Gujarat, Kerala and Mysore, all education upto the end of the secondary stage is free. In Maharashtra, primary education is free and children of parents whose income is below Rs. 1200 a year have free education at all stages. In Rajasthan, all education is free for girls and primary education is free for boys. In Punjab, Haryana and Madhya Pradesh, primary education is free. In Uttar Pradesh, education is free for girls till the end of class X and for the boys till the end of class VI. In Bihar, primary education is free for girls in classes I to VII and for boys in classes I to V. In West Bengal, primary education is free for girls in rural areas in classes I to VIII. In the rural areas and in some urban areas it is also free for boys in classes I to V but in Calcutta and some other urban areas it is not yet free. In Orissa primary education is free. In Assam, primary education is free for girls in classes I to VIII and for boys in classes I to V. In the Union Territory of Delhi, primary education is free. The other Union Territories follow the pattern of one or the other of the States. But in all of them, primary education is free.

The children of the Scheduled Castes and Scheduled Tribes get free education. In addition, all educational institutions generally allow a certain percentage of free studentships.

It will thus be seen that a massive effort has already been made to introduce, not only free primary education as required by Article 45 of the Constitution, but to provide free education at the secondary and other stages also. The main weakness in the present situation is that all primary education is not free in urban areas of West Bengal,

and for boys in all primary classes in the States of Assam, Bihar and Uttar Pradesh. It is estimated that the additional cost involved in making primary education fully free in these areas would be about Rs. 10 crores a year. A proposal to put across this long overdue reform by providing special central assistance to these States is now under the active consideration of the Government.

In spite of these achievements, it is still far from easy to introduce universal education for all children till they reach the age of 14 years. Prof. Dandavate, while speaking, has conceded that we have provided free education in the age group of 6 to 11. Those who are on the rolls, their percentage is about 84-85% and about the children in the age group of 11-14, he has said that the percentage is about 37%. If all children in the age group of 6-14 were to be brought into schools in the current year, at present levels of cost and efficiency, the total expenditure required would be about Rs. 972 crores annually which would be even larger than the total expenditure we now incur on all education (Rs. 950 crores). Apart from these financial hurdles, there are problems of bringing girls to schools and enrolling children from poorer families for whom free lunches, free text books and even free clothing will have to be provided. The problem of providing suitable education to the physically and mentally handicapped children in this age group is also very formidable because the numbers are large and the cost per unit is heavy. Moreover, a sudden increase in expenditure on primary education alone would distort priorities not only in educational planning but in planning as a whole.

Government is now considering this matter and it is proposed to develop a massive programme for the expansion and improvement of primary education during the next 7 to 15 years and to achieve the directive laid down by Art 45 of the Constitution as early as possible. I hope Prof. Dandavate would agree that the progress we have made is such that we should have all the children in the age group 6 to 14 in the schools by 1981.

By Clause 23C, he wants an allowance to be provided for persons above 60 years of age, who may be ill, who may be destitute, who may be sick,

[Shri Nitiraj Singh Choudhari]

permanently incapacitated and so on. He has not given the figure. I have taken figures from the latest census. According to the latest 1971 census, there are 3.16 crores of persons above the age of 60. There are about five million blind persons. There are about one-and-a-half million people who are deaf. There are about five million who are orthopaedically handicapped. There are about two million who are mentally retarded. Besides these, there are quite a lot of people who are sick. If allowance is provided at the rate of Rs. 4 to Rs. 5 per day per head, at the rate suggested by Prof. Dandavate, do you know what the figure would come to? It would come to the fantastic figure of Rs. 8100 crores per year.

SHRI B. V. NAIK : The hon. Minister said that the total number of people above 60 years would be 3.16 crores. The total cost would come to Rs. 8100 crores, according to the Minister. How does this work out at Rs. 8100 crores for 3 crores of people? We are a bit worried about the figures.

SHRI NITIRAJ SINGH CHAUDHARY : As I said 3.16 crores of people above 60 years besides five million blind, one-and-a-half million deaf, five million orthopaedically handicapped and about two million mentally retarded. for all of them, that would be the figure.

SHRI K. NARAYANA RAO : It is not Mr. Dandavate's point that all the persons above the age of 60 should be provided with this aid. There may be persons worth millions in this age group there may be persons who are very rich in this age group. It is not intended for such people. This is only intended for such people above the age of 60 who cannot stand on their own legs.

SHRI NITIRAJ SINGH CHAUDHARY : That is exactly the point; if relief is provided to these persons, the figure would come to Rs. 8100 crores. If you leave out some fifty percent, even then, the figure would come to over Rs. 4000 crores. (An hon. Member: Four times that of our Defence Budget.) The Department of Social Welfare is therefore of the opinion that in view of the priorities being given to children's services, it would not be possible for the Government to bear

the financial burden which is implied in the proposal put forward by Prof. Madhu Dandavate.

In these circumstances, at this stage, I respectfully submit, it is not possible for the Government to support this Bill.

SHRI K. NARAYANA RAO : You can as well delete Art. 41 altogether. If no attempt has been made at all, you can as well delete Art. 41 of the Constitution.

PROF. MADHU DANDAVATE : When I placed this Bill before the House for its consideration, I had expressed my fear that most probably there would be Members of this House who would accept the spirit of this Bill but who probably would reject its substance. That is exactly what is happening. While quite a number of friends have already supported this Bill, those who have opposed it have said that on practical considerations, while accepting the spirit they would like to reject the Bill. I do not want to take much time over this because there are also other urgent issues which we have to take up. But two or three main arguments have come up.

Firstly, I was not able to understand, just as the Deputy-Speaker was not able to understand, the argument of some of our friends who were trying to argue out the entire case for the Government and who pointed out how developmental activities were being undertaken, how more employment was being provided, how budgetary provisions were being made and so on. Of course, they forgot to point-out the gap between budgetary provisions and actual implementation. But with all that, a case was built up as to how the work was proceeding. The case was not built up to establish the fact that the greatest paradox of our time is that while in a professed socialist society like ours, we are prepared to consider the right to property as a Fundamental Right, but tragically enough the right to work is not being accepted by this country as a Fundamental Right. I think that that is the greatest paradox of our professions of socialism.

SHRI C. M. STEPHEN (Muvattupuzha) : The right to preserve property is a Fundamental Right and not the right to give property.

PROF. MADHU DANDAVATE : That exactly is the paradox of our situation. Many practical considerations have been advanced. For instance, we have been told that as far as the employment problem or the problem of education is concerned, there are certain difficulties. For instance, the financial memorandum is quoted and it is said that even if Rs. 5 per head is spent, and everyone above 60 is provided with the necessary allowance or old age pension, then the necessary resources will not be available. I am very glad that one hon. Member pointed out that everyone above 60 need not be given any allowance. There are a good number of Members of this House who are above 60. We are all drawing our allowances, and I do not think that we require any means of livelihood at all. But, of course, there are people above sixty who will need some old age pension. It is not my argument that everyone who is above 60 must be provided with this allowance. That is not my argument at all. A certain case has been built up over here, and I think that excepting probably a few exceptions, they have not demolished my case at all.

As far as the question of giving means of livelihood (allowance to those who are about 60 etc. is concerned, I do not think that any positive case has been made that this has to be rejected. The spirit has been accepted. There is hardly any one who has opposed the Bill *in toto*, in its spirit. Therefore, I would very much urge that let the House not reject this Bill outright. They can find out some *via media*; some *modus operandi* by which they can postpone the further consideration of this Bill. But I personally feel that if this particular Bill is rejected, we shall go on record that this House is opposed to accepting the right to work as a fundamental right.

SOME HON. MEMBERS : Not the House, but the Government is opposed.

PROF. MADHU DANDAVATE : Ultimately, it will come to that.

SHRI K. P. UNNIKRISHNAN (Badagara) : The hon. Member is contradicting himself.

PROF. MADHU DANDAVATE : Ultimately, what spirit we are accepting does not go on record, but what goes on record is that this Bill is rejected outright.

I can understand if it is said that Government require some time or that this Bill might be sent for eliciting opinion thereon. Or it might be said that since there is a constitutional provision involved, we adjourn the discussion on this Bill *sine die*; that can also be done. There are various methods open. Of course, one method is to refer this Bill to a Select Committee, and I remember that when Shri Nath Pai's famous Constitution (Amendment) Bill was being discussed here, so many Members had suggested so many methods to avoid the defeat of that particular Bill. Therefore, some *via media* can be found out, I would very much urge this House that let not this House go on record that this Bill has been rejected by it...

SOME HON. MEMBERS : Not the House, but the Government is rejecting it.

THE MINISTER OF LABOUR AND REHABILITATION (SHRI R. K. KHADILKAR) : May I request the hon. Member that instead of putting this dilemma to the House to reject it in a manner and thereby dramatising it, he may withdraw it and give Government time to ponder over the whole debate? That would be the best course.

SHRI MADHURYYA HALDAR : How much time will he require? (*Interruptions*).

SHRI SOMNATH CHATTERJEE : If the Minister says that after a certain time, this will become a fundamental right in this country, let the Bill be accepted and let it be specified that it will come into operation, say, two years hence.

SHRI C. M. STEPHEN : The operative portion of the Bill relates to payment of unemployment allowance. I do not think anybody can plead that as a fundamental right. Right to work could be a fundamental work, but not the right to doles. It can never be a fundamental right.

SHRI R. K. KHADILKAR : I must make myself clear. When he put a question and asked the House to decide whether this House rejects his Bill when it accepts the right to property as a fundamental right, that is, it rejects the right to work, he dramatised the whole thing (*Interruptions*). I made this plea to him. He has raised certain fundamental issues of social policy,

[Shri R. K. Khadilkar]

and he realises, as a good socialist that he is, that there are questions of priority in the programme. So when I said 'pause and ponder and give this House some more time', it means that in due course perhaps when we come to consider all the questions he has raised keeping in view the priority, some of the points he has raised could be considered at the appropriate time. So I suggested that instead of seeing that it is rejected, let him withdraw it as the best course open to him.

PROF. MADHU DANDAVATE : Most of the points that have arisen out of the debate have already been dealt with. I will say only one thing. If the feeling is expressed by the Treasury Benches that here is a Bill which wants the right to work to be established as a fundamental right, if that spirit is welcome and at an appropriate time it is spelt out in such a way that ultimately the right to work becomes part and parcel of our fundamental rights, between the two propositions, getting my Bill rejected and withdrawing the Bill on this assurance that actually the Bill will be examined, the details will be spelt out, there will be a debate on this with due acceptance of the spirit of the Bill, but further acceptance of the Bill and its details in a particular form may be deferred, if some sort of assurance is given on these lines, I am prepared to accept that assurance and on that basis, rather than allowing the Bill to be defeated, because for me the right to work Bill to be defeated, though some people may take the line afterwards that it was defeated because of the attitude of the ruling party—I am not looking at it from that partisan angle—is something which I cannot countenance, because ultimately what will go on record is that this supreme Parliament has rejected this Bill which wants the right to work to be accepted as a fundamental right—in that broader, non-partisan spirit, I am prepared to withdraw the Bill provided that assurance comes.

SHRI R. K. KHADILKAR : I welcome the concluding remarks of my hon. friend, the Mover. I do recognise that he brought forward this Bill to have a debate. I think he has made some points which will provoke a national debate.

Every member of the House will also give serious thought to it. But as I said earlier, we have to determine priorities for social reconstruction. In that process, as he has said, we will keep the spirit of the Bill in mind whenever we frame our social policy. With this assurance, I am sure he will withdraw it.

PROF. MADHU DANDAVATE : In view of this assurance, I seek leave of the House to withdraw the Bill.

MR. CHAIRMAN : The question is:

"That leave be granted to Prof. Dandavate to withdraw his Bill further to amend the Constitution of India."

The motion was adopted.

PROF. MADHU DANDAVATE : I withdraw the Bill.

16.30 hrs.

PAYMENT OF BONUS (AMENDMENT) BILL—Contd.

(Amendment of Sections 2, 10 etc.)

PROF. MADHU DANDAVATE : (Rajapur) : Sir, I move :*

"That the Bill further to amend the Payment of Bonus Act, 1965, be taken into consideration."

16.30½ hrs.

[SHRI R. D. BHANDARE in the Chair]

Before I make my observations on this Bill, at the very outset, let me express my gratitude to the Private Members' Bills and Resolutions Committee for giving category 'A' to this Bill so that this Bill could get priority over all other pending Bills. I had a feeling that when there is a tremendous discontent among the industrial labour and the middle-class employees in this country on the issue of bonus, and when the viewpoint of a number of central trade union organisations has not been accepted by the Government, and as

*Moved with the recommendation of the President.