

The motion was adopted

SHRI SYED SHAHABUDDIN: Sir, I introduce the Bill.

15.44 hrs.

AGRICULTURAL WORKERS (MINIMUM WAGES AND WELFARE) BILL*

[English]

SHRI SATYAGOPAL MISRA (Tamluk): Sir, I beg to move for leave to introduce a Bill to provide for the payment of minimum wages and welfare of agricultural workers.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill to provide for the payment of minimum wages and welfare of agricultural workers."

The motion was adopted

SHRI SATYAGOPAL MISRA: Sir, I introduce** the Bill.

15.45 hrs.

EMPLOYMENT GUARANTEE BILL -
Contd.

by Shri Bhogendra Jha

[English]

MR. CHAIRMAN: We shall now take up the following motion moved by Shri Bhogendra Jha on the 13th September, 1991, namely:-

"That the Bill to provide for employment or for means and resources for self employment to all adult citizens of the country, be taken into consideration."

The time allotted for this Bill is two hours. Shri Bhogendra Jha had taken five minutes. So, one hour and 55 minutes are left.

Shri Bhogendra Jha was on his legs. He will now continue his speech.

[Translation]

SHRI BHOGENDRA JHA (Madhubani): Mr. Chairman, Sir, this Bill is slightly different from all other Bills that have so far been brought before the House in regard to problem of unemployment in the country. This Bill has not been drafted just to make a demand. For incorporating right to employment as a Fundamental Right. But at the same time it provides that it should be the duty of the State to see that people enjoy this right. Mr. Speaker, Sir, it cannot become a Fundamental Right only by making or calling it so. For example, in our country every citizen has the freedom of press and freedom to organize meetings and express his views but everybody does not have the means. Due to this, publication of newspapers of has been concentrated in the hands of a handful of people. It is ironic that though we have a provision of Fundamental Rights in the Constitution, we cannot ensure people to enjoy them. It is an irony in our society and for that matter every capitalistic society and our Constitution. As such this Bill aims at fulfilling all the the claims we make with a constitutional backing. Mr. Chairman, Sir, this Bill also contains certain other provisions. Clause - I of the Bill stipulates that it will be the responsibility of the State i.e. Union Government, State Government, and Semi-Government Organisations to provide employment to people who need work and are capable to work.

Mr. Chairman, Sir, I would again like to emphasise that employment should be provided for earning a livelihood. There is not a single person who is devoid of some talent or the other and that talent can be utilized for

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** Introduced with the recommendation of the President.

the development of our society and the country. Unemployment keeps that talent unutilized. Children grow into youth and then become old and die but their talents go unutilized. Unemployment is a curse. It is a hurdle in the development of the country and society. As such how to make employment a right.

The present irony is that people possessing 15-20 acres of land call themselves unemployed. I am not referring to those who have acquired land by dishonest means. These people will neither plough their land themselves nor give the land to others or sell it off. They are interested in securing some employment for themselves. This becomes an impediment in agriculture.

Mr. Chairman, Sir, when we started our agitation against the Zamindars in British regime the zamindari system was abolished. But I am apprehensive that the number of absentee landlords is increasing rapidly. Ours is an educated society. There are doctors, Engineers, teachers among us I am a politician. Everybody is in a high position. I am a politician and I have my share of ancestral land I never plough that land nor will I let my future generation till that land. But I will never part with that land.

We have a responsibility towards our family in which we were brought up as its member. Even if one becomes a doctor, an officer or an engineer, he will think of sharing his income or pension with this own brother only when his children become majors. But nobody would like to part with his share of ancestral land. Though the whole educated society is doing 100% dishonesty with full honesty, they never understand that they are doing a dishonesty. Let me cite one more example. A person toils hard in his fields and makes arrangements for his brother's studies. His rother will have a share in the landed property but the brother working in the field will have no share in the earnings of his employed brother. Therefore, he also starts taking less interest in agriculture and this results in the fall in production. Thirdly, those who are in some other jobs, who are capable

and stay nearby will have to pay attention to the land. Those who are living at a distance place try to get themselves transferred. I think that it has become a part of duty with most of the M.Ps and M.L.As first to arrange a job and then try for their transfer to nearby place of their residence so that they could look after their agriculture also. They cannot do justice to the job in which they are. They cannot put their full capacity and knowledge in it. This is one of the reasons how knowledge and efficiency of our country is wasted. Therefore, it has been provided in clause 4 of the Bill that a person who gets an employment, has to make a choice either to continue with his source of income at a distant place from the place of his residence so that he may give proper attention to it or work on ancestral land. In this case he should give his share of land to his brother, sell it out or may deposit the sale proceeds of his land in a bank. But it should not be so that he will continue to earn from both the sources. Land is a source of income just like a factory. A factory also helps helps us make production. It is true not only in my case but also in the case of each and everybody in human society. As such, nobody has a right to keep the land half utilised.

I have proposed that any citizen whose income from employment is Rs.1000/- or more, will have to make a choice between his service and share of any moveable and immoveable property. Prices of various commodities are rising day by day. So this limit of Rs. 1000/- can be increase. At the time when I submitted this Resolution In the Lok Sabha, this was the limit and I did not make a change in it. The previous Government had also supported my proposals. During the present Government's tenure, the prices are skyrocketing. In the circumstances the above limit will have to be increased. But the basic principle behind the proposal is that when the income of a family is sizable and it settles in service, it has to take a decision within three years either to keep the other source of income or the service. Now the question arises, what will he do after retirement. That is why, I have proposed that a person will be extended all

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help by the Government, both central and States to plan his future with the help of his retirement benefits. The Government would give some financial assistance either in the form of grant in aid or loan so that he could make a living for himself. After retirement nobody becomes unemployed. Though his physical capacity decreases yet he has the life long experience with him. He can't go to agricultural fields or do some manual labour or plough the land, but he can engage himself in a sedentary jobs and make a production in a planned way. In this way, his capacity can be utilised. It will be the duty of the State to provide as much amount a retired person gets towards his retirement benefits so that he could start a business, lead a happy life and make a contribution to national income.

Mr. Chairman, Sir, what I want is that all my hon. friends should think over it deeply, I also want that the Government media should take it into consideration and give due publicity to the plan. Of course, there will be some difficulty at the beginning. The problem will be that a person who is already in employment can not put up application for another employment. It is our personal experience that against the total number of vacancies for which advertisements are inserted, there are applicants, 80-85 per cent of which are already in employment and are seeking better employment avenues. I am narrating my personal experience in this regard. A college lecturer after getting appointment against a substantive post takes least interest in teaching profession and starts running after better employment avenues. I am not talking of all but this is what generally happens. This results in loss in both the works. The respects a teacher enjoys among his students and the capability he possess by virtue of his experience in the job cannot be seen in newcomers.

The same is the position with other services also. Once it is strictly followed, people will choose a field according to their taste and ability and stick to it. Everybody

wants to have freedom of applying for new employment avenues for the betterment of his career. But this freedoms blocks the employment prospects of fresh hands. Since number of applications run into millions, it has become impossible to consider the applications even. Once, when the late Shri Karpoori Thakur, the former Chief Minister of Bihar inserted an advertisement for some jobs, 33 lakh applications had been received. All the applications could not be sorted out, not to talk of giving employment. Recently, the Government of Bihar decided to recruit teachers on the basis of applications received from both trained and untrained hands in stead of recruiting only trained teachers. When the trained teachers made a complaint to me against it, I advised them to launch an agitation. They said that if they launch an agitation, the untrained hands would be displeased. They will say that when they were being provided an opportunity, we came in their way. They will accuse us that we want to keep them untrained for all time to come. That is why I say that the new people would get an opportunity only when they put up applications. But where are the vacancies? Had there been vacancies, the trained hands would have got appointment. Since there is no vacancy and for that matter no chance of recruiting people, they have decided that both the trained and untrained hands could apply. When I enquired about the number of applicants, I was told that it would be 50 lakhs to one crore. Then how much time will be required to scrutinise them and what will be the position if people in employment also send applications? Therefore, if the people in employment do not apply without resigning, the number of applications will no doubt decline. Then it will be easier to recruit unemployed people who will get a chance of employment. Then the question arises as to what will be its impact on the career prospects of people who are already in employment?

Sir, that is why a clause has been incorporated in the Bill which would provide that people in employment would be given promotion after every five years on the basis of their efficiency and academic qualifications.

People in employment should improve their academic qualifications and skill for availing of promotions in service after every five years, instead of unnecessarily trying to switch over to other jobs. They will concentrate to their jobs. This will improve their work efficiency by virtue of their experience and they will also acquire expertise in their work. Thus, they will be able to fulfil their material as well as spiritual needs in addition to serving the national interests.

Mr. Chairman, Sir, certain clauses appear to be a bit stringent, but despite all these provisions if people do not get employment, what will happen? Therefore, a provision has been made to fix a responsibility on the State that it should grant loans on easy terms and give financial aid and other facilities for enabling people to take up self-employment. Only through promotion of self-employment, jobs can be provided to all in populous countries like India and China, instead of advocating for setting up of heavy industries. Medium scale industries are essential for manufacturing essential items on a large scale. Both small and cottage industries are the means of self-employment. These are very necessary on a large scale in the country to fully absorb the 85 crore strong population with 170 crore hands. There is a need to make optimum utilisation of the whole labour force. Therefore, it is the responsibility of the State to provide self-employment to all men and women and I emphasise on this point. Other hon. Members might ask whether there is no other avenues. In this connection, I would like to say that if production will increase, my proposal will not come in the way of taking up other employments. So for promoting self-employment, the State should give loans, financial-aid and resources. Money alone will not do, because unfortunately in the backward areas of our country, especially in the Eastern and Central India, a tendency has been witnessed that people take bank loans to purchase seeds and sell off the same at higher rates. Without utilising for further productive purposes. It is very unfortunate on our part to do so.

16.00 hrs.

Therefore, I emphasize that means of production should also be provided. The objective of the Bill is to provide employment to all able bodied people in the country either by engaging them in various jobs or through self-employment. It is possible in our country. Many hon. Members know that for fulfilling the objectives of the Bill, rules need be framed. I have asked for the figures of unemployment from the Government. Till last year, there were 3,43,86,000 educated and uneducated unemployed people in the country. The number of educated unemployed people is more than 2 crores. So maximum number of educated people are unemployed in the country. There are many who even do not care to get themselves registered in employment exchanges and are roaming here and there. Under the circumstances, such a large productive force, remains unemployed and that is why the country is quite backward in various fields. So it is difficult to remove backwardness.

Sir, according to statement made by the Government in reply to USQ No. 177, dated 20-11-91, assets provided to people, especially to those living below the poverty line, for self-employment, had generated additional income (net cost of maintenance and repayment of loan) of more than Rs.2000 in 42 per cent cases, between Rs. 100 and Rs. 2000 in 18 per cent cases and between 501-1000 in 9 per cent cases. The total annual family income of beneficiaries was more than 50% of their initial income in 43% cases. Such increase was even more than 100% of the initial assessed annual income in 20% cases.

16.03 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

Among the various schemes provided under IRDP the minor irrigation schemes and shop had helped beneficiaries in crossing the poverty line of Rs.6400 in 40% to 44% cases. All this highlights our potential of self-

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employment. Everywhere there is corruption, bungling and backwardness. When I am referring to backwardness I am not indulging in party politics. On the issue of backwardness, all the parties are united. Issue of employment is raised, but self employment is never given priority. No one says to start his own units instead of joining ranks of labour class. This dividing line is not a permanent line. There can be such a division on individual basis but not on party lines. Collective backwardness is hurdle on self employment and production. It is a taboo on bringing a social change and removing social disparities. The present Bill entrusts responsibility on the State to promote self-employment and give loans and resources. It will be helpful both in the case of people not willing to take up employment and in the case of lack of employment avenues. Our country can complete with Japan and other nations if production improves by utilising the talents of all the people who have wisdom and skill. Abundance of resources is an asset and if we become active, then abundance of resources cannot become a burden and will prove to be a boon for the country. Utilisation of all resources will be of great help in bettering future of the country and the world at large. Therefore I urge the Government to examine it. It has been repeatedly demanded that employment should be made a fundamental right. But mere inclusion of right to employment in fundamental rights will not provide employment to people.

The hon. Minister of Finance is at present busy in reducing the government expenses and trying to find ways and means to do so. I do not want to go into all such details, but would like to say that there is overstaffing in Government offices. Over staffing does not increase work, but adversely affects society and country as it develops lethargy in general among employees due to laxity shown by unwilling workers. The willing workers also start citing their examples. Therefore, it is essential that the people should be retained in accordance with the

requirement and their liking and capabilities. Only in exceptional cases switching over to other jobs should allowed. Otherwise, people should stay in their jobs and need not apply elsewhere.

Mr. Chairman, Sir, as far as income is concerned, I submit that income limit of Rs.1,000 will have to be raised from time to time in keeping with inflationary trends as a matter of principle. So I move the Bill in the House for discussion without any political motives but as a private Members' Bill only. This Bill is urgently needed in the country. I hope that all the hon. Members would offer their valuable suggestions in this regard. Even if the Bill is opposed, I would not mind, because only a united approach will help us to find a solution to the problem.

I introduce the Bill with the understanding that the august House would pass it. With these words, I conclude.

[English]

SHRI A. CHARLES (Trivandrum): Mr. Chairman, Sir, I am thankful to you for giving me an opportunity to talk on the Private Members' Bill introduced by Shri Bhogendra Jha, hon. Member of Parliament. I share the sentiments expressed by the hon. Member and I am equally anxious about the problem of unemployment in almost every part of the country. I am totally opposed to certain portions contained in this Bill.

I come from Kerala and you will appreciate the fact that the problem of educated unemployed is most acute in our State. In fact our State is facing a crisis. There are no industries and whatever industries are there, they are sick. We have achieved hundred per cent literacy in last year and almost eighty per cent are highly qualified but limited opportunities are there for employment. It shall be the duty of the State and the nation to provide employment to the young people who come out of schools and colleges and other technical and higher educational institutions. But I cannot understand how if this Bill is passed and made as a law can gener-

ate more employment opportunities! The hon. Member himself has stated that even if something is included in the fundamental rights and made it enforceable and if it cannot be implemented, it becomes an irony. I agree with that and I stand by that.

I would like to draw your attention to our Constitution. I think it is the most sacred legislation made anywhere and at any time in the world. It is because our fundamental rights have been hailed all over the world.

The Directive Principles of State Policy is equally important though it cannot be implemented like the fundamental rights. I think the Preamble forms not only the foundation, I feel it is the very soul of the Constitution. It says:

" We, the people of India, having solemnly resolved to constitute India into a sovereign, socialist, secular democratic republic and to secure to all its citizens;

Justice, social, economic and political;

Liberty of thought, expression, belief, faith and worship;

Equality of status and of opportunity....."

This is the soul of the Constitution. But we know that it cannot be enforced in any court of law. But all the subsequent articles, including the fundamental rights, are based on this Preamble.

Justice has been defined by the well known jurist Salmond as justice is like bread in a besieged city, so that an equitable apportionment of that is necessary. There are many jurists and even a layman cannot completely agree with that definition. If justice is like bread in a besieged city, how can that be real justice? Justice is not division of poverty. There is poverty in a country and if poverty is equally divided, can that be justice? I will say that justice should be like a

perennial stream so that whosoever having a cup shall have it full. I think this is what the Constitution aims for.

It is true that even after 43 years of independence a lot of our programmes still remain to be implemented and our dreams are not fulfilled. But it is a fact that in 43 years our achievements are tremendous and commendable when compared with some of the progress achieved even by the socialist countries. I don't want to talk on that topic now because I don't want to politicalise this issue.

I equally share the concern, sentiment and the feeling of the hon. Member. My only point is by simply enacting a legislation, as he has said, it becomes only an irony and I may be excused if I use the phraseology that it shall be fraud on the Constitution.

There is a basic difference between the fundamental rights and the directive principles of the State Policy. Mr. Basu in his commentary on the Constitution says:

" Nevertheless the courts cannot altogether ignore the existence of directives in the body of the Constitution and as will be presently seen, our Supreme Court had aided the implementation of the directives in a substantive manner. Even in cases where the relevant legislation has been challenged as an inroad upon the fundamental right."

So, that shows the importance of the directive principles of the State Policy. Almost every point mentioned in this Bill is covered by the directive principles of the State Policy.

I wonder that a political party shows one important promise in their manifesto was to make right to work as a fundamental right, I am astonished to see, how, if the right to work is included in the fundamental right, they will be able to give employment to our youth. It is one thing to include it in the fundamental right. It is very easy. If two-

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thirds of us lift our hands tomorrow it will be a legislation. But will that do anything if we pass a legislation and send the Bill to the youth who are without employment? Will they get any employment opportunity by that? What we want is not the jargons, the Bills, recommendations; what we want is an action to generate employment.

We are implementing the Jawahar Rozgar Yojana for the last two years. I would congratulate the Government that this is for the first time that there is a concrete proposal to generate employment and to develop the rural areas.

As a Member of the Estimates Committees, we were on tour to three or four States and it was a thrill to see that for the first time, the Panchayats were getting funds. Most of the Panchayats in my State—even small Panchayats—are getting nearly Rs. 5 lakhs or Rs. 6 lakhs or Rs. 7 lakhs for a year. It is for the first time that they are seeing Rs. 5 lakhs together in a Panchayat. Now we see how the roads are being tarred; how electricity is being given; and how water is being supplied to the rural areas. At the same time, there is also a strong direction that 50 per cent of the funds shall be paid as wages; and component or the material portion shall be less than 50 per cent. It is really a piece of legislation and it is the decision and a political will wherein we have tried to give more employment; to generate employment and to provide more employment opportunities to the weaker section or to the unemployed. So, we have to chalk out schemes like that. In this Bill, I am afraid, one of the proposals go counter to the Fundamental Right. I may just point out that. In clause 4 (1) of the Bill, it says:

“Every citizen who has secured a job shall not involve himself in any activity other than self-employment resulting in financial or other gains”.

How can we enforce it? In our State, the part-time sweeper gets Rs.350/- per month.

Two years back in the largest circulated national paper in the country, there was a shocking news with a photograph on the front page saying that young B.Ed. graduate girl has applied for the part-time sweeper post in Cochin Municipal Corporation and there was a photograph of the B. Ed. qualified young graduate, sweeping the road publicly for Rs. 350/-. So if this Bill is passed that girl will be barred from securing any other alternative employment. I cannot understand that.

SHRI BHOGENDRA JHA: Please go through the Bill carefully.

SHRI A CHARLES: Yes, I have carefully gone through the Bill. I must appreciate your concern and we stand equally for that. But, when we pass the legislation, I am afraid, it may deprive that opportunity. If we go through the Basu's Constitution, he has stated:

“Whatever is said in the Directive Principles should be the basis on which every State should make their legislation”.

At the same time, the fundamental rights are very important. Article 14 of the Constitution which deals with Equality before law states:

“The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India”.

This is the very basis of our Constitution. That can be enforced. There cannot be any discrimination. Article 16 says that no citizen shall be discriminated against in respect of employment. So, the Fundamental Rights are very carefully worded. Under Article 32, we have the Right to Constitutional Remedies. We have to have a clear distinction between the Fundamental Rights and the Directive Principles of State Policy. That should be the ultimate aim of a welfare State. We are all striving for that. But, this piece of legislation would not have the desired effect.

Not only that; it will be a sad day for the country, if legislations of this types are passed. We are anxious to give employment. We have to ask the States to make sub-ordinate legislations; we can give directions; we can give legislations for providing employment opportunities. But, Section 4 (6) of this Bill says:

"No application for any other employment from a person who is already in service shall be entertained without that person having resigned from previous service, whether it be Government or public undertaking or private service."

I cannot understand this. I was a Deputy Secretary and thereafter I was a Member of the Kerala Public Service Commission. I have a long experience in that. In our State, if the post of a clerk is notified, there will be ten lakhs of candidates who will be applying and only one per cent will get that job and the rest 99 per cent of candidates will have to wait for more than four years to know that they are denying the appointment. There is a delay in the Public Service Commission. This sad state of affairs exists in the UPSC also. During the last six or seven years even the Report of the UPSC has not been discussed in this august House.

If we discuss that report, you will get the shocking news about the delay committed in making the selection even by the UPSC and that is the case with the other Public Service Commissions. So, my point is that suppose my son has passed MA examination. He is jobless. He has seen a notification. He applied in response to that notification. He got the post of a peon and joined duty because we accept the dignity of labour there. Quite interestingly if I may say, one of our Ministers in the former Ministry asked our youth to catch dogs. There was a furore all over the state that graduates have been asked by the municipality to catch stray dogs. This funny thing happened in Trivandrum, in my corporation. The boss began to catch dogs. Rs.7 were being given for a stray dog. In six months, the bills came to Rs.38,000 but no

payment was made. So, we asked the hon. Minister that our children were asked to catch the stray dogs, you at least pay them. This is the sad state of affairs in our country. So can You say that if a post-graduate, who got an appointment as a peon, is has to apply for the post of a clerk or for some other job for which he is well qualified, he has to resign and wait for four years to know that he will not get the appointment because only one per cent of the applicants will ultimately get the appointment. I can agree with the hon. Member provided you guarantee that when he applies for a post, you give the appointment. That is not there. I think, to share the concern of the youth and to give employment opportunities we have to generate employment. But in this Bill most of the sections have been ill-drafted.

I am sorry, I have to oppose it. It is a private Members' Bill. I know its scope. But in spite of that, when you present something in the Parliament and discuss, I feel I do not want to use the word 'sensible'- it should be more meaningful.

I am happy and I welcome the sentiments. But I totally oppose it because this will not give any benefit to the youth. It will not do any good to the country. It will not create any employment opportunities.

I must also say that jargons like 'right to work' to be included in the Fundamental Rights is simply a fraud on the Constitution and to cheat the nation and to take political advantage out of it. We have been hearing the jargon: health for all by 2000 AD. I do not criticise the Government. When we listen that jargon, there is a feeling that by 2000 AD, there would not be any disease. All people will be healthy and even nobody will die. But the strange thing is that there are only certain targets laid down in the health for all programme by 2000 AD. I come from Kerala where we have achieved all the targets relating to health for all by 2000 AD. In that state, We can see the sample of health for all programme ? The hon. Minister in charge know about it. You go to the hospitals and see that sad and unhygienic conditions.

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The poor people are not able to get even the minimum medicines. Merely passing a legislation is not good. Let us forget the petty quarrels. Let us search our hearts. What was happening in the country for the last five years? We have been accusing each other, throwing mud at each other and the poor man is deprived of even the basic needs. This is the time when we have to join together. The country is in danger. The security of the country is in danger. The secularism we seek for is no more here. Let us join together and work for a country to fulfil the dreams of Mahatma Gandhi.

With that, I oppose the Bill. I thank you for giving me time to speak on the Bill.

SHRI CHITTA BASU (Barasat) : Sir, I rise to support the principle behind the Bill. So far as the nitty-gritty is concerned, far as certain provisions are concerned, there may be differences of opinion. But so far as the principle underlying the Bill is concerned, I think, there should not be any opposition even from those who are adorning the treasury benches today.

Sir, the question relates to guarantee for employment. I would request my friends to understand what the Bill wants to achieve. As far as I have understood, there should be some kind of guarantee for employment. That is what the Bill wants. There should be no Member in the House who does not want, in the present confusion in the country, some kind of a guarantee for employment of our people who are unemployed and whose number is growing constantly day by day.

Sir, let us, for the time being, have an understanding of the magnitude of the unemployment problem. According to the latest figure with the Employment Exchange, the registered unemployment in the country is three crores and ten lakhs on an average. According to estimates made by economists on the basis of National Sample Survey Data, rural unemployment has reached a colossal figure of seven crores. Hence, the

total urban and rural unemployment comes to 10.10 crores which is 25 percent of the total work force of our country. In India, out of the total 80 crores population as estimated, 40 crores belong to 18-58 years of age. According to recent Government estimate, 35 crores of Indian people are living below the poverty line. Sir, this also indicates to what extent partial employment is there in our country and there is no full employment for a large section of our people.

In this connection, Sir, we have to understand the urgency of including the right to work as a Fundamental Right.

I feel that the demand had been raised by the youth and students of our country since a long time. If it was the election manifesto of the National Front to incorporate right to work as a Fundamental Right, to include or to incorporate right to work as a Fundamental Right, is not equal to providing guarantee for employment scheme. These are not the same perception. Sir, today you represent Maharashtra. Today, the Constitution of our country does not provide right to work as a Fundamental Right. It is true that it does not. But this does not prevent the Government of Maharashtra to have employment guarantee schemes. This Bill, as far as I understand, says that the Government of India and the State Governments all over the country should make legislations and should take steps to see that employment guarantee schemes are developed. And there should be some kind of Central law in that respect. Sir, whatever might be the feelings of the National Front Government, an attempt was made for the first time in the country to incorporate, to at least accept by all principles, the right to work as a Fundamental Right. We, one of the supporting parties, asked the National Front to have a scheme about it as to what they really want about it. As far as a note prepared by the National Front Government at that time, it is given as below:

* Using the daily status unemployment data

available for 1987-88 from the National Sample Survey and on the basis of the appropriate assumption, it has been estimated that about 2059 million person days of employment in rural areas and about 746 million person days in urban areas would have to be generated during 1990-91."

So, for the first time, a concrete attempt was made to ascertain and to understand in real and concrete terms the magnitude of unemployment problem.

According to that figure, it comes to 285 million person days in a year. This much employment has to be generated. Now Sir, they have also calculated that a total sum of Rs. 12,900 crore is required per year to create employment on this scale. That was the assessment made by the National Front Government.

I know there are many difficulties. Where shall Rs. 12,900 crore come from? That is another part of the thing and if you give me time, I can explain that also. There are resources which can be garnered for providing employment.

My good friend who preceded me mentioned about the success of the Jawahar Rojgar Yojna. I am not opposed to this programme. I do support it. But so far as the immensity of the problem is concerned, the funds provided for this Yojana are very meagre. As I have said just now, to generate a total employment of 285 person-days per year, Rs. 12,900 crore are required. Now, in the year 1990-91, only Rs. 3,650 crores were provided under the Jawahar Rojgar Yojna to create employment in rural areas. I am not accusing the Government. Nor am I criticising the Jawahar Rojgar Yojna. But looking at the urgency of the problem, whereas huge sum of Rs. 12,900 crore is required per year to create jobs for the rural and urban unemployed, the amount allocated to the Jawahar Rojgar Yojna and other schemes is a mere Rs. 3,650 crore. Whatever might be complexion of the Government, it could provide only Rs. 3,650 crore for containing employment under the Jawahar

Rojgar Programme and other poverty alleviation programmes.

Therefore, the main question is that if the Government has got the political understanding of the problem, that they have to create employment guarantee for such a vast majority of our people living in rural and urban areas, they will have to find the necessary resources. If you give me time. I can also indicate the resources. But so far as the attitude of the Congress party is concerned, let us understand what it is. Here is the latest election manifesto of the Congress Party, in which it says, "The Congress Party will also generate 1,000 mandays of guaranteed rural employment every year." Here is their promise to create 1,000 mandays of guaranteed rural employment per year. Of course, I have not calculated the amount needed to create 1,000 mandays of employment. But the allocation in this regard by the Congress Government was just Rs. 3,650 crore.

If this Bill is concerned a fraud, then I say that the election manifesto of the Congress Party is a greater fraud. This election manifesto come from a very responsible party which is occupying the Treasury Benches today.

Therefore, I support the principle behind this Bill very firmly. There should be a legislation at the level of the Central Government giving guide for providing guaranteed employment. It can be done on the lines of the Maharashtra Employment Guarantee Scheme.

But, unfortunately this guaranteed employment scheme has not been adopted, as far as I remember, by any other State. All these Poverty alleviation schemes have been sponsored by Central Government. Of Course, State Governments are also required to match for the expenditure. Therefore, Sir, there is an urgent need to have a legislation of that nature and also the State Governments can also prepare legislation on the basis of the model legislation that this House is in a position to enact.

[Sh. Chitta Basu]

So far as the resources are concerned, as you know, there are more than Rs. 80,000 crores of black money in parallel economy. Even today we have found that Rs. 2600 crores are the loans taken by the top monopoly houses and they are defaulters. As far as I remember, annually there are Rs. 500 crores to Rs. 600 crores income tax unrealised. Of course, the income tax is not properly assessed. Therefore, if there is prevention of leakage of revenues; if some black money is unearthed; if these financial institutions are not allowed to be exploited by big monopoly houses and if the economy of the country is converted to a real economy which is just serving the interest of the poorer section of the people, resources can be had.

It is not a question of resources. It is mainly the question of political will. Unfortunately, I have to make a very caustic remark. What is needed is the political will to make resources, to create resources and to utilise those resources for a social good and social justice.

I do not want to take much of your time. There are many suggestions which I wanted to make. I think this is not an occasion and I will not take much time of the House to make a long list of suggestions. As for example, suppose if we take up a massive programme of literacy campaign 60 crores people are illiterate as the Kerala has done it and as West Bengal is doing, we can employ a large number of educated young men and women.

If we take up afforestation programme as a huge national campaign, we can create employment for crores of people

If we have got a scheme of proper implementation of land reforms all over the country, we can also liquidate to a very great extent rural poverty in our country and there by we can also create a new condition for the economic rejuvenation of the nation as a whole.

Therefore, Sir, there are so many as-

pects of the problem and I hope the Government will consider it in its proper perspective. I again emphasis upon the need of having a legislation at the central level to provide for guaranteed employment for those who cannot afford to eke out their existence both in the urban and in the rural areas.

[*Translation*]

SHRI DAU DAYAL JOSHI (Kota): Mr. Chairman, Sir, there are many inconsistencies in the Bill moved by Shri Bhogendra Jha. I pointed out to him just now in Library that the provision of Rs. 1000 must be separated from the right to employment. He agreed to my suggestion then and there. He has said here that when he introduced this Bill, prices were not so high.

Mr. Chairman, Sir, there are no two opinions on it that the unemployment is the biggest problem confronting the country. The day before yesterday in a radio-interview at Kota when I was asked as to what was the most burning problem of the country, I replied there too that it was unemployment. This is a fact that no other problem is as burning as unemployment is in the country. We are not finding any suitable means to sort out this problem. Hon. Chitta Basu is very much correct in saying that a strong will is needed and by forgetting all our political differences and leaving aside the political untouchability some hard decisions regarding these two things would have to be taken. And then we would have to arrive at a consensus that such and such steps would have to be taken in order to solve the unemployment problem.

The next problem is of birth rate. We shall have to take stringent measures to check birth rate in the country. By then only, we could succeed in solving the unemployment and other problems of the country.

Mr. Chairman, Sir, we did every thing including several plannings to solve this problem of unemployment in the country. A survey should be conducted all over the country to find out as to how much money we

have wasted during the last 44-45 years for sorting out this problem. The people have fed up with these plannings and promises regarding this problem. Today the unemployed youths have begun to look at we, the leaders, with disregard whenever any of us makes any such promise. When hon. V.P. Singh promised employment guarantee to all, they reacted that it was merely a promise and as such it could not be believed. Due to one lacuna in that scheme we had a doubt too. Under that scheme there was a provision that any unemployed person could seek job by moving the court. But how can one seek job by moving the court when one is not in a financial position to move the court. At that time it was discussed extensively.

A large amount of money has been wasted in the country on the various schemes like Jawahar Rozgar Yojna, National Rural Employment Programme, Integrated Rural Development Programme etc. Every time it was stated that such and such number of mandays in lakhs has been created. But an important question does arise as to why the people could not have been brought above the poverty line in the country if it has been really done through these schemes.

Today, there are two categories of unemployed in the country educated and uneducated. The educated unemployed any how manages bread and butter for himself, but it is very difficult for the uneducated unemployed. A villager, clad in a tattered dhoti, came to me 5-7 days back on the occasion of Diwali. He requested me repeatedly to secure a job for him. I told him twice that I would try to do that but I got agitated the third time and asked him to join the crowd of the unemployed assembled on different spots, as he could not become a Collector or an Inspector since he was an uneducated villager. For the last ten years in many cities of India such Haats are being conducted where men are auctioned regularly. Rs. 80 for this particular labourer. No one comes back with empty hands from those 'Haats'. He certainly gets one or the other means of satisfying his hunger. Today, on the one hand there are educated unemployed youth who are not

finding a way as what to do and on the other hand we are entering into computerised era. We want to adopt modern technology for our Banks against which every day in this House a voice of protest is raised on the plea that the computerisation of the Banks will increase the unemployment and that there will be retrenchment of staff. The educated youth are facing this big problem today. Should we not adopt modern technology? If we adopt it, where will we absorb the unemployed. Employment cannot be provided to people and on the other hand we cannot ignore the modern technology completely. So, we will have to find a way out.

Once I visited the Bhilwara Suitings and Shirtings Mills in Rajasthan. On the one hand there were 6,000 workers in the old mill and on the other hand there is a new Mill equipped with modern machines established just 3 years back with the help of the Industrial Development Corporation. While there were only 96 workers in the new Mill its production was one and a half times more than the old Mill where there 6,000 workers. This is so due to computer technology employed in the new establishment. When it develops some snag sometime, red-light is on and the sound of TUN-TUN comes out and the machine stops itself and after the snag is removed, it begins to operate again. Thus no extra man for such snags is required there.

Mr. Chairman, Sir, we shall have to decide as to which industries should be kept free from computerisation. In My Kota district an N.T.P.C. factory with the investment of Rs. 900 crore has been set up. At Garhewan in the same district another fertiliser factory, about which I have come to know today only, is to be set up with an investment of Rs. 942 crore and at later stage when it is complete further Rs. 1200 crore will be invested in it by Government. But the point is whether the Government, in spite of an investment of Rs. 1200 crore in it, can guarantee jobs even to 1200 persons. Today, in the factory of the N. T. P. C, in which Rs. 900 crore has been invested, only 300 persons are working. Likewise, there may be maximum

[Sh. Dau Dayal Joshi]

400 workers in the fertiliser factory at Garhewan when it is commissioned. So, it is my request that we should prefer to establish job-oriented industries. We should ban such industries which provide minimum jobs.

Mr. Chairman, Sir, the last Congress Government started many fake schemes which must be banned strictly otherwise this country will be ruined. Shri Manmohan Singh should take some hard decisions in order to ban these take schemes as he has taken for bringing about financial discipline. In reply to my question I have been told today itself that this Government will provide jobs to 70 lakh people through Khadi and Gramdyog in the Eighth Five Year Plan, what industries this Khadi Gramdyog cover after all, are only bee-keeping, 'Tar 'production, synthetic fibres. Mr. Chairman, Sir, this is the limit of such force. The country has been fleeced to a great extent in the name of such schemes. I submit in strong words that these hypocritic schemes must be done away with immediately. The Government will have to take some hard decision. We cannot secure the future of the youth of the country unless we adopt a realistic approach.

Mr. Chairman, Sir, Being a B.J.P. worker I often used to raise slogan loudly "Naujavanon ko kam do, dono hathon ko kam do varna gaddi chhor do." I would like to ask the leaders sitting here especially the communists as to why the Bengal Government has stopped giving unemployment allowance to the unemployed it had started two years ago. What happened to the slogan, " Naujavanon ko kam do, varna gaddi chhor do; Bekaron ko kam do, varna gaddi chhor do." Actually this scheme is not a realistic one. In Karnataka also the same scheme was started but it failed in two years only because all the funds meant for the developmental work was to be consumed in giving unemployment allowance as the number of the educated unemployed is much more in the country. And the State Government had to withdraw the Unemployment Allowance Bill.

Mr. Chairman, Sir, 15 days ago in my

constituency 635 applications were received against the vacancy of six posts. When I asked the Principal the reason for calling so many persons for so few posts. He told me that those IVth grade posts were advertised in the newspaper so all the applications had to be entertained because he did not requisition candidates from the Employment Exchanges. Further I asked him what process he would adopt for relecting the 6 out of the huge number of 635. He replied that there was not any guideline for that. Thereafter, I tore off all the 58 slips of the recommended names I had in my pocket because in such a situation I did not think it proper to recommend any name. A candidate who was an M.A. with first division had come to my residence for getting my recommendation. He frankly told me that it was his 7th visit to my residence in the hope of getting a job. When I asked him as to why he even being an M.A. was interested in the job of a Chaparasi. He replied that he wanted any job as he badly needed it because his parents under pressure married him a year ago. He requested me for any job. He threatened of committing suicide at my door-step if he did not get any job. Such situation, is very shameful. I alone do not face such situation, rather all of us face it more or less. Today youths of the country are unemployed. Shri Bhogendra Jha is progressive. He has also expressed his concern over the problem of unemployment. I would like to remind him that no place except that governed by Shri Jyoti Basu is there in India where man is drawn by man or a man rides on a man.

On the roads of Calcutta a man holding the rickshaw in his hands runs himself instead of peddling it. I would like to ask especially Shri Sharad Pawar whether it is not true that in Bombay women are engaged in flesh trade. What happens in Bhindi Bazar where the young children are kept in que like articles at a shop. Even small girls of 10 years sell themselves for bread. Do the hon. members not see all this? It seems we are least serious about it. Had we been serious about it, we would have unanimously supported the Bill moved by Shri Bhogendra Jha.

Against a vacancy a large number of Postal orders are collected. The candidates come from the distance of more than 500 years to find a job. I would like to know from the Government at what cost an application form is printed. It is hardly Rupee one but it is said for Rs. 50 each. Now the question is in whose pocket this difference of Rs. 49 goes? Why are the applicants fleeced in this way? If youths continue to be fleeced, they will not spare anyone. Only time will tell as to what would be the future of this country. There should be a provision in this Employment Guarantee Bill that the Youths can apply without any precondition and a free railway pass may be issued along with the call-letters to them. In this regard Shri Devilal had made efforts but he failed. We should do away with all these hypocrisies and bring a resolution unanimously. We should give a serious consideration to solve the unemployment problem. If it is not solved, the country may face ruination.

In Rajasthan the people just are working on the posts of chaparasi for the last 9 to 10 years for Rs. 340.

A vacancy is created after two years, and there is a ban on the new recruitment for the last ten years. Please decide the number of people to be employed. The youths may not be taken for a ride by just deceiving them. If the youths are deceived this way, it may lead the country to a situation of crisis. The New Prime Minister should discuss this problem in a meeting of all parties. He had presented a Bill under the Employment Guarantee Scheme, which had created a new thinking. Therefore, I would request the Prime Minister of this new Government that he should consider the problem of unemployment as the most important problem and give top priority to it and take some steps in this direction.

[*English*]

SHRI SUDHIR SAWANT (Rajapur) :
Mr. Chairman, Sir, there is no question of supporting or opposing this Bill because if any one goes through the Objectives of the

Bill, which I consider laudable, guaranteed employment for all, no one, I feel, will ever raise his voice against the principle or the idea behind this Bill. But the question is, whether this enactment, which is in front of us, serves the purpose, serves the purpose of guaranteeing employment to everyone. That is the question on which one has to speak.

It is very easy to say: "Mr. Pawar, you cannot say as to what is happening in '*Bhindi Bazar*'. People are sold for money because of unemployment." We can say this. I can also say as to what is happening in Ujjain or in Madhya Pradesh. The same thing is happening everywhere. Unemployment problem is a problem which confronts humanity like no other problem does. In fact, all actions of every National Government are targeted towards giving employment to the unemployed. So also, this has been the practice and policy in this country.

Maharashtra Government, I feel, is the first and the only Government which has launched Employment Guarantee Scheme. When you talk of employment, it is not employment in general, you have to speak but of the type of employment.

The Clause of this Bill says:

"It shall be obligatory on the part of the State to provide employment to all adult citizens seeking employment."

First we will have to define 'employment' in effect. If you agree to this Clause, then every citizen or someone who is working on a farm would say that he wants employment in a different field. So, we must decide about the type of employment.

In Maharashtra, we find that though the Employment Guarantee Scheme is there and the Government is willing to employ people, there is no labour available. In fact, many such schemes-I have seen at least in my constituency-are not functioning and they cannot be executed because there is no labour available for work. That is the posi-

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tion. So, this clause in effect cannot be accepted because we will have to first define 'employment', 'type of employment' and the type of unemployed you want to employ in a particular manner. When we read it at the first sight, we will not be able to accept the Clauses which are given here.

Whenever any such enactment comes before us, we have to see two things. Firstly, whether it is in consonance with part IV of the Constitution. And secondly, whether it abridges fundamental rights. It was said here now that probably the directive principles are not important and fundamental rights have supremacy over the directive principles. I do not think that this is a fact.

I will just quote what Justice Chandrachud had said in a case:

"The Indian Constitution is founded on the bedrock of the balance between Parts III and IV. To give absolute primary to one over the other, is to disturb the harmony of the Constitution. This harmony and balance between fundamental rights and directive principles is an essential feature of the basic structure of the Constitution."

17.00 hrs

Hence, you will, in fact, have to ensure this harmony. Now this enactment tries to give enforceability in legal terms to Article 39 (a) and Article 41. Article 39 (a) says:

"The State shall, in particular, direct its policy towards securing-

(a) that the citizens, men and women equally, have the right to an adequate means of livelihood."

Article 41 says:

"The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work.."

So the Directive Principles of State Policy (Part IV) tell us that within the means of economic capacity and development, right to work shall be provided.

17.01 hrs

[SHRIMATI MALINI BHATTACHARYA *in the Chair*]

This particular statement "within the means" and this particular constraint on the principles of right to work has been deliberately left by the framers of the Constitution because if you say that the right to work is a fundamental right and if you say that it shall be obligatory on the part of the State to provide to all citizens jobs seeking employment, then you will have 200 million young Indians going to the courts and the courts will be full of cases. It will create tremendous confusion in the country. So this is not the methodology which we can adopt to ensure employment to all which we all want.

The second thing is, clause 4 (1) says:

"Every citizen who has secured a job shall not involve himself in any activity other than this employment resulting in financial or other gains."

I want to ask, if a citizen wants to put a fixed deposit in a bank or he wants to buy shares, can he not indulge in financial gain? That is why clause 4 (1) is striking at his fundamental right part (III). Hence this clause 4 (1) is *ultra vires* of the Constitution and *void ab initio*.

Clause 4 (") says:

" Any citizen who is provided with a job shall have to relinquish his ownership or share of any moveable or immovable property, except those used by him for his residential purposes, within two years of joining the service.."

Firstly, I would like to draw the attention here that when it comes to land problem, first we have to effectively enact land reforms

before we can address this problem. And the second question is that there is a clause of retrenchment. The Industrial Disputes Act recognises the right of the employer to retrench his workers. Now what happens to a person who works for two years and afterwards he is retrenched because of economic non-viability of the unit? If he does not have moveable or immovable property and he is retrenched and left jobless, what is going to happen to him? That is why, this clause does not go well with the social requirements as we understand it today.

Clause 5 of the Bill says:

"It shall be obligatory on the part of the State of ensure periodical promotions to all employees on the basis of tests and/or performance."

This is already happening. I do not know which particular organisation or institution this particular clause is directed. Secondly, this strikes at the principle of giving reservations in promotions to SC and ST people because if you say that "Promotions to all employees on the basis of tests and/or performance." then the reservation policy which we have maintained since our independence is rendered non-effective. Hence, this again is the *vires* of *ultra vires* of the Constitution.

Clause 6 says that if you are in employment somewhere, you cannot seek employment elsewhere.

This is in conflict with Article 19 (g) which gives a Fundamental Right, Part (3) guarantees you that you can seek employment at anyplace, anywhere at any point of time, and hence again this is *ultravires* of the constitution and void. Clause 7 is very important and interesting. It is mentioned that "the state shall provide cheap credit subsidy and other facilities to all citizens including retired persons seeking productive employment." I fully agree with this Clause. This Clause, in fact, is a matter of Government Policy and is already implemented. Now, if we come to this Clause, we come to a wider issue. We

talk of public sector, we talk of private sector and non-functioning of public sector. I do not want to go into the reasons. But, one thing we must realise here is that the public sector or private sector cannot give employment to the unemployed in this country. This Clause which has been placed here has already been framed, but not implemented at the ground level. That is the only one method by which we can ensure employment to the unemployed in this country and there is one and only method for rural India and that is Cooperatives and only Cooperatives. This movement has shown results in Western Maharashtra. In Western Maharashtra there was no public sector, there was no private sector. It is the people who had come up and then used the credit subsidy and other similar facilities. So, the question is whether legal action can engineer social change. It can never do that. By enacting this piece of legislation will the people come forward to form Cooperatives, take benefit of the facilities given by the Government? The Government is giving cheap credit. Khadi Gramodyog is giving credit at 4 per cent, but how many people use it. This is because the people have not been educated enough to come forward to seek self-employment and secondly the cooperative movement except for Maharashtra, I do not think, has been popular anywhere. If you want to give employment for all, then, first thing that we have to do is that we have to launch a social movement and it is not going to be achieved by enacting legislation alone. We as politicians and political parties will have to go to people and launch a social movement in terms of Baba Saheb Ambedkar and Mahatma Phule. That kind of social movement will have to be launched for the people to come forward to take advantage of what is being given to them by Government, Today I have found this basic lacuna. The Government Policy and Programmes are there. But the people are not utilising these programmes. Western Maharashtra is the example for India to act as far as the cooperative movement is concerned because there was no public sector, there was no investment from the private sector, but that particular area has come roaring-up in terms of

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employment. You do not get employees there for normal menial duties at all. So, we should see the particular thing, enact that particular example and then devise means. Mere legislation I want to re-emphasis is not going to solve the problem of unemployment.

We require a social movement and a proper scientific enactment because this policy is totally inadequate. We will have to conduct a lot of research. There was a talk of black money. I fully agree with Shri Chitta Basu that if we can and if we launch to take out the black money of Rs. 12000 crores required for generating employment, and use it, definitely we can do it. But, it is easy to speak, and very difficult to implement. Our Government definitely has the political will to tackle this problem. It is not that we do not have the means, but we have got a lack of participation of the people. That is the real problem which we all political parties must address instead of getting merely involved in political activities.

If we try to direct our attention to social activity and engineer a social change by participation of the people, I think we can achieve tremendous results from our activities.

Hence, in view of what I have said earlier, I cannot support a number of clauses of the Bill. That is why I would request the hon. Member to withdraw this Bill so that we can evolve a well-researched and a more scientific type of enactment which is in consonance with our Constitution and the Directive Principles of the State Policy and which can be implemented so that we can achieve the objective of the Bill. I support the objective of the Bill and we will try to achieve the objective of the Bill. Thus, I would request for the withdrawal of this particular enactment.

SHRI JITENDRA NATH DAS (Jalpaiguri) : Thank you Madam for giving me this opportunity to speak on this Bill. I do support this Bill which has been brought by Shri

Bhogendra Jha. I would request the Members to go deep into the problem and not to just float over it. I also thank Mr. Jha that he has brought this Bill correctly in correct time. At the same time, I would like to say that the solution of this problem wholly depends upon the attitude and Government will and the thinking of the present Government and the party in power. The Congress Party has framed many equations up till now but there has been no solution to this problem. The equations are remaining only equations.

Now the unemployment problem has become a curse to our society and a cancer to our nation. To save the nation and the country at the same time, the Government should come forward with a definite attitude to solve this problem. Even during these forty four years of our Independence, the Government has got on thinking and attitude to solve this problem. There are so many problems which have been dealt with by this Government but they could not solve this burning problem, that is, the unemployment problem.

Forgetting every-thing, irrespective of party politics, all should come forward and work together in order to solve this problem and in order to save the country. At present I think more than one-fourth of the population of India is unemployed. We should realise the density and we should realise the magnitude of this problem prevailing throughout the country.

Those who are not unemployed, cannot realise the pain of unemployment. The parents in the service are often found to commit suicide or to retire on health grounds only in order to provide their sons or their wards a job. So, let us go deep into the problem, I am saying it again, and not to just float over it.

As a citizen of India, we must have got some rights, for example, right to work, right to have education, right to live, right to exist, and it is the duty of the Government to provide all these facilities and rights to a citizen of India.

The problems of disintegration and separatism arise mainly out of this unemployment problem, I think.

I would request the Government to come forward to solve these problems and at the conclusion of my speech I am giving certain positive suggestions in this regard to solve the problems. They are massive land reforms throughout the country to be done immediately; improvement of the agriculture in the light of modern technology to be done; production and the sphere of agriculture to be increased industrial policy to be changed into decentralisation of industry; industries to be opened compulsively at places where the raw materials are available. Government should come forward to encourage by providing financial assistance to small scale industries. literacy is to be removed. The State should take up the task of educating the people on modern technology. There should be simultaneous improvement of agriculture and industry which should be in all places of the country. The Right to work is to be introduced in the Constitution.

[*Translation*]

SHRI TEJ NARAYAN SINGH (Buxar) : Mr.Chairman, Sir, I support this Bill. The problem of unemployment is very severe in the country nowadays. I am really surprised on the people who made rules and laws for 42 years and these rules and laws never succeeded in any of the five year plans. In spite of that, this bill is being rejected. They should at least understand that we have run the Government for 38 years and whatever was done, the position regarding unemployment remained the same. If this Bill becomes a law, at least it should be supported. It is unfortunate or otherwise for the country that this Bill is not getting any support this time also.

Joshi ji rightly said that today all the members should support this Bill. I am also of the opinion that all of us should support this Bill. There is no state in the country where the number of unemployed people has not gone up, whether it is U.P., Bihar,

Bengal, Madhya Pradesh, Maharashtra or Rajasthan. The youths through at the residences of the Members of Lok Sabha and Legislative Assemblies for employment in services. They are demanding any job anywhere. All of us are helpless in providing a job to anyone, simply because there is no vacancy in the Government, moreover there is no work that the Government can provide to the people. There is no vacancy since 1975. If anybody is interested in providing employment to anybody, he too is helpless. But I believe that if this Bill is made a law and a new clause is added to article 16 of the constitution, a youth of the country, if interested to get a job and if the Government does not provide any job to him he can go to the court to get a job.

I.P.C. and C.P.C. are there to control crime. Whether any statement is true or false is determined under the Evidence Act. If the evidence in the cases under section 302, 395 and 396 is true the culprit is liable to life imprisonment or execution. Similarly, if the unemployment problem is to be solved, an amendment in the constitution is inevitable. I believe that the unemployed people of this country wont get any job unless the constitution is amended. We may build up castles in air and make loud announcements in manifesto, or deliver long speeches but it will not serve any purpose. The youth of this country are not ready to accept and listen to these speeches. It is a fact that if no solution is found to the problem of unemployment, and if the youth of this country have to wait for a couple of years more, there wont be any alternative except a revolt. Joshi ji said that in the state ruled by Shri Jyoti Basu there is a tug of war between man and man. I would ask Shri Joshi what has he done in Madhya Pradesh. There is no public latrine in your state. The people of Madhya Pradesh. There is no public latrine in your state. The people of Madhya Pradesh are coming to Delhi for their livelihood. There are no irrigation facilities in his state. Many states are ruled by your party, but there are no irrigation facilities. Have you been able to remove unemployment? But you go on criticizing. You say that Shri Sharad Pawar has not been able to

[Sh. Tej Narayan Singh]

do anything. You should say that the Congress party has not done anything during its regime of 42 years.

You have said about Shri Sharad Pawar alone who has been the Chief Minister of Maharashtra also, but the unemployment problem has not been solved there....(*Interruptions*)

In Bengal, the problem of unemployment has reached a stage where man is against man i.e., everybody is fighting to get employment and this fact can not be denied. When the Government wants to stop employment people do not accept it. What is the contribution of the Congress in the development of the State. Funds are being collected by your party for the construction of temple but for setting up a factory. You are collecting Rs. 1.25 p. from people and ask people of Madhya Pradesh and Uttar Pradesh to do 'karseva', but no arrangements are being made to solve unemployment problem. I am not saying it just for criticism. Since you are discussing this problem so I said these words. After all nothing will come out of singing Ram bhajans. There is a saying in Bhojpuri that "Bhookhe Bhajan Na Ho Gopala, Le Lo Hath Mein Kanthi Mala". The people of the country can not chant the name of Ram with empty stomach. Congressmen should support this move with open hearts. Five to 10 lakhs people are coming from Bihar to seek employment. Just now one of our colleagues from Kerala said that the fundamental right in Article 16 of the constitution would be amended, but it will end the very basis of it. The basis of the constitution are never affected. An amendment to the constitution does not affect it that way. Whatever can be added to the constitution is appreciable. If any clause is added to the Article 16 such as providing jobs to the unemployed, I believe it will not go against the law. It should definitely be added. There have been no arrangements of irrigation even after 42 years of independence. The Congressmen, who are running a minority Government should think about it. The Congressmen could not

do anything when the number of their members was 425. Something worthwhile should be done to provide jobs to the people of this country. That way some solution to the problem is possible. I would like to tell my friends from the Congress party that they should give up this attitude. This bill providing jobs to the unemployed people may be passed. With these words I conclude my speech.

[*English*]

SHRI P.C. THOMAS (Muvattupuzha) : Madam Chairperson, I am happy that the mover of the Bill has thought of the youth of the country and has put an enormous effort to try for jobs for all the youth in this country. As pointed out by some of the friends, there are certain anomalies such as the difficulty to provide employment by merely bringing a Bill. I do share some of the other conditions which have been enlisted in the provisions of this Bill. Now, it is not possible for any person to get a job by merely having this sort of a Bill or law, which says it is obligatory on the part of the State to provide employment to all the adult citizens seeking employment. It is true that this gives a great persuasive effort. It is also true that the Government should bring out laws to provide employment in all the sectors to the youth. But the most important thing for this will be to find out avenues where jobs could be given and I would think that the present Government's policy with regard to starting of more industries and with regard to relaxation of rules for bringing out more industries is a very welcome step in this regard. With regard to providing jobs for the youth of the country, the only way will be to find out more avenues for employment just as in the case of the field of agriculture as well as in other fields. Another aspect will be to give a boost to the agricultural sector.

Agriculture is one field where a lot of employment could be provided. It is unfortunate that we are not paying much attention to this sector. For example, there was a hue and cry here in the morning with regard to rubber. This is a field where more than 20 lakhs of people are having employment.

Apart from this, about six lakhs of small farmers are there and it is unfortunate that the Governments are in no mood to see that proper safeguards are given to give a boost to the cultivation of rubber and thereby provide more employment in this sector.

This Bill is a very good Bill and I also appreciate that it is only by bringing such provocative Bills that the authorities as well as the Governments can be made to give more time to think about such a very serious problem such as unemployment. The other provisions with regard to the curtailing of other jobs or going for other jobs only after resigning some jobs are not practical. There is also another provision which is enlisted as section 7 in this Bill. It says that:

"the State shall provide cheap credit subsidy and other facilities to all citizens including retired persons seeking protective self-employment."

Of Course, to retired persons, I do not know whether that is of much need, but as far as the youth are concerned, it shall be obligatory on the part of the State to provide credit facilities.

The Government has the obligation to provide credit facilities to the youth who come forward with proper suggestions or proper schemes to employ themselves in various fields. I think, such a provision will very well fit in this venture.

There is another provision which makes it punitive. Clause 8 says that any person violating the provisions of Section 4 shall be punished with imprisonment for a term not exceeding one year or fine not exceeding Rs. 10,000 or with both. If at all, a Bill in this respect is passed, there must be a provision where something more specific to be given with regard to job which a person can seek. There must be so many schedules which make clear which are the avenues for which the youth can apply. If the officers of the State are reluctant to guide or are not properly guiding or not giving opportunities, then some kind of punitive measures re-

quires to be given. If that can be incorporated, that would be better if a law in this line is passed.

I do agree that the present Bill has been brought forward in an earnest attempt by the hon. Member, Shri Bhogendra Jha, which may not be adequate enough to cope up with the requirements which he has in mind or which he has discussed.

I thank you for the opportunity given and I support the intention behind this Bill.

[*Translation*]

SHRIBALRAJ PASSI (Nainital): Madam Chairperson, the Unemployment Guarantee Bill which has been brought here in the House may be containing certain impracticable things but emotionally I fully agree to it. Many hon. Members have expressed their views on this subject prior to me. There has been Congress rule in the country for the last 42 years and during that period they presented many schemes, but with all that after the passage of so many years the problem of unemployment in the country has not been solved. It is acquiring bigger dimensions day by day. If this problem is not solved rightly and quickly, there is every apprehension of a strange situation to arise in the country in the time to come. During the post independence era, all the schemes implemented adopted the policy which was particularly an imitation of foreign countries. At times, we thought of imitating America in the sense that big factories be set up. and at times we thought of imitating Russia, and sometime we tried to cheat the country by giving the slogan of socialism.

Just prior to my speech an hon. Member from the Congress was presenting this issue and I could not follow it clearly whether he was speaking in praise of the 42 year congress rule or he was opposing it. About this Bill I would only say that it is not a topic of discussion today. All the political parties should jointly consider this problem seriously, because every year there is an addi-

[Sh. Balraj Passi]

tion of 60 lakh youths to this number of unemployed people.

I belong to the area which is primarily a hilly area. Thousands of jobless people are added every year. Everyday a youth leaves his home after seeking blessings from his mother and she applies tilak on the forehead of her son with a hope that he will get some job, but when he returns dejected at night after appearing in interviews at so many places without getting a job and as a result he falls prey to some addiction. Whether it is the problem of Punjab or Assam, these are associated with the problem of unemployment. I request the whole House and all the Members that the Bill may be considered seriously and it may be passed after including as many objects can be included so that the problem of unemployment in the country is solved.

[English]

SHRI MUKUL BALKRISHNA WASNIK(Bundana) : Madam, Chairperson, as the needle of the Clock was moving towards 6 o' Clock, I was getting worried whether I would get an opportunity to speak on this very important Bill. Thank you for giving me this opportunity. But as the present Youth Congress President is sitting behind me and wishes to speak on this Bill I think that I would try to submit my views on this very important Bill in a limited manner.

The problem of unemployment has assumed serious dimensions. All the speakers who have spoken on this Bill have pointed out how unemployment has grown over the years.

MR. CHAIRMAN: Will you kindly sit down just for one moment? We have to seek the opinion of the House regarding the extension of this discussion. Are we all agreed that this discussion may be continued till Six o'Clock?

SEVERAL HON. MEMBERS: YES.

MR. CHAIRMAN: Thank you.

SHRI MUKUL BALKRISHNA WASNIK: All the speakers who have spoken on this Bill have pointed out now this problem of unemployment has grown over the years and though during the last several years, there have been many programmes to generate more employment opportunities, many schemes have been formulated and implemented, but it is an unfortunate fact that where towards the end of the First Five Year Plan we had .75 million job seekers, towards the end of the Seventh Five Year Plan, i.e., December, 1989, the figure rose and assumed a frightening dimension of 32.77 million job seekers. Not only this. Every year, there has been growth. Every year we have been creating a number of opportunities. But the number of job seekers whether it be in the Employment Exchanges or elsewhere, has been rising very rapidly and galloping like anything.

Shri Chitta Basu, the honourable and experienced Member of this House has quoted figures and I have also got certain figures from the Employment Exchanges which show that in March this year, the number of job seekers on the live registers was 4.3 crores. This is the only the figure of those who are seeking jobs, those who are unemployed. This figure does not reflect in any manner those people who might have got an employment opportunity but, for all practical purposes, are unemployed because they are under-employed.

Mr. Charles had pointed out that graduates in Kerala, in certain areas, had to sweep the roads. Will we say that this is full employment? Or is this the employment in the real sense or are we going to give a graduate a job which goes on par with his education? I think, that those figures are missing out of the figures of the employment exchanges. And if we try to consider those under employed people, then the figures will be atleast three to four times more than what the figure is with the employment exchanges. I would like to point out here that though the motive and the purpose with which Shri Bhogendra

Jha has introduced this Bill is quite commendable, the details do not go well with the intentions.

Shri Sudhir Sawant pointed out about the lacunae in the Bill. There have been several shortcomings and those shortcomings will have to be removed. If we have to frame a proper Bill, if we have to have a Bill which is going to ensure Right to Work and which is going to help generate employment opportunities to the millions of job-seekers, I think and I do recommend the Maharashtra Employment Guarantee Act for this purpose at the national level.

Shri Chitta Basu pointed out that during the Congress rule, several expectations had been there and they had not been fulfilled. He pointed out that in the election manifesto of 1991, the Congress had promised to create 1,000 million mandays. He also pointed out about the requirements which were worked out during the National Front Government as also the number of mandays to be created and the Budgetary provisions to be generated.

When he was talking about Maharashtra, he had forgotten that it was the Congress Government in Maharashtra which had brought in the Employment Guarantee Act. Had his advise, as an experienced Member been followed by the West Bengal Government the left parties governing the West Bengal for the last several years, then the West Bengal would not have earned a name to shelter the largest number of unemployed people in the country. It is almost 45 lakhs of unemployed people. You might have given them shelter on the road-sides, under the bridges, you might have made them sleep without two meals a day and so on. That type of situation is there. We are talking of the realities and the reality is that in the country today 45 lakh unemployed people are there in Bengal. I am not trying to level allegations saying that one party has failed and the other party has been successful in implementing certain things. But in this fashion where under our very nose certain things have gone wrong, I think, it would have been

better to raise our voice and try to point out the mistakes.

This year in 1991-92, the Government today has decided to create 900 million mandays which will give jobs to about six million unemployed people for about 150 days in a year. This is not sufficient. This is not sufficient. We have to generate much more than this. We have to see the schemes that we have decided to implement and we will have to increase the budgetary provisions that we have made. But unfortunate things are happening when we are implementing such important and delicate programmes.

An hon. Member from Madhya Pradesh was telling me today that there is severe drought in several districts of Madhya Pradesh. The problem is more serious in the tribal districts. The allocation from Jawahar Rozgar Yojna which was made to generate employment in those tribal districts of Bastar and elsewhere had been diverted to some other districts for political considerations. Why? Why from such an important employment programme? When we are talking of creating employment for the last person who is in need of a job, here they have diverted the funds for political considerations. In the election, if one has failed to get the support from the some quarter or the other that does not mean that while implementing welfare and developmental programmes, they can try and divert the funds. Therefore, I would like to recommend here that we definitely need to have an employment guarantee Act and that Act should be in line with the Act passed by the Government of Maharashtra. We all are aware of the main features of rural employment. They are a large unorganised labour difficulties in measuring unemployment, ignorance about labour laws, seasonal nature of employment, unemployment and under-employment prevalent among self-employed workers, non-mobility of labourers, women labourers being less mobile than men, and higher proportion of unemployed women. Keeping those main features in view and keeping the Maharashtra Act on employment guarantee in view, the

[Sh. Mukul Balkrishna Wasnik]

Government of India should bring in a similar type of Act before this House. I would like to suggest to the hon. Minister that such a measure should not be delayed and such a type of Act should be introduced in this very Session of Lok Sabha.

Shri Chandulal Chandrakar and a few other Members including myself were discussing about this. We are the second most populated country in the world. When we look at the statistics we see the figures that every seventh person in the world is an Indian. But our heads do not rise in honour but our heads bow down in shame. This is not an achievement. We shall have to ponder over this. Very soon we are going to beat China to become a highly populated country in the world. Up-till now, we have not been able to prepare some programmes to drastically control the population growth. During the mid 70s there was an effort to control the population in certain places. The implementation might not have been upto the mark but that was a genuine and a pious effort. There might have been events where such efforts might have boomeranged politically. But I would like to point out that when the country is sinking under the pressure of population, the Government will have to take bold initiatives even though there is a risk that politically such measures will boomerang. If we try to take bold initiatives, we may be able to save the country from sinking. Unless and until we come out with certain drastic measures to control the population, I do not think that there is any future for any development of what so ever nature.

I have already taken much of the time of the House. The eight plan would give a major thrust to employment. The policy of the Government has already been announced. The policy of the Government to check the wasteful government expenditure has also been announced.

Foreign trips of Ministers and other political delegations have been curbed.

Several such measures have been taken. Several reforms have also been interested. The economic reforms, the fiscal changes, the new industrial policy, the changes in the import-export policy, the Panchayati Raj and the Nagar Palika Bills to reform the local self Government bodies these are the reforms underway. But I would like to suggest here that all these measures which are intended to rapidly develop the country would fail ultimately if the men who manage the affairs, the administration, does not rise to the occasion. Whether it is with regard to the population control measures, the employment generation measures, or any other measures, I would like to suggest here that we should come out with reforms in the administrative systems also. The attitudes of the Government officers, the bureaucracy and their responsibility and accountability will have to be gone into. If we are able to do that, I think with the employment programmes like the Jawahar Rozgar and Nehru Rojgar Programmes and other programmes, we will be able to implement in a much better way.

Lastly I would like to give a suggestion to the hon. Minister. During the last session also when there was a discussion on a private Member's Bill on unemployment, I had pointed out that there is a need to create a National Commission on manpower planning. There has been a mushroom growth in engineering colleges, medical colleges and various other vocational and educational institutions, technical institutions. But have we tried to evaluate or assess the number of engineers (Civil and Electrical) and architects and the number of doctors which the country would be requiring in the coming years? Do we have a plan of that nature? I think up- till now we don't have such a plan. The Government should constitute such a Commission as a permanent body which will continuously work upon evaluating the assessment of different types of personnel which the country would be requiring in the coming years.

The time has been limited and therefore would end here.

SHRI V. DHANANJAYA KUMAR (Mangalore): Madam Chairperson, I rise to support the principle and the spirit behind this Bill. I would not like to go into the details of the clauses of the Bill. There may be many changes which are required in the drafting of the Bill and therefore I would not like to go into the details of that.

Before continuing further, I would like to pose a question to this august House and to all my friends here as to whether the discussion which we have been having on the provisions of this Bill would at least invoke a ray of hope in the hearts of those crores and crores of unemployed in this country. If not, probably we are just making a futile exercise.

Before suggesting any other remedial methods, one should go into the root cause of the malady. Now undoubtedly the root cause is the failure of the successive governments in keeping up the promise which we have made to this country through our Constitution. Now we have agreed that it is the primary responsibility and the duty of an elected Government to provide the basic needs to each and every citizen of this country, like food, clothing, shelter, education and the provisions for keeping good health.

Since successive Government have failed to fulfil these commitments which were made to this nation, the problem of unemployment has grown to such a proportion today. Everybody today agree that there is the problem of unemployment. How to tackle this problem is the worry in the mind of every right thinking person. Today, as has been repeatedly said here, we have got a large number of programmes like NREP, RLEGP, Jawahar Rozgar Yojana, so on and so forth. These rosy words are coined just to pocket the votes of the people. We are worried about the intention behind implementing all these programmes. What we have given to the people of this country is nothing but the frustration and turmoil in the society. As we all know, there is a brain drain.

Unless we are able to create confidence in the minds of the youth of this great country

that they are the real asset of future society and nation; that they are not only here to make some demands, but they owe a duty to this society probably we will not be able to tackle even the smallest of small problem which is being faced today by our society.

First of all, I would suggest that there is a great demand to introduce necessary changes in the educational system itself. Drastic changes are to be introduced; our youth are to be properly educated to gain employment. Today we are talking about liberalisation; about giving more opportunity to produce more; and we are saying that the doors are wide open to make more and more exports, to generate employment. But, we do not provide the basic necessities required for producing more.

First of all, the faulty educational system is one of the root causes for the unemployment problem. The figure, that is the number of persons youth of this country aged between 18 and 58 who are able bodied from whom we can expect some greater contribution to our national wealth has been given here as 40 crores. We have no programmes, no future plans to give them enough employment. Today we only think about how to solve this problem, without going into the root cause of the matter at all. Several observations have been made here. Even while discussing such a burning problem, we are interested in making political gains. We want to cast as per ions on this Government of that Government headed by this party or that party. We do not want to rise above this partism view or this political plane at least for a moment, to think about this biggest problem tomorrow, probably all of us may forget this when we go out of this House, But when we go to the larger society, we should know that we are answerable to them for these problems.

MR. CHAIRMAN: May I ask you one thing? How much time do you want to take more?

SHRI V. DHANANJAYA KUMAR: I am going to complete.

[Sh. V. Dhananjaya Kumar]

18.00 hrs.

I feel that each and every one of us is responsible. Let us forget all the differences. Let us all join together today to see how best this problem could be tackled and simultaneously how the production of our national wealth could be increased, and how we can find a better place for our nation, a place of pride in the whole world. So, I would suggest that making of such enactments or giving some guarantee or talking in rosy words will not help anybody. At least, I do not think that by making so much of discussion, not even one unemployed will be getting an employment. So, let us devote our time and energy in that direction. Let us try to tackle this problem rising above the partism attitude or whatever it is, and forget all the differences. My humble submission through you, Madam, to my learned friend, Mr. Bhogendra Jha, who has brought forward this Bill with the earnest hope, is that at least here is an opportunity to bring to the light about this enormous problem being faced by our own kith and kin in the society and to open the eyes of the Government.

MR. CHAIRMAN: If you are going to take any longer, then we have to ask the permission of the house. It is already six o'clock.

SHRI V. DHANANJAYA KUMAR: No,

Madam. My friend has made an effort to open the eyes of the Government. At least now let them make an earnest effort to solve this problem. I would also join hands with Mr. Bhogendra Jha to make an earnest request to the Government. (*Interruptions*)

All of us have to live in the society. I have made an earnest request that let us rise above all the differences. Then only, the problem could be tackled. So, I would support the spirit and the principle behind this Bill. I do not know whether the Government will make up its mind to pass such a Bill or support this Bill. Anyway, it is left to them.

AN HON. MEMBER: Are you supporting the Bill or not?

SHRI V. DHANANJAYA KUMAR: It will not be good to vote it at all. That is what I fear. Anyway the problem is enormous. It will have to be tackled properly. That is the submission I like to make at this juncture. Thank You.

MR. CHAIRMAN: The House stands adjourned to meet again on Monday, 25th November, at 11 a.m.

18.02 hrs

The Lok Sabha then adjourned till Eleven of the Clock on Monday, November 25, 1991/ Agrahayana 4, 1913 (Saka).