

(Shri Shridhar Wasudeo Dhabe)

for leave to introduce a Bill to provide for the regulation and abolition of deposits and fees and for matters connected therewith.

The question was put and the motion was adopted.

SHRI SHRIDHAR WASUDEO DHABE: Sir, I introduce the Bill.

THE UNIFORM PAY SCALES BILL, 1982

SHRI SYED SHAHABUDDIN (Bihar): Sir, I beg to move for leave to introduce a Bill to provide for uniform pay scales for public servants of various categories.

The question was put and the motion was adopted.

SHRI SYED SHAHABUDDIN: Sir, I introduce the Bill.

THE CONSTITUTION (AMENDMENT) BILL, 1982

(To amend article 347)

SHRI SYED SHAHABUDDIN (Bihar): Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

The question was put and the motion was adopted.

SHRI SYED SHAHABUDDIN: Sir, I introduce the Bill.

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 1982

to amend sections 21 and 22 of Act 43 of 1951)

SHRI J. P. GOYAL (Uttar Pradesh): Sir, I beg to move for leave to introduce a Bill further to amend the Representation of the People Act, 1951.

The question was put and the motion was adopted.

SHRI J. P. GOYAL: Sir, I introduce the Bill.

THE CONSUMERS PROTECTION BILL, 1982

SHRI SYED SHAHABUDDIN (Bihar): Sir, I beg to move for leave to introduce a Bill to provide for statutory protection to the consumers of goods and services and for matters connected therewith.

The question was put and the motion was adopted.

SHRI SYED SHAHABUDDIN: Sir, I introduce the Bill.

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 1982

(to amend sections 13-A, 13AA and 13B of Act 43 of 1950)

SHRI J. P. GOYAL (Uttar Pradesh): Sir, I beg to move for leave to introduce a Bill further to amend the Representation of the People Act, 1950.

The question was put and the motion was adopted.

SHRI J. P. GOYAL: Sir, I introduce the Bill.

THE CONSTITUTION (AMENDMENT) BILL, 1982

(insertion of new article 16A)

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): Let us now take up further consideration of the motion moved by Shri Shiva Chandra Jha on the 9th July, 1982.

Shri Sankar Prasad Mitra.

SHRI SANKAR PRASAD MITRA (West Bengal): Mr. Vice-Chairman, I appreciate the spirit which has prompted my esteemed friend, Mr. Shiva Chandra Jha, to move this Amendment Bill. And because I appreciate the spirit, Sir, I am of the view that,

this Bill might have been circulated under Rule 25(2)(g) of the Rules of Procedure of this House for eliciting public opinion, at any rate to create mass consciousness for a total mobilisation of the total manpower of this country. Mr. Jha wants that the Right to Work should be included in Part III of our Constitution—in the chapter on Fundamental Rights. Sir, we are all anxious that the maximum employment possibilities should be created for every able-bodied person in our country. But, if you want to include this Right in the chapter on Fundamental Rights, the social, economic and political structure of the country has to be altered and, Sir, immediately, the Union Law Minister would come up to say that the Judgment of the Supreme Court in Kesavananda Bharati's case would stand in the way. Then, you would not be able to reconcile, Sir, the proposed article 16A, for instance, with article 19(1)(a)(c) and (g) of the Constitution. The Right to Work is in the chapter on Fundamental Rights in the Soviet and in the Chinese Constitutions. Probably, the same is the case with the Constitutions of the East European countries. But, Sir, we have to appreciate the context in which this Right has been created in the Soviet and the Chinese Constitutions. I do not want to read out any commentaries here of any writers. But I would only refer to certain provisions of the Constitutions of these two countries from a book by Shri A. C. Kapur, on "Select Constitutions", 1965 Edition.

I am reading out from page 512 of this book:

"Article 1 of the Constitution reads:

"The Union of the Soviet Socialist Republics is a socialist State of workers and peasants."

Then, Sir, I come to page 514:

"All land, its natural deposits and the principal means of production are owned by the State and operated by the people on behalf of the State."

Now, come to page 515 of the book. Sir:

"Article 13 of the Constitution reads.

"He who does not work neither shall he eat". In 1938, Stalin pointed out that work is a matter of honour, a matter of glory, and a matter of valour and heroism. The Constitution regards work as a duty and a matter of honour for every able-bodied citizen. In the capitalist countries, work is a matter of private decision and choice. In the Soviet Union, it is a matter of public concern. All must work and work honestly for the benefit of the citizens.

"There is no place for slackers, loafers and those who live on the labour of others. Knowledge and work have won for the Soviet Union the reputation of being an advanced and highly developed country. There is no unemployment anywhere, either in the towns or in the rural areas. It is a unique feature of the Soviet Constitution, as in no other country of the world full employment is constitutionally guaranteed."

Come, now, Sir, to pages 527 and 528. Very important for our purpose.

"A socialist society cannot achieve the desired results unless labour is imbued with socialist ideas and a socialist mind. The workers must exhibit a sense of duty in their work. Each one should work diligently for the common benefit. Without such free, conscious discipline Socialist emulation aiming at the fulfilment and overfulfilment of production quotas in the shortest period of time would be impossible. Socialist emulation in the USSR is the mass movement of the working people for high productivity of labour, for the fulfilment and overfulfilment of production plans throughout the national economy."

[Shri Sankar Prasad Mitra]

Then, it goes on to say:

"Work, therefore, is a duty and a matter of honour for every able-bodied citizen. 'He who does not work neither shall he eat' is the constitutional maxim and an integral part of the labour discipline code in the USSR. Payment of work in accordance with the quantity and quality of work done by each is another important rule of labour discipline, for it increases the sense of responsibility of the workers and encourages them to work conscientiously."

Sir, this is about the Soviet Constitution.

Now, Sir, let us come to the Chinese Constitution. The Mao Tse-Tung Constitution has undergone certain changes recently. But so far as this aspect of the matter is concerned, both the Soviet Union and the Chinese Constitutions retain this particular Right. Now, I come to the Chinese Constitution;

"The People's Republic of China is a People's democratic state led by the working class and based on the alliance of workers and peasants. It establishes a people's democratic dictatorship that is a system of people's democracy which guarantees that China can in a peaceful way banish exploitation and poverty and build a prosperous and happy socialist society."

Come to page 592:

"Like the Soviet Constitution work has been constitutionally sanctified in China too. The Constitution prescribes that work is a matter of honour for every able-bodied citizen and guarantees enjoyment of the right to work by planned development of the national economy thereby gradually creating more employment and better working conditions and wages. The State also encourages citizens to take active and creative part in their work."

Lastly, come to page 597.

It says:

"Like the Soviet Constitution, the People's Republic Constitution also imposes certain duties on citizens. All such duties carry with them a constitutional sanction and the State is enjoined to enforce them vigorously. The first commandment is that citizens must abide by the Constitution and the law, uphold discipline at work, keep public order and respect social ethics."

Now, Sir if I may speak from my own experience, I went to China in 1954 when Mao-Tse-Tung was at the peak of his power. From the Hong Kong-China border right up to Peking, I had to travel in train for 9 days. On both sides of the railway track, there were vast areas of land under cultivation. You would be surprised to know, Sir, that the cattle population of China was more or less eliminated during the Civil War and for all types of work, even for ploughing we found no bulls or bullocks, but human beings. We were taken to dams. Dams were being constructed. Stones were being cut out of rocks by human labour. Stones were being brought on to the dam site by human beings. Stones were being dumped on the dam site by human beings. Stones were being fixed on the dams by human beings. I asked Chinese economists: "Why don't you import machinery from various countries." At that time, China was on very friendly terms with the Soviet Union. The answer that the Chinese economists gave me was that if they imported machinery, they would not be able to give employment to their teeming population. I went to the universities of China, universities in Peking, Shanghai, Canton and various other cities and asked the university authorities whether there was any unemployment problem.

I meant the educated unemployment problem in China. They said, "How can there be unemployment? We

always calculate how many vacancies will be there at the end of four years or after 4 years and if there are going to be 100 vacancies, we will admit only 100 students in the first year according to merit so that when they graduate, they do not have to wait for employment." Shall we be able to introduce all these practices into our country, particularly keeping Article 19(1)(g) of the Constitution intact. Mr. Shiva Chandra Jha would certainly and quite legitimately ask me, "What is then your solution? If you don't accept my amendment, what is your solution? How are you going to solve the problem of unemployment in our country?" Sir, I am too small and insignificant a person to give an answer to a scholar like him. To my mind, the first necessity is the control of the growth of population for which the Government is making its efforts. Here too in the case of control of growth of population, I can tell Mr. Jha that China's success has been remarkable. Secondly, Sir, Gandhi is a much-abused person in many circles.

Leave aside his trusteeship theory; call it Utopia. But what about his decentralised economy? What about his view that heavy industry should be controlled by the State and the State alone? What about his theory of bread-labour, of labour intensive production, particularly for consumer goods? What about his statement in the 'Harijan' on the 23rd March, 1947, when India was about to attain independence? I quote Mahatma Gandhi himself:

"Any plan which exploited the raw materials of a country and neglected the potentially more powerful manpower was lopsided and could never tend to establish human equality."

To my mind, Sir, having regard to the Constitution we have given upto ourselves, this is the best solution of the problem of unemployment of a thickly populated country like ours.

Sir, the second part of this bill proposed by Mr. Jha is the introduction in the Chapter on Fundamental Rights of an unemployment allowance. Sir in some of the democratic countries there are legislations, not Constitutional sanctions, but legislations for granting unemployment benefits. But look at the position in our country. The latest figures given by the Labour Minister to Parliament are these: Registered unemployed in 1977-78—17 lakhs; Registered unemployed on the 31st March, 1982—180.29 lakhs; Registered educated unemployed on the 31st June, 1981—84.5 lakhs. The total number of unemployed would be about 3 crores according to the figures given by the Government to Parliament. And if you want to pay a subsistence allowance of Rs. 500 a month which, in this inflationary market, is not very unreasonable, the State exchequer would require about Rs. 18,000 crores a year. And whether or not the Government is in a position to bear this expenditure is not for me to say it is for the hon. Minister to answer.

Sir, I have chosen to participate in this debate merely to point out the legal impediments to the adoption of the Bill proposed by my esteemed friend, Mr. Jha, and also to express my views generally on the contents of his bill which I fully appreciate again. I thank you, Sir.

SHRI AJIT KUMAR SHARMA (Assam): Sir, I rise to speak in support of the Bill introduced by my hon. friend, Shri Jha. By introducing this Bill in the House he has only reminded both the Government and the people as well as this House of the urgent duty of fulfilling the basic objectives of the Constitution of India. Now, from its initial framing of the Constitution has gone through several amendments. One of the amendments made in the recent past inserted the word "socialist" in the very Preamble to the Constitution. After this amendment India is a Socialist, Secular, Democratic Republic. The word "Socialist" was

[Shri Ajit Kumar Sharma]

earlier absent in the Constitution. Then, Sir, the Constitution has also passed through another amendment by which the right to property has been made an ordinary right, and not a fundamental right. By yet another amendment a set of fundamental duties of the Indian citizens has been introduced in the Constitution. Now the Constitution lays down certain fundamental duties for the citizens of this country. Some of these duties are: to abide by the Constitution and respect its ideals and institutions, the National Flag, and the National Anthem, to cherish and follow the noble ideals which inspired our national struggle for freedom, to uphold and protect the sovereignty, unity and integrity of India, to defend the country and render national service when called upon to do so. Now, there are so many other duties also included here.

Now, in this whole background Sir, I would like to draw your attention to article 39 of the Constitution in which the Directive Principles of State Policy have been enumerated. It says, that the State shall, in particular, direct its policy towards (a) that the citizen, men and women, equally have the right to adequate means of livelihood, (b) that the ownership and control of the natural resources of the community are so distributed as best to subserve the common good, and (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment.

Now, Sir, in the context of these provisions of the Constitution it is necessary that the rights of the citizens to have adequate means of livelihood in other words, to the right of work, must also be acknowledged as a fundamental right for the Indian citizens. In this regard it is said that in view of the tremendous problem and the very big population of the country, even if we included such a right in the Constitution it may

not be possible to implement it fully. And instances have been given, for instance, that though we have promised to provide compulsory free primary education to the children up to 14 years of age, even after 35 years of Independence we have not achieved it. Such of these examples are cited to say that it is very difficult to implement the provisions guaranteeing the right to work for the citizens of the country. We may put forward these arguments, no doubt, but when in the national sphere we put forward such arguments, it only indicates that we have not yet developed a will to restructure our society and to build a democratic socialist society in our country. Whenever we hesitate to perform the logical duties arising out of the very preamble of the Constitution, it becomes a matter of regret for everybody and for the future generation.

If Mr. Jha's Bill is accepted and if this provision becomes a part of the Constitution, it immediately makes the Government as well as the people obliged to think of measures of re-ordering the economic system as well as the political system so that everybody gets not only the right to work but also right to dignity and to a dignified life as a member of the Indian stream.

I must point out here that because of the hesitancy operating in the minds of our representatives from the beginning and all those who run the Government and those who have been running it for the last 35 years, they have failed to decide to do anything positive for achieving the ends of the Constitution. If we look at the process of economic development as well as the political developments in the country, we find that there is a lack of political will to establish an egalitarian society in India.

We have several Five-Year Plans and if we go through the five-year plan documents, we find in every such document that very sweet words are mentioned, about establishing a

society of equal citizens both economically and politically. And every plan document admits real problem of unemployment, the huge problem of poverty; it admits that more than half the population is below poverty line. But when it comes to suggesting and implementing necessary measures for removing this poverty, then we find a halt in the process.

Now, the Constitution says that there should not be concentration of economic wealth in the hands of a group or an individual. Since it is a directive principle, it does not legally bind the Government to prevent such concentration and the Government goes on encouraging concentration of economic wealth in the country in a particular group of families, or in a few families in the whole country and today we find that the whole nation has been divided into two classes. One is a nation consisting of a few families and along with them, the elite of the country and the second nation consists of the poor people in the country. We find that no steps have been taken excepting giving some assurances in words that the condition of the poor people will be changed. Excepting that, we have not done anything. If we accept this Bill and the right to work becomes a part of the Constitution, then, the Government and the different parts of the State machinery will be, for the first time, compelled to take measures for the purpose of economic improvement as well as for giving employment to every individual who is unemployed. Well, this is not impossible also. As my hon. friend Mr. Mitra has pointed out we have the basic Gandhian objective of a decentralised economic structure. The tragedy in our country is that when we started the national struggle, we promised before the people that we shall achieve a State, a nation, in which bread and freedom will be combined and a completely decentralised State, both economically and politically, will be

established where every individual will not only have employment, but will also be able to achieve the natural ends of his life.

But when power came to us, within one and a half or two years of Independence, the Government of India decided to go in a different direction to establish and strengthen a structure of capitalist society here. But this new capitalism came to be known as 'mixed economy'. And having this mixed economy as the objective of our national life, the whole perspective of development was lost. As a result, through successive Five-Year Plans, we have only brought about more problems without solving any of the previous ones. Now, instead of decentralisation, we have started a process of heavy centralisation, not only in the economic but also in the political functioning of the State. This heavy centralisation in political functioning and economic organisation has produced the biggest crisis for a very big nation like us. In this regard, we have ignored the advice, the right advice, of many economists and politicians. Now, the basic ideal of Gandhiji, decentralised political and economic life was further improved upon by leaders like Dr. Ram Manohar Lohia, who placed before the whole nation a concrete, a well-defined, programme of development for the country. But everything has been ignored by the Government of the time. And today, we are faced with a problem which is very difficult to solve. When we look at the development of science and technology there again, we find that science and technology which ought to have been used and utilised for bringing about a new socialist structure of society, has been used and utilised for bringing and the poor poorer. As we find, science and technology has been used only to help big business and big industrialists and we find today that these classes have captured all the economic power through the utilisation of modern technology and

science. Just a year back Indian scientists held a seminar in Bangalore. They made an assessment of the entire progress of science and technology in the country and they have come to the conclusion that the present method of importing science and technology from the United Kingdom, the United States of America and the USSR, and their adoption has done more harm than good to our country. The basic point is that a country like ours has the biggest wealth in its population. We have got a very big population and our first problem is how to employ all of them. Now to employ this entire population we have got to develop our economic structure, our political organisation and also we have to use science and technology for the purpose of employing the entire population of the country. And with proper policy and planning this is not impossible. Had we utilised science and technology in a proper way, had we got small machines which we could have utilised in villages and towns, it would have given employment to all the citizens of the country. But instead of doing that, the Government have gone in for modernisation, so-called modern technologies, creating more problems, creating a crisis in our economic situation. So, it is not that the 'right to work' cannot be constitutionally guaranteed. It is not difficult to provide for the right to employment. We have the determination to do it, provided we go in for a new economic and political structure. My hon. friend, Shri Mitra, was pointing out that article 19 of the Constitution may be impediment, but I do not think that it can be an impediment, because by making a provision of 'right to work' you do not prevent anybody from pursuing his profession. It merely gives the right to the citizens to claim employment whenever they find it necessary. But what is necessary today is that we must admit that the 'right to work' must

be given to all the citizens of the country. Otherwise, the very democratic structure which we are now having in the country may be thrown out if a large number of people remained unemployed under various categories. The number of unemployed is placed variously from 14 million to 14 crores. To bring about a new society, to make the people happy and to make our democratic process successful, the first thing that we have to do is to provide employment to all and adequate means of livelihood to every citizen of 18 years of age. Only then we can come to a healthy state of our country.

With these words I support the Bill introduced by Mr. Jha and I also support the demand that the Bill should be circulated for eliciting public opinion so that there might be a wider discussion on it and in a better way people's conscience might be roused on this subject. Thank you.

SHRI A. P. JANARDHANAM
(Tamil Nadu): Mr. Vice-Chairman, Sir, the previous speaker referred to our vast human potential. We have to tackle the human resources. But have we succeeded in doing that? Mr. Mishra pointed out that his visit to China proved that they calculate wisely and that they have eliminated a very big problem. But here what do we do? Our human resources are unlimited. But have we put them to wiser use? The dams that they have constructed in China, the works that they have constructed in China and all the big projects they have built with the help of human material—we all go through them. But here what do we find? How are our people being harnessed? Here, again and again I stress that there is complete lack of dedication from top to bottom. For 35 years we had our precious freedom. But what for? Is it to produce "Aya Ram Gaya Ram"? Is it to have slothful bungling,

arrogant ignorance and grand corruption? Excuse me, I have to turn the light inwards. We should search our conscience. How can we down like this?

Let us see. Unemployed graduates daily come to me. "Sir, I am an M.A. Sir, I am B.A. Sir, I am M.Sc. And unemployed for 15 years!" How can I take this mathematics of human suffering? For those who feel, it is a tragedy of Homeric dimension. Do we feel it? Do we plead? How many of us do so? I know there are gallant people. I know there are conscientious people. I know there are dedicated people who want to do something. But their voice is ignored, their conscience is stilled, and their opinion is slighted. These are warnings, they are portents, because hunger, need and mounting colossal unemployment—all these things are warnings that we are sitting on the top of a volcano. These things drive our youngsters to tell this. No amount of idealism preaching can fill our bellies. No amount of dynamic slogans can carry our masses. Because we have failed to provide the basic necessities for our people, I include myself in the list of failures.

Let us see what can be done. First we should stop our reckless breeding. We go on breeding. We go on filling cradles. We go on saying: "God has given us children. Fate has willed thus. My father had 15 or 16 children". So we go on breeding. When we produce mouths at that scale, no amount of agricultural production, no amount of industrial production can help. These mouths ravenously gobble up every thing. Children in Italy donate for the sake of our children. But where does the milk powder go? Where do the clothes that are being sent here go? How much loans have we got? How many crores of aid have we got? Does every pie go to the deserving people? Do we provide the basic necessities? What are we doing? Why should we deny our people, our poor, humble,

simple people? Have we given them at least the minimum basic cereals? Have we given them tin sheds at least? Even cows and pigs of other countries are far far better off. Countries before our very eyes, developing nations, have beaten us. Taiwan! Where was it? Korea! Where was it? Many nations are forging ahead. But in many respect we are ace people. We are producing Bakhias, we are producing so many people. Excuse me, in this august Chamber I need not besmirch its reputation by rolling out very dirty things. But, put our conscience to test. We have to do something. We have to do something by providing things very well.

My friend, the previous speaker, has done very well in emphasising that the small industries should be dispersed. Japanese-like, every cottage should produce the components and they should all be assembled in one centre. Do we do that? Everything the wrong way, everything topsyturvy. Of course, there are very good people. Plans we have, the Five-Year Plans and so many things. There are very good schemes, the Maharashtra scheme, the West Bengal scheme. Our golden-hearted Chief Minister, MGR, has brought the nutrition scheme. But they are all flashes. What should we do with our elephantine problems? We have to put our hearts to them. We have to put our brains to them. We should have a brains trust. What did Roosevelt do after the Depression? He lifted America. What did other people do? They went on. China was mocked at and other nations were mocked at. They are all progressing. Israel was a child of necessity. Now it has become an aggressor in its own way. So many nations in Africa are forging ahead. Look at Nigeria. Look at so many people. They are all going up whereas we are going down and down. Karma Cola, what-colour are all our theories! We go on preaching these things. We export godmen, we export elephants, we export so many things. But here our stomachs are

thinning, our waistline is going down, we are emaciated specimens and we are rotting, reverting to jungle days. Whether we are going back to the tree-tops, I do not know.

But something has to be done. We have to get down to brass-tacks, plan very well, plan things suited to this ethos, this land this soil. Then alone can we progress. What things, I leave it to the Elders. Thank you.

SHRI HANSRAJ BHARDWAJ (Madhya Pradesh): Honourable Vice-Chairman, Sir, I am grateful to our senior colleague, Mr. Mitra, who has so pointedly said that when we talk of the right to work, we have to examine the various systems where such a right is guaranteed. Now, except for the two countries about which my friend has already referred to, the conditions under which the people were made to work, the conditions that were prevailing at that time when he visited China and, Sir, with your kind permission I may elaborate them. When you work under a dictatorship like China or Russia where there is no freedom of any kind then only can you ensure a right to work of that nature. And mind you, Sir, there also they have said that the payment will be made according to the type of work one does. It does not mean that every man in China or in Russia is being paid the same amount of emoluments as the other one. There is always the consideration that if a man is doing some labourer's work, he will be paid according to the labourers's scale and in other ways they are being paid on the basis of the work that is being done. Now we can look back to our background. We are not working in a dictatorship. We are working in a democracy which, I may say, is the largest democracy in the world. The founding fathers of our Constitution made certain provisions. In part III of the Constitution certain fundamental rights have been guaranteed and in Part IV, the Directive Principles of State Policy have been mentioned. Now, if we look at them, it was not the wisdom of the founding fathers

that the people of this country should starve. They had foreseen that we had inherited an economy in which we had to build up our own resources. Now when we were made free of the Britishers, at that time what was the infrastructure that we had inherited? Pandit Jawaharlal Nehru, who was the architect of the future of this country, said that we must make this country self-reliant, and everybody will willingly agree that there has been no going back on that. Kindly look at the situation in which we were in 1947. What was there in this country when it became independent?

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We had no dams. Now we have got tremendous irrigation potential throughout the country. What was the state of industry in this country then? Now this country is one of the first six industrialised nations in the whole world. Is it not progress? Is it not right direction in which this country is going? I think some people have turned blind on this aspect. These achievements cannot be undermined in any way. Now they say, we must give them the right to work. All right, tomorrow the Government agrees to your request and puts an article in the Constitution whereby everybody will have the right to work. Will it solve the problem? Do some heart-searching. We must consider how this problem of poverty can be solved. This can be solved when you harness your resources, when you put your population to work. How will you guarantee work to a person who does not want to work? What is happening in Maharashtra? We had one up-going industry, that was the textile industry and we were exporting textile goods and earning foreign exchange. Now, who are the people who have made the people not to work? Do they want any guarantee to work? Do they want an article in the Constitution for the right to work? That is not required. All that is required is the will to work and if anybody has got the will to

work, then there is nobody in this country who can stop that person from working. Who are the people who are stopping these small, poor people from working, who are responsible for these people starving in Maharashtra for six months as they are not allowing them to work? They were employed but now they are not working. What amendment of the Constitution will give them work? Kindly tell us. There are systems where this right to work is there, but there work is taken on the knob of the shoe. It is not by shouting slogans that you get it done. They are dragged like cattle along the footpath and made to work. When they compare China with India, I am sorry to point out that they are living in a fool's paradise. India is a free country. It is a country of Mahatma Gandhi which does not do violence even to animals, what to speak of people. We are developing as a nation. We are proud that this country is developing in the right direction. We are planning our development. But in the three years when there was no planning. That has upset the whole thing. Today you want that this article should be amended. But the problem of this country cannot be solved in this way. We must put our hearts together and lend our support. On many occasions we have seen that even when the Government tries to bring forward something in favour of the people, it is being opposed. This is not the way the country will rise. We have to do some heart-searching. No amendment of the Constitution, much less an amendment for giving the right to work, will solve the problems of this vast country, where we have got multiplicity of religions, where we have multifarious problems, where we have diversity of languages. People are not putting their energies together. Have you ever heard that the only role of some people in this country is to come to Parliament and oppose the Government and shout at the top of their voices that the Government is not doing this, is not doing that? You should put forward suggestions to meet the challenge, how

to feed the people of this country, how to march along the road to progress. The whole nation should rise up to build this country. Otherwise this country, however big one leader may be, can become strong. Take the question of family planning.

Your resources are limited. It is not a rubber-like thing which you can expand. The land which India has got will remain limited. We have to harness our own resources and produce so, we have to check population. We tried to do it in 1975, 1976 and 1977. These people raised the bogey that family planning is the worst thing. What opposed family planning? We tried to limit the population of this country. You have to do the heart-searching. Before you tried to give some sort of slogan to the people. But now you have to cooperate with the Government. Every household has to think about family planning. Even social and economic circumstances compel a person to see that his family does not grow beyond control. This is not the monopoly of one person. Everybody has to practise it. You talked of Nigeria. Have you ever visited Nigeria? I went there and saw that the people do not have two square meals there. We are proud that we are self-sufficient in food. We are not importing so much of food as we did in 1947. The green revolution was a great effort. It is not a question of writing two words in the Constitution. If you have the remedy for all diseases. If you are a nationalist, then you have to have a look at the entire Constitution and wherever the Constitution creates impediments in the development of social and economic order, you have to bring forward constitutional amendments. How many amendments were supported by my friends? Now, they are putting amendments in the Constitution. When the Privy Purses case came, they opposed it without appreciating the sanctity of the amendment. Today, it is a question of heart searching. Let us be sincere. Let us be thoughtful about the future of this country. You are habituated

argue and put things just for the sake of opposition.

Madam, my senior colleague gave very good examples and proved that only totalitarian countries in the whole Universe are able to do it. Are we going to change our whole system? They are opposing technology. Is there any country in the world who has progressed without technology and science? You want that we should go back to the villages without electricity. Technology and advancement of science are necessary for the development of any country. Russia is equally advanced in technology. They are competing with the U.S.A. Similarly, China has not advanced only by manual work. They are also importing technology from other parts of the world. Now, they talk about Bengal. I am sorry to say that you cannot travel from one corner to another in Bengal. You will be looted by the teeming hungry men. Is there any freedom in Bengal? You should first scrutinise the facts before you speak. This is a case in which an amendment is introduced to earn some sort of name, as if he is the only person who is anxious to give work to the people. This Government has done things which you cannot dream. This Government has brought integration to this country. This country was divided in princely States. We brought them together. It was not unified by anybody else. Today we have abolished every disparity in the living of the people. We are going in that direction. It is the duty of the opposition to point out the weaknesses of the Government, but it is equally the duty of the opposition to cooperate with the Government so far as good measures are concerned.

PROF. B. RAMACHANDRA RAO
(Andhra Pradesh): Madam Vice-Chairman, originally I was not prepared to talk on this subject. After hearing a few speakers, I made up my mind to make a few points.

My friend, Shri Shiva Chandra Jha has moved a Bill in which he wants every citizen of this country to have the right for employment and in case the Government cannot provide employment, it must be made justiciable. I do not know, of all democracies in the world which democracy has this provision. It is a laudable idea provided the Government and the people work together harmoniously and the people also have the right type of attitude, initiative and enterprise to be able to create employment rather than making the Government alone responsible for creating employment and then giving employment to every citizen of this country. I do not know of any democratic country in the world that does it. It is the attitude of the people and the training of the people that matter. It is the people who create employment. I do not know whether it is a right thing to rely completely on the Government. It takes the initiative away from the public. Every individual citizen, provided he is given the proper training, must be in a position to create employment by his own enterprise.

I think Mr. Mitra has given the example of two countries, namely, China and USSR. It is well known and I do not like to repeat arguments which have already been made by my friends. Let us take our neighbouring country like Ceylon. It subsidises its food enormously. The amount of financial strain that this country is having is so much that its development itself is stunted. Whatever subsidy or unemployment benefits that you give can be borne only by a rich country like the U.K. or USA. Which can afford these. These countries have become rich by application of science and technology, by the enterprise of their people and their industrial growth and so on.

One of my friends mentioned about population. At the time of our Independence, our population was nearly half of our present population. Had we taken up population control meas-

asures from the time we gained Independence, we would not be in such a sorry state of affairs. Practically no unemployment problem would have existed at this stage. I would like to reiterate that one of the major problems which we have to take up is the population control.

I agree with my friend, Mr. A. K. Sharma, that industrial development is the heart of the problem. What kind of industrial development? Not the major industries involving automation and robots which remove people from employment. We should develop small-scale industries. These industries should be spread in villages and all rural areas. There are a number of hurdles we have. Big industrialists and multi-millionaires should be encouraged to give up manufacturing small items which could be manufactured by small industries for instance, soaps, tooth paste, etc. because it has been demonstrably proved that these can be manufactured by small scale industries sector.

Mr. Bhardwaj has mentioned that our country is the sixth in industrial output. Let me remind him that at one time it was thought that our country was the tenth in the gross industrial output. The latest study has indicated that we have gone down from the 10th position to the 23rd position. And they list only the first thirty places and we may soon go out of the list unless we make every effort to increase our gross industrial output. It is no longer true that we are in the tenth industrially developed country in the world.

Now, I would like to make some very important observations pertaining to the present Bill.

No man in this country, no self-respecting man in this country, no well-educated person in this country, no person who has the capacity, initiative and drive, would like to wait for the Government to create employment and to call him to be employed. Our country is not going to be a country of slaves or clerks or bureaucrats.

We should develop in our people initiative to be able to create employment and work for themselves. There is a Chinese proverb which says—I would like to remind the House of this proverb—that if you give a man a fish, you are giving him a meal a day; but if you teach him how to fish, you are providing him means for his entire life." That is the kind of training that we have to give to the people in our country so that the people receive the right kind of training and that training and that knowledge they should be able to use in order to be able to create employment for themselves and for others. Not only that. They should be able to employ other people also in the country and that is the kind of training that is essential for our country now.

The last point that I would like to mention here is this; I would not say that we do not have problems. We have many problems including the problem of unemployment. Our country has produced many saints and savants. Our country was liberated under the leadership of Mahatma Gandhi. It has a certain amount of character. But what happened to the multimillionaire industrialists in our country? Have they been able to have some consideration for the poor? Have they been able to create employment in a manner that we can contribute towards the elimination of unemployment in the country? I would only like to quote Sawmi Vivekananda. He said:

"So long as the millions die in hunger and ignorance, I hold every man a traitor who, having been educated at their expense, pays not the least heed to them."

It is one of the unfortunate things in the country that the rich people have no commitment for the welfare of the downtrodden. The rich are becoming richer and the poor are becoming poorer. Every effort should be made to bridge this gap and for that necessary training should be given to the people. I would like to mention here that if only our constitutional obliga-

tion of seeing that hundred per cent of our population should be educated up to the age of 14 had been fulfilled without too much emphasis on higher education being highly subsidized, we would have been a different country altogether by now. Thank you very much, Madam.

श्री पी. एन. सुकुल (उत्तर प्रदेश) :
मैडम वाइस चैंबरमैन, हमारे झा साहब ने जो बिल सदन के सम्मुख पेश किया है, मैं इस बिल का स्वागत करता हूँ।

यह बिल जो हमारी समाजवादी परम्परा है, उसी के अनुकूल लाया गया है और उन समाजवादी मान्यताओं के अनुकूल लाया गया है जिनको हम ने अपने संविधान के प्रियम्बुल में स्थान दिया है और जिनकी ओर बढ़ने का हमने वायदा किया है। यह हमारा वायदा है।

हमारे संविधान में स्वयं कहा गया है डाइरेक्टिव प्रिंसिपल्स जो हैं हमारे संविधान के, खास तौर पर 43 आर्टिकल जो हैं, उस में कहा गया है:—

“The State shall endeavour to secure by suitable legislation or economic organisation or in any other way to all workers, agricultural, industrial or otherwise, a work, a living wage, conditions of work, ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities. etc., etc.....”

जो भावना हमारी संविधान की हैं वह इस आर्टिकल से स्पष्ट हो जाती है कि हमें अपने प्रत्येक नागरिक को काम देना है। हम दे पाये हैं या नहीं यह दूसरी बात है। आज विश्व में बहुत से ऐसे देश हैं जो अनएम्प्लायमेंट के शिकार हैं, बेकारी के शिकार हैं। यहां तक कि ब्रिटेन में भी

लाखों लोग आज बेकार हैं। तमाम विकसित देश जिसमें अमेरिका भी है आज वहां भी अनएम्प्लायमेंट एक बहुत बड़ी प्रोबलम बनी हुई है। समाजवादी देशों को छोड़ कर जिन्होंने इस समस्या का निदान पा लिया है, क्योंकि राज्य की ओर से कम्पलसरिली वर्क प्रोवाइड करने का उनके यहां प्रावधान है, व्यवस्था है, उनके यहां अनएम्प्लायमेंट नहीं हैं और एम्प्लायमेंट देने में उनके यहां भेद भी नहीं किया जाता है लेकिन जो तथाकथित विकसित देश है आज उनके यहां, जैसा मैंने कहा, अनएम्प्लायमेंट बहुत बड़ी मात्रा में है। हमारे यहां सन् 80 में यह कहा जाता था कि 21 मिलियन एजुकेटेड पीपल है और मैं समझता हूँ कि आज उनकी संख्या बढ़ कर 25 मिलियन हो गई हो तो इसमें कोई आश्चर्य नहीं। अगर ढाई करोड़ लोग हमारे यहां अनएम्प्लायड है तो यह देश के लिये बहुत बड़ी समस्या है और शायद यही कारण है कि इस समस्या को ध्यान में रख कर जब हमारी छठी पंचवर्षीय योजना बनाई जाने लगी तो उसके अंदर यह व्यवस्था की गई। यह सोचकर कि यह योजना जो सन् 1980-85 के बीच के लिये बनाई गई इसमें 15 से 59 वर्ष के लोगों का जो एक ग्रुप है, इस ग्रायु को जो सीमा है उसमें 31.27 मिलियन लोग और बढ़ जायेंगे रेक्यूमेंट के लिये। यह हमारी छठी योजना में कहा गया। So many People belonging to the age group of 15-59 will be added to our labour force.

इससे यह पता चलता है कि हमारी सरकार हमारा योजना आयोग इस विषय में सक्रिय है और बड़ी सक्रियता पूर्वक सोच रहा है कि इस समस्या का समाधान कैसे करें। छठी पंचवर्षीय योजना में इसकी विशेष रूप से व्यवस्था की गई है। यह सही है कि इतने लोगों को काम

देकर भी हम अपनी अनएम्प्लायमेंट को जो प्रोब्लम है, जो समस्या है उसको छठी पंचवर्षीय योजना में हल नहीं कर सकते। हमारे देश का आकार प्रकार इतना बड़ा है कि इसमें 70 करोड़ लोग रहते हैं। हमारे देश में जो अर्थ व्यवस्था है वह मिलीजुली है, मिक्सड इकोनोमी है जिसके बारे में हमारे डा० राव साहब अभी बता रहे थे कि केवल गवर्नमेंट से ही यह आशा करना संभव नहीं है। जो टोटलेटरियनस्टेट है, सोशलिस्ट स्टेट है ऐसी व्यवस्था ये ही राज्य कर सकते हैं। जबर्दस्ती आप से काम करा सकते हैं। एक आदमी किसी काम के उपयुक्त है और वह काम सुलभ नहीं है तो उस आदमी को बाध्य किया जायेगा कि वह लोअर प्रकार का काम निम्न प्रकार का काम करे क्योंकि उसको कमाना है, खाना है। आज हमारे यहां जो व्यवस्था है उसमें किसी को विवश नहीं किया जा सकता है। एक एम० ए० पास आदमी है उसे कोई विवश नहीं कर सकता कि वह झाड़ू लगाये जो ग्रेजुएट है उसे हम विवश नहीं कर सकते कि वह पालिश करे। वह स्वयं कर सकता है लेकिन उसे विवश नहीं कर सकते। हम स्टेट की ओर से कम्पलमरिली अनिवार्य रूप से कोई भी एक काम करने के लिये विवश नहीं कर सकते। हमारे लिये यह भी एक बड़ी समस्या है कि हमारे यहां एजुकेटिड अनएम्प्लायड लोग बहुत भारी मात्रा में हैं। बंगाल में और बंगाल से ज्यादा केरल में एक समय सबसे ज्यादा एजुकेटिड अनएम्प्लायड थी। एजुकेटिड अनएम्प्लायमेंट जो थी इसकी ओर लोगों को आकर्षित करने में बहुत हद तक उत्तरदायी थी उम प्रदेश को जो हमारी सां पी आई (एम) पार्टी है, वह यह अनइम्प्लायमेंट की समस्या एक ऐसी समस्या थी जिसके फलस्वरूप जो पढ़े लिखे आदमी थे वे सोचते थे कि यह बात अच्छी है कि

सब को काम दिया जाय, हमको काम दिया जाय और सबकी बेकारी दूर की जाय। मैं नहीं कह सकता कि आर बंगाल और केरल में अनइम्प्लायमेंट को पूरी तरह से समाप्त कर दिया गया है। ऐसा संभव नहीं है। आज भी अनइम्प्लायमेंट है। लेकिन इसके कारण एक बहुत बड़ा आकर्षण उस पार्टी की ओर, वामपंथी पार्टी की ओर लोगों में पैदा हुआ। खास तौर से डम बेकारी की समस्या के फलस्वरूप लोग उनकी पार्टी की तरफ आकर्षित हुए। इसलिये यह बहुत आवश्यक है कि हम जो भी सोशलिज्म के परोपकार हैं, जिन्होंने समाजवाद को अपना लिया है, संवैधानिक रूप से और हर दृष्टि से, इस दिशा में कुछ और तेजी से बढ़ सके तो बढ़े और निरन्तर आगे बढ़ते रहें। इसमें बढ़ने की आवश्यकता है। इसीलिये हमें खुशी है कि हमारी सरकार जो श्रीमती इन्दिरा गांधी की सरकार है, उसने 20-सूची कार्यक्रम में इसको एक विशेष स्थान दिया है। इस कार्यक्रम में बेकारी की समस्या को दूर करने के लिये कहा गया है। सन् 1982 के वर्ष के आरम्भ से ही केन्द्र ने तमाम जो हमारी राज्य सरकारें हैं उनसे कहा है कि वे डिस्ट्रिक्ट मैन पावर प्लानिंग एण्ड इम्प्लायमेंट कौमिलें बनाये ताकि उन डिस्ट्रिक्ट मैन पावर प्लानिंग एण्ड इम्प्लायमेंट कौंसिलो के माध्यम से अधिक से अधिक इम्प्लायमेंट की अपोर्ट्युनिटीज पैदा की जाय और अधिक से अधिक लोगों को काम में लगाया जा सके। इसलिये मैं समझता हूं कि हमारे झा जी का जो यह प्रस्ताव है, जैसा मैंने आरम्भ में ही कहा, मैं उसका हार्दिक स्वागत करता हूं। आज हमारी सरकार प्रत्येक अनइम्प्लायड को प्रत्येक बेकार आदमी को काम दे सके इससे बढ़िया अच्छा काम दूसरा कोई नहीं हो सकता है क्योंकि बहुत बड़ी हद तक हमारी रूरल बेकारी और जबरन बेकारी,

[श्री पी० एन० सुकुल]

दोनों मिलकर तमाम क्राइम्स की बढ़ोतरी के लिये रिस्पॉसिबल है जिनके दर्शन आज हमको हो रहे हैं। अगर एक आदमी बेकार है तो वह कुछ भी कर सकता है।

He can afford to be responsible to any extent.

और इसीलिए हम देखते हैं कि हमारे यहां जो लड़के हैं, नौजवान तबके के लोग हैं, चाहे वे पढ़े-लिखे हों, या बिना पढ़े-लिखे हों जब वे अपने को बेकार पाते हैं, खाली पाते हैं और उनके पास काम करने के लिए कोई साधन नहीं होता है तो वे तरह-तरह के अपराध करने की ओर प्रवृत्त हो जाते हैं। आज तमाम जो डकैतियां, चोरियां और राहजनी होती है, जो दूसरों का सामान छीन लेते हैं, हम देखते हैं कि अधिकांश उनमें यह लोग होते हैं जो बेकार होते हैं। महोदया, मैं वकिंग क्लास मूवमेंट से अपने जीवन में पिछले 25-30 सालों से संबद्ध रहा हूं और इस सिलसिले में मुझे पांच वर्ष तक जेलों में रहने का मौका मिला है। मैंने जेलों में देखा है कि जेलों के अन्दर तमाम ऐसे अपराधी जो मर्डर में पकड़े जाते हैं उनमें से अधिकांश नौजवान ऐसे होते हैं जो अच्छे घरों से ताल्लुक रखते हैं। जो डकैती में पकड़े जाते हैं वे अच्छे घरों से संबंध रखते हैं। लेकिन वे बेकार होते हैं। इसलिए आज बेकारी हमारे देश में एक बहुत बड़ी समस्या है, एक बहुत बड़ी चुनौती है। हमारे देश के अन्दर हम इस बेकारी की समस्या को दूर नहीं कर पाये तो मुझे यह भय है कि यह समस्या हमारी व्यवस्था के लिए ही एक बहुत बड़ी चुनौती आने वाले दिनों में हो जाएगी, क्योंकि अगर आदमी बेकार है, भूखों मर रहा है तो भूखों मरने से पहले वह दूसरों की रोटी छीनने की कोशिश करेगा, हिंसा पर आएगा। हमारे जैसे देश में जहां पर 50 परसेंट लोग गरीबी की सीमा के नीचे हों जिनको दो समय का भोजन

भी नहीं मिलता हो तो वह हमारे लिए एक बहुत बड़ी समस्या हो सकता है। आज हमारे ट्राइबल एरियाज में, गांवों में जो लोग रहते हैं उनको पूरा भोजन तो दूर दो टाइम का खाना भी नहीं मिलता है। यहां पर बैठ कर हम लोग आराम से इन बातों की चर्चा कर लेते हैं, लेकिन वास्तविक स्थिति का पता हमें भी नहीं होता है।

4 P.M.

वह कैसे जी रहे हैं, कैसे खा रहे हैं, कपड़ा नहीं है उनके पास, एक धोती पहनकर एक गरीब औरत गांव के अन्दर साल भर गुजार देती है पैसा नहीं है, कैसे रहते हैं, यह धैर्य, यह धीरज वाला आत्म-नियंत्रण उन लोगों का कब तक चल पायेगा, यह न तो मैं कह सकता हूं और न आप कह सकते हैं। इसलिये मैं कहता हूं कि अगर अन-इम्प्लायमेंट की समस्या आप दूर नहीं कर पाये तो जो समाजवादी समाज की व्यवस्था संविधान के अन्दर रखी गई है वह बेकार हो जायेगी, वह नाटक होगा और क्योंकि हमको नाटक नहीं करना है, क्योंकि हमारी सरकार गम्भीरता से इस प्रश्न पर विचार कर रही है जैसा कि मैंने कहा कि रायों को कहा जा रहा है और लेजिस्लेटिव कौंसिल बनाई जा रही है छठी प्लान में व्यवस्था की जा रही है, और इम्प्लायमेंट की अपोर्च्युनिटी पैदा की जा रही है। लेकिन जैसा महोदया, यह होना चाहिए वह नहीं हो पा रहा है। इसलिये यह जरूरी है कि हमें बेकारी-भत्ता देना चाहिए जैसा कि ब्रिटेन में दिया जा रहा है अन-इम्प्लायमेंट एलाउन्स। लेकिन आज यही कारण है कि ब्रिटेन में दूसरे देशों के जो लोग वहां जाते हैं तो वहां की सरकार ने इस तरह के लोगों के आगमन पर कठोर नियंत्रण लगा रखा है। क्योंकि वह भी एक सीमा तक ही दे सकते हैं।

चाहे कोई भी देश हो, कोई भी सरकार हो, वह एक सीमा तक ही बकारी-भत्ता दे सकती है। अगर अन-इम्प्लाइमेंट का भत्ता आप नहीं देते और इम्प्लाइमेंट भी आप नहीं देते तो इसके मायने है कि केअटिक कंडीशन देश में पैदा होने जा रही है और उन केअटिक कंडीशंस को पैदा करने में अगर हमने मदद की तो यह हमारे देश का एक बहुत बड़ा दुर्भाग्य होगा। व्यक्तिगत रूप से मैं यह समझता हूं कि अगर इस अन-इम्प्लाइमेंट की प्रोबलम को दस वर्षों के अन्दर हम सात्व नहीं कर पाये और नौजवानों को हम काम में असमर्थ रहे तो इस देश में मिविल वार होगा और दूसरा कोई चरा उनके पास नहीं रहेगा और जैसा मैंने कहा कि मरने के पहले वे दूसरों को मारेंगे और दूसरों की रोटी छीनेंगे। आज मे कुछ वर्ष पहले कलकत्ता में यही होता था। कोई आदमी अगर सामान ले कर जा रहा है तो दूसरा आदमी जाकर उसका सामान लूट लेता था। मुझे खुद कई बार कलकत्ता जाने का मौका मिला और मैंने देखा कि जो अभावग्रस्त आदमी है जिसके पास पैसा नहीं है, जिसके पास खाना नहीं है, कपड़ा नहीं है वह यह नहीं देखता कि वह क्या करने जा रहा है जब वह यह देखता है कि दूसरे आराम में है और हम ऐसी भुखमरी के शिकार हैं तो वह ऐसा करने में हिचकिचाता नहीं है। इसलिये जैसा कि मैंने पहले कहा है कि अपनी एकानामी में हमारे जो संसाधन हैं उसके उसलिये साधन नहीं जुटा पाये हैं और इसलिये हमारे लिये यह आवश्यक है कि हमें यह जो बेकारी की

समस्या है इसको दूर करना चाहिए और जो बेकार हैं उनको बेकारी का भत्ता देना चाहिए, जैसा कि आ साहब के प्रस्ताव में है।

इन शब्दों के साथ विद्वान माई और लिमिटेड, संविधान में मंगोचन का जो यह प्रस्ताव है इसका मैं स्वागत करता हूं।

श्री सदाशिव बागाईतकर। (महाराष्ट्र)
श्रीमती उपसभाध्यक्ष... (मराठी में बोलना आरम्भ किया)

श्री हरबेन्द्र सिंह हंसपाल (पंजाब) :
आप हिन्दी में बोलिये।

श्री सदाशिव बागाईतकर : यह राज्य सभा है, इसलिये कभी कभी राज्यों की भाषा बोलने दीजिये। ... (व्यवधान) ...

श्री पं० एन सुकल : कल तो आप कह रहे थे कि हिन्दी को कम्पलसरी करो और आज मराठी में बोल रहे हैं... (व्यवधान)

उपसभाध्यक्ष डा (श्रीमती) नाजमा हेपतुल्ला : मराठी भी आप अच्छा बोलते हैं।

श्री सदाशिव बागाईतकर : आज के दिन मैं आपकी आज्ञा ले रहा हूं।

उपसभाध्यक्ष डा (श्रीमती) नाजमा हेपतुल्ला : आप मराठी में अच्छा बोल रहे हैं।

श्री सदाशिव बागाईतकर : वह मेरी मातृ-भाषा है, इसमें कौन सी बात है।

उपसभाध्यक्ष डा (श्रीमती) नाजमा हेपतुल्ला : हिन्दी भी आप बहुत अच्छा बोलते हैं।

*SHRI SADASHIV BAGAITKAR: Madam Vice-Chairman, this Bill is brought forth before the House with a view to amending the Constitution to take up the responsibility of employing the unemployed. But this task must be taken over by the Government of India, not merely as directive principle. The Government must take up the responsibility of employing the unemployed. It is for this purpose that the Bill has been brought forth before this august House.

संशोधन कार्य विभाग में उपमंत्री (श्री कल्प नाथ राय) भाई हिन्दी में बोलिए ताकि आपके विचारों को हम लोग भी सुने ।

श्री सदाशिव बागाईकर : आप जरूर इयरफोन को कान में लगाने की कोशिश करें, उसमें आपको अनुवाद मिलेगा । अगर आपको कोई दिलचस्पी है तो कान में लगा कर के सुनिये ।

श्री कल्प नाथ राय : आर हिन्दी में बोल रहे हैं तो हिन्दी में बोलिए.. (व्यवधान)

श्री सदाशिव बागाईकर : अगर आपको दिलचस्पी है तो इयरफोन कान में लगा कर सुनिये ।

*Madam, therefore, in the light of this fact, the amendment of the Constitution has become necessary. It is not enough for the Government to accept it in principle but it must also be fully implemented. The principle is one thing and implementations of it is quite another. Here the difference between the two is the distance between the sky and the earth.

Just now my friend Mr. Sukul said that he had seen the old Congress report of 1936, held in Faizpur but had he seen the report of Karachi Congress of 1931 then he would realise that the independent India's Government's responsibility was to give employment to all, that the government

would take over this task. This was the promise given to the Indian public at large. With this sort of promise given they got the support of the people to seek freedom. After freedom only the problems of Zamindars and their tenants were solved but Government has failed to look into the problem of common man's employment. It has in fact, totally neglected. This problem.

Every citizen of India has a right to work and earn. This was the promise given by the then Congress Leaders. The right to work and earn was not included in the fundamental rights, but in the directive principles. Hence this Bill is brought forth to amend the Constitution and is before this august House. Every Hon. Member of this House who spoke has highlighted the steady and steep growth of unemployment in the country. It has therefore become imperative, that employment should be given to the unemployed. The population below the poverty line too is steadily rising despite the six five year plans. Our country has failed to check unemployment and it is growing alarmingly. This factor is accepted by all the Hon. Members of all the parties in this august House. There are no two opinions on this subject. The question now therefore is how to change this situation and how to solve the problem?

Just as Karl Marx had said "Philosophers have explained the world; the question is to change it". The employment has increased and we have accepted the fact. Despite our having spent crores of rupees in the Six Five Year Plans, the number of people below the poverty line is on the increase. No one can deny this fact.

But our Prime Minister has stated at New York that the people of India are far better then they were a couple of years ago. There is marked differ-

ence in the life of the people. I fail to comprehend what the Prime Minister has said. In 1930 Mahatma Gandhi started the Salt Satyagraha, the story of which I need not elaborate. It was only after he visited Orissa that Gandhiji understood, the meaning of our country's poverty. The workers in those days were paid nearly 4 to 5 paise as daily wages. Gandhiji went on Salt Satyagraha to protest against this.

Today, it is said that the condition of the poor people has changed that's what Prime Minister Indira Gandhi wanted to say. What exactly she meant is beyond my understanding.

There is absolutely no change whatsoever in the lot of the poor people. If we consider the present condition and the standard of living of the Harijans, Adiwasis, poor, slum dwellers etc., one has to go there and see for oneself the true fact. There is rapid growth of poverty in our country. The condition of our nation is becoming worse. I would like to state here that it was announced everywhere that malaria has been eradicated but the fact is that a city like Delhi is facing enormous growth of mosquitos and malaria is still prevalent in a large number of cities and States. For people of Eastern countries poverty does not depend on the economic condition of the common man but it depends on what he eats and wears and where he dwells.

Contagious diseases are increasing day-by-day, Malaria is rampant. The reason for this is that the people who had good health and power of resistance to these diseases ten years ago do not have same power to resist these disease today.

Madam, Vice-Chairman, perhaps you are aware that in Bombay where you are living you must have seen on the streets boys of ten to twelve and ladies collecting papers and other waste material and bundle them together,

They walk in the knee deep filth to collect this waste which they sell to make their living. Even their number is on the increase. Can you deny this fact?

Under these circumstances, the Government must come forward to help the unemployed. Just as every adult citizen of India is given the right to vote, similarly every adult citizen should also have the right to work. Any difficulty arising on this matter should be overcome. I don't say that this is the Government to work. You are aware, perhaps, that in 1948-50 when we left the Congress Party we gave slogans to keep every village clean. Mr. Kalpanath Rai knows about it. We gave this slogans with the idea of bringing about a revolution.

After the world war when we tried to get our freedom, students, youths and able bodied adults, farmers etc., were all united for this. Similarly we should find a way out to help the unemployed. When Mao's revolution started in China, they started with labour incentive works. We and Mao's China were free at the same time. In 1947 we got our freedom and in 1949 China's revolution took place. In India those plans which we had accepted with full belief of prosperity have cheated us. We thought, perhaps, after the Industrial revolution there would be opening for the unemployed as it happened in the 17th, 18th and 19th Century in the Western countries. We thought that in India employment will increase and the poverty would end.

You have your statistical department and also the Planning Commission. If one looks at their reports one can understand that what we invested in the planning and the wealth that we created out of that investment has not been distributed according to the needs of our society.

श्री कल्पनाथ राय : हिंदी में बोलिए, महाराज ।

श्री सदाशिव बागाईतकर : कल्पनाथ जी, वह जो इयरफोन है, उसको कान में

लगाने की कोशिश कीजिए, इतने आलसी मत बनियेगा।

आपकी कुछ जिम्मेदारी है। हम जो बोल रहे हैं, उसे आपको सुनना चाहिये।

श्री कल्पनाथ राय : इंटरप्रेटेशन नहीं हो रहा है।

श्री सदाशिव बागाईतकर : वह हो रहा है.....(व्यवधान) आ जाएगा।

श्री कल्पनाथ राय : आप हिंदी में बोलिए, आप तो हिंदी जानते हैं।

श्री सदाशिव बागाईतकर : छोड़िये, हिंदी में तो रोजमर्रा बोलते हैं, मैं मराठी में बोलूंगा, मराठी में बोलने से देश का नुकसान नहीं होता (व्यवधान) क्योंकि एक आदमी... (व्यवधान)...

Madam Vice-Chairman; this is what I have been saying, that is what we invested in the planning and the wealth that we created is not used judiciously.

Madam vice-Chairman, the direction the planning has now taken has become a subject of disillusionment. The planning of Industries and other schemes have not proved of any help to remove poverty in India. This is proved beyond doubt. Hence the need to raise this question for the government to help the unemployed. It is therefore, necessary that the government should accept this Bill for amending the Constitution and include the right to work in the fundamental rights.

श्री कल्प नाथ राय : सदन में कोई सदस्य नहीं समझ रहा है कि यह क्या बोल रहे हैं। दर्शक दीर्घा में सैंकड़ों लोग हैं, इनकी बात सुन लें, तो ज्यादा अच्छा है।

श्री सदाशिव बागाईतकर : यह क्या कह रहे हैं? इस सभागृह का जो नियम है, उसके मुताबिक मैं मराठी में बोल सकता हूं। आप उसमें कोई इतराज नहीं कर सकते हैं। हमने मराठी में बोलने की इत्तिला दी हुई है कि मैं मराठी में बोलूंगा और उसका तर्जुमा आ रहा है।

श्री कल्पनाथ राय : यहां की जनता को देखिये, वह सुनने के लिए आई है... (व्यवधान) आप हिंदी में बोलिए.... (व्यवधान)

श्री सदाशिव बागाईतकर : अच्छी बात, हिंदी में बोलते हैं।

महोदया, मैं इस बात को कह रहा था कि जब देश आजाद हुआ, उसके बाद से इस विषय को लेकर जो बहस चली है देश में, इससे कोई इंकार नहीं कर सकता कि बेरोजगारों की संख्या, उनकी तादाद बहुत बढ़ गई है। सिर्फ डाइरेक्टिव प्रिंसिपलज में काम देने की जिम्मेदारी सरकार पर है, यह कहने मात्र से उपाय नहीं हो गया है। इस पर भी मैं नहीं समझता कि मतभेद हो सकता है।

तो इसलिए सवाल यह आ जाता है कि जिग उसूल को निर्गुण रूप में आपने नाना है, उसको सगुण रूप में हम परिवर्तित कैसे करेंगे? काम का अधिकार हमने मान लिया है। उसूलन हमने मान लिया है कि हरेक आदमी को काम मिलना चाहिए। इस उसूल को हमने माना है, तो उसको अमलीजामा कैसे पहनाया जाए, इस समस्या का जवाब ढूँढने में यह संशोधन आया है और इसलिए मैं सरकार से चाहूंगा कि सरकार इसको कबूल करे। जैसे बालिग मताधिकार उसूल पर आपने अमल किया है, वैसे काम के अधिकार को भी आप

कबूल करें लें। मैं आपसे कहना चाहूंगा कि महाराष्ट्र में इम्प्लायमेंट गारंटी स्कीम का काम चल रहा है—मैं यह नहीं कहता कि वह बहुत आदर्श से या अच्छे ढंग से वह स्कीम चलाई जा रही है। उसमें खामियां होंगी, लेकिन बुनियादी तौर पर इस तरह का कानून अगर बना दिया जाय तो उस पर अमल करने की जिम्मेदारी सरकार की हो जाती है। मैं नहीं मानता इस में पूंजी ज्यादा लगेगी, ज्यादा खर्चा करना पड़ेगा। वह बात नहीं है क्योंकि ज्यादातर आदमियों को जिन को काम देना है उन को काम देना पड़ेगा, जंगल में, खेतों में, रास्ता बनाने में, कनाल बनाने में—इस तरह का काम आप को देना पड़ेगा। तो पूंजी और रोजगार की नीति दोनों साथ-साथ चल सकते हैं। इस लिए मेरा यह कहना है कि सरकार इस के बाद दिमाग बन्द करने का काम न करे। सरकार को कभी न कभी इस जिम्मेदारी को उठाना है यह मान कर सरकार इस पर विचार करे। इस संशोधन का समर्थन मैं इस लिए कर रहा हूं क्योंकि जब तक कानून की जिम्मेदारी नहीं होगी तब तक सरकार इस के बारे में लापरवाही बरतेगी, सरकार इस के बारे में सचेत नहीं रहेगी। आज नौकरी लौटरी बन गयी है।

श्री कल्पनाथ राय : आप की सरकार ने क्या किया?

श्री सदाशिव बागईतकर : हमारी सरकार और आप की सरकार—यह विवाद आप कितने दिन तक करते रहेंगे। इस का जवाब यह है कि आप 30 साल राज में रहे हैं, ढाई साल वह रहें, मैंने कई बार कहा कि मान लीजिए वह मूर्ख लोग थे, आप अक्ल वाले बैठे हैं, आप क्या कर रहे हैं? बिना विवाद के मैंने मान लिया कि वह सारे लोग मूर्ख थे, कुछ नहीं कर पाये, आप लोग तो अक्ल वाले हैं, आप

ने तीस साल में क्या किया और अब क्या कर रहे हैं। कोई नयी योजना आप ने बनायी है? ढाई साल हो गया। शुक्ल जी, मैंने शुरू में मराठी में कहा कि आप करांची कांग्रेस का रिजोल्यूशन निकाल कर देखिए, आप फैजपुर कांग्रेस का रिजोल्यूशन निकाल कर देखिए। मैं कांग्रेस का इतिहास आप को बता रहा हूं। राइट टु वर्क आप ने मान लिया उन दिनों जब हम आजादी के लिए लड़ रहे थे। अब सवाल यह है कि जो अतीत में हमने मान लिया, वादा किया था देश की जनता के साथ उस को निभाने के लिए हमें सोचना होगा। बेरोजगारी की समस्या को हल करने के लिए सरकारी स्तर पर, गैर-सरकारी स्तर पर, वोलंटरी एजेंसीज की मार्फत हर स्तर पर काम करना पड़ेगा, यह हम जानते हैं। इसी लिए मैंने उदाहरण दिया कि सोशलिस्ट पार्टी ने उस नारे को लिया था। मैं समझता हूं कि अगर सरकार कानून से बंध जाय तभी इस पर अमल होगा, वरना डायरेक्टिव प्रिंसिपल्स में है, उस से मामला हल होगा, ऐसी बात नहीं है। बेरोजगारी के जो घातक परिणाम होंगे उस के बारे में शुक्ल जी ने कहा, उस को मैं दोहराना नहीं चाहता। सोशल एनार्की की जो कंडीशन्स आज है, काइम जिस तरह बढ़ रहा है, रोजाना आप अखबार में पढ़ते हैं कि जो गिराह गिरफ्तार हो रहे हैं उन में स्टूडेंट्स भी हैं, कालेज स्टूडेंट्स भी हैं, जो पढ़े-लिखे तबके के लोग हैं वह भी उस में हैं। सोशल एनार्की की तरफ देश बढ़ता जायेगा तो उस का एक परिणाम लाजिमी तौर पर यह है कि पोलिटिकल एक्ट्रिमिज्म बढ़ेगा। आखिरकार इंस्टीट्यूशनल फ्रेमवर्क जो हमारे समाज में है वह चल नहीं सकता अगर इस तरह की धारणा बन जाय। इसको तोड़ने का रास्ता लोग ढूँढ़ेंगे। लोगों के मन में यह बात बैठ जाय कि आज का जो सारा इन्तजाम है इस को बिना खत्म किए कुछ होने वाला

नहीं है तो टेरेरिस्ट मूवमेंट और आगनाइज्ड एक्स्ट्रीम पोलिटिकल मूवमेंट सब चीजें साथ-साथ चल पड़ेंगी। इस से देश में अनाकी का माहौल बढ़ेगा।

इस के साथ साथ मैं आप से कहना चाहूंगा कि जब लोग देख रहे हैं कि गरीबी सब के लिए नहीं है, मुट्ठी भर लोग देश में इस तरह से पनप रहे हैं कि उन की सम्पत्ति का कोई हिसाब नहीं है, बाकी लोग पढ़े-लिखे हों, बिना पढ़े-लिखे हों, काम करने के लिए तैयार हों जब उन को कोई चारा नहीं रह जाता है तो सोशल एनाकी की ओर बढ़ेंगे। इस को आप समझ लीजिए। महोदया, आखिर में मैं कहना चाहूंगा इस संशोधन के समर्थन के बारे में आप दलगत दृष्टि से न देखिए।

आखिरकार देश में इस तरह की अनाकी का वातावरण बढ़ेगा तो उस से देश का नुकसान होगा और न यह आप के लिए फायदेमंद होगा और न हमारे लिए फायदेमंद होगा। इस लिए मैं चाहता हूँ कि जो संविधान संशोधन विधेयक लाया गया है उसको आप मानें। मैं तहेदिल से इस का समर्थन करता हूँ और अगर इस में कोई अन्य मुझाव हों तो आप उनको दे दीजिए। सरकार के लिए केवल मनीफिस्टो में लिखी हुई चीजों का बखान करने से ही कोई लाभ नहीं होगा, उन बातों पर अमल करने का रास्ता क्या है इसको भी आप बताइये ताकि इस देश में उत्पादन समस्याओं का मुकाबला करने के लिए आवश्यक उपाय क्या हो सकते हैं उन को हम सोचें और अगर ऐसा नहीं हो सकता है उस समय तक हम सरकार को बांधे रखना चाहते हैं और इस लिए मैं इस संशोधन का समर्थन करता हूँ।

THE MINISTER OF LAW, JUSTICE
AND COMPANY AFFAIRS (SHRI

JAGANNATH KAUSHAL): Madam, Vice-Chairman, let me first of all thank all the Members who have taken part in this debate. At the outset, I must say that the spirit behind the Bill has been appreciated by almost all sections of the House.

श्री शिव चन्द्र झा (बिहार) : मैडम, मैं बोल लूँ, उसके बाद मिनिस्टर साहब बोलें, यह अच्छा होगा।

उपसभाध्यक्ष (डा० श्रीमती नजिबा हेपतुल्ला) : नहीं, पहले वह बोलेंगे और उस के बाद आप बोलेंगे।

He is intervening.

SHRI JAGANNATH KAUSHAL: I am also appreciate of the spirit with which this Bill has been brought forward. But before I accept the Bill, or I even accept the idea of circulating it for public opinion, let us analyse the Bill, because in my submission the discussion has proceeded much beyond the scope of the Bill. The scope of the Bill is very limited and let us see whether the Bill, if accepted, will really solve the problem which the mover of the Bill wishes to solve.

Now if I could draw the attention of the House to the Statement of Objects and Reasons, then the mover himself has said that he wants to guarantee the right to employment and make it justiciable. So this is the whole problem. He says if the State does not give employment, he will go to a court of law and will get a mandamus from the court; You please give him employment. Now before such a writ of the court becomes effective, the State must have the resources to give employment to all adults. This is the object with which Shri Jha has brought forward this Bill. And the alternative which he has suggested is that in case the State is not in a position to give the job, then the State should give unemployment allowance.

As Shri Bagaitkar has said and everybody has said these are laudable objects. Since the day of freedom we

are trying to do this. Whether we have succeeded, to what extent we have succeeded, whether we hope to succeed fully—these are all matters which have been debated. But the question is, can we give such a right to the courts that they may issue a writ, which writ may not be honoured, the writ may not fructify because in order to make this Bill effective, first of all, as has been stated by all the Members, the society should be in a position to create that employment which will satisfy all the adults of this country.

Today we all accept that the State is not in a position to accept it. If it is not in a position to accept it, then to make it a justiciable right, in my humble submission, will not be correct. Now the magnitude of the problem is known to the mover also. The mover knows although probably it is known to him partially, but during the debate it has been told by so many hon. Members that it is a problem of great magnitude.

Now, a Financial Memorandum has been added to this Bill itself. The Financial Memorandum says:—

“The rough estimate of expenditure in respect of citizens living in the Union territories is approximately Rs. 70 crores. The expenditure likely to be incurred by the State Governments on this account cannot be estimated at this stage.”

He says that only for the Union territories the recurring expenditure will be to the tune of Rs. 70 crores per year, but regarding the States he says he is not in a position to give the figures. The hon. Member who just participated, Mr. Justice Mitra, said that probably the expenditure will be to the tune of Rs. 18,000 crores per year. Now, let us understand, is our State in a position to just pay unemployment doles, that till we give him employment we will give him so much unemployment allowance? Is the State really in a position to give Rs. 18,000

crores per year as unemployment allowance? If not, then I would request the honourable Mover to consider both the aspects and not press for passing this Bill, because this Bill ultimately is not going to solve the problem.

The problem is economic, the problem is political, the problem is changing the entire structure of the society. This is the problem which hon. Members have almost with one voice debated. Now I will again revert to what my honourable senior friend, Mr. Justice Mitra, has said. He says, we require a restructuring of the social, political and economic structure of the society. This Bill, according to me, is not meant for that purpose. It has a very limited extent and that extent will not provide jobs. It will only provide an opportunity for that unfortunate man to litigate. He is unemployed and we only provide him with an opportunity to go to court and fight. He has no means at his end. We want him to litigate and, after litigation, he will get a writ which will not be honoured, which cannot be honoured. Therefore, the sole point which we have to consider is this: The spirit behind it is acceptable. But again, the right of full employment, except in two countries—but Mr. Jha mentioned another country also—is not fully guaranteed in any State except the States which are under dictatorship or are Communist countries. And there, the very basic thing, which is missing in our country, is that there the entire resources of the State are vested in the State itself. That is why Mr. Justice Mitra was at pains to read from the book of the writers where they said, where the entire economic resources vest in the State, they are only worked by the people. Where the resources are owned by the State, then, obviously, the right of work can be guaranteed. But here, not that we have done it, but Parliament all through has accepted mixed economy for the country. We have accepted it. We have not chosen to nationalise all the resources of the State. Tomorrow if the will of the nation is that the en-

ture resources of the State will have to be nationalised and there has to be a totally different type of society, a totally different type of Constitution, then again I would say, as the Constitution stands today, as the Constitution interpreted by the Supreme Court stands today, there things are not possible to be achieved by this solitary amendment which my hon. friend, Mr. Jha, has brought forward.

SHRI SANKAR PRASAD MITRA:

But according to the Supreme Court you have to form a Constituent Assembly.

SHRI JAGANNATH KAUSHAL:

This Bill is not for changing the entire structure of the Constitution. This Bill is not for changing so many ideas underlying the Constitution. The Bill is only to make this right a fundamental Right—justiciable.

Therefore, it has been a highly instructive debate, a debate of a high order, where the entire economic policies, the political structure of the country and the economic structure of the country have been debated. As I said, it is of great education to anybody who hears this type of debate, but we have to confine ourselves within the four corners of the Bill which has been brought forward. According to me, the Bill is not going to give employment. The Bill is only going to give an opportunity for filing a writ petition in the High Court, which means an empty litigation. That is why I say that I am not in a position to accept the Bill or even to send it for public opinion because we know what public opinion is; it is what you people are saying. I can accept what the hon. Members are arguing about, but as I say, that is argument on the basic principle on which today the society is not in a position to go back. We have accepted mixed economy, we have accepted planned economy, we have started with plans and now we are in the midst of the Sixth Five Year Plan. So to say that the Government is oblivious of this is not correct. Those

documents are public property and my friends have read these documents more than once. The policies and programmes in the Sixth Plan have been debated and accepted by Parliament. A number of schemes and a number of steps are contemplated and they are being followed. Somebody may say that they are not being fully implemented. Somebody may say that they are being partially implemented. But I would repudiate this charge that the Government has no will to create productive employment. May I read only two or three or four broad schemes that we have adumbrated. Now the first is, generation of increasing employment opportunities in agriculture and allied sectors through massive irrigation programmes with a high component of minor irrigation; improved availability of agricultural inputs, specially for small farmers. That is one. Number two, extension of the Integrated Rural Development Programmes to all the blocks of the country. This has already been done. About 15 million families would be benefited during 1980—85 by this programme and brought above the poverty-line. Then there is development of fisheries. Then the National Rural Employment Programme would cover all the blocks in the country and provide wage employment, particularly during the slack agricultural season. About 300 to 400 million man-days of employment per year would be generated by this programme. Then there are Plan allocations for the small scale and khadi and village industries sectors, which provide the largest number of jobs in the rural areas. I need not read all of them. They are all part of this Plan document and each one of the things mentioned in the Sixth Plan has been accepted by Parliament after debate. Now, surely by this debate you don't ask me to change the entire Plan. Moreover, I am not the person who can adequately represent all this view because the scope of the Bill before me is highly limited. Therefore, I would humbly submit to the hon. Mover that he should not press for its

acceptance because it is incapable of enforcement and it is not going to solve the employment problem. The employment problem will be solved as we are trying to solve it. Another hon. friend Mr. Kulkarni, has said that there is nothing wrong with the schemes which we have formulated that the schemes are good, that these are the only schemes which can create more employment potential. But he says the implementation is not proper. One can say so. We are trying to tighten the machinery. The Prime Minister is so keen that she is having a monitoring cell everywhere. She is writing to the States and she has culled out the main features of the plan in the 20-point programme. So, the idea is that we are very much alive to the situation and we want that all people should have the right to employment. But Mr. Kulkarni was right when he said that giving doles will not help. This has been tried in some other countries also. It makes people lazy. It makes people ultimately to come to a situation where they even lose the will to work. So those doles will not help. The real help is what we are trying to do, that is, to create productive employment.

And it is totally not in the interests of the State to give unemployment doles, because that does not create employment. Therefore, I will not elaborate on this argument, because, according to me, the scope of the Bill is so limited that even by accepting this Bill, the real problem which the mover wants to solve, will not be solved. The real problem is that we try to implement the Sixth Five Year Plan. It is true, population is growing and with the growth in population we create more jobs and again more births take place. So, the population has to be controlled and it has to be an all-out effort from all sides. And one thing more. Again I quote my friend, Mr. Kulkarni, when he says, why blame the Government alone? All sections of the society are playing their part. People are inciting strikes people are inciting to create communal

tension, people are unfortunately not bringing about that atmosphere which is needed for a planned development of the society. So, each section of the society has to play its role and mere acceptance of Mr. Jha's amendment is not going to solve the problem. I would, therefore, request Mr. Jha to withdraw the Bill, but if he does not, then, it is my painful duty to oppose it.

श्री शिव चन्द्र झा : उपसभाध्यक्ष महोदया, इस संशोधन विधेयक पर करीब-करीब 20 सदस्य बोले हैं। मैं उन सभी को धन्यवाद देता हूँ। करीब-करीब सभी माननीय सदस्यों ने इसका समर्थन किया है। यदि किसी तरह की किसी को हिचकिचाहट थी तो उन्होंने भी यह कहा कि इस बिल के पीछे भावना अच्छी है और आज नहीं तो कल, परसों हमको ऐसा करना ही होगा। कहने का मतलब यह है कि सब ने इसका समर्थन किया है। मंत्री जी ने कहा कि यह अभी प्रेक्टिकल नहीं है। हमारे पास रिसोर्स ज नहीं हैं। और इससे लेटीगेशन बढ़ जाएगा। उनकी ये बातें मेरी बिलकुल भी समझ में नहीं आई। उन्होंने यह भी कहा कि इस विधेयक से हमको सारा रिस्ट्रक्चरिंग करना पड़ेगा, हमको सोसायटी को रिस्ट्रक्चर करना पड़ेगा जिसके लिए उन्होंने हमारे मित्र श्री मित्रा जी का रिफरेंस दिया। उन्होंने बार-बार कहा कि इस बिल के लिए हमें सोसायटी का रिस्ट्रक्चरिंग करना पड़ेगा। मैं यह कहना चाहता हूँ कि श्री मित्रा जी ने आंकड़े देकर कहा कि इसके लिए हमें 18 हजार करोड़ रुपये की जरूरत पड़ेगी। उन्होंने यह हिसाब 500/- रु० महीने देने पर लगाया है। मेरे हिसाब से अभी 200.00 रु० ही देना उचित है। जितने रुपये दिल्ली में एक मजदूर को काम करने पर मिलते हैं, दो सौ, ढाई सौ रुपये दिये जाये तो हमें 15 सौ या 16 सौ करोड़ रुपयों की जरूरत होगी। 18 हजार करोड़ रुपये नहीं लगेंगे। हमारे देश में कितने

लोग बेकार हैं और हमारे आंकड़े क्या कहते हैं, उसको अगर हम देखें और प्रत्येक बेकार को 200/-रु० प्रति माह दें और ब्लोक लेवल पर काम खोल दें तो इसमें 15 सौ या 16 सौ करोड़ रुपये को जरूरत होगी। जिस तरह से सी० सी० केम्प में रूजवेल्ट ने किया था, उसी तरह से यहां पर भी किया जा सकता है। इसलिए मंत्री जी का यह कहना कि इससे लेटीगेशन बढ़ जाएगा, मेरी समझ में नहीं आता है। जब हम देश की आजादी की लड़ाई लड़ रहे थे तो कहीं किसी नेता ने किसी अधिवेशन में यह प्रस्ताव पास नहीं किया कि हमको आजादी मिल गई है, हम आजाद हो गये हैं। वे इस प्रकार की भावना रखते थे, लेकिन हम आजाद हो गये हैं, इस प्रकार का प्रस्ताव नहीं रखा गया। किसी भी आन्दोलन में इस प्रकार का प्रस्ताव नहीं रखा गया। हां, अपनी मंजिल पर पहुंचने की बात सभी करते थे। चाहे वह किसानों का मोर्चा था या उद्योगों का मोर्चा था, वे सभी अपने मूल आन्दोलन को आगे बढ़ाते थे। कहने का मतलब यह है कि पार्ट वार्ड पार्ट अपने मंजिल पर पहुंचने का कार्यक्रम बनाते थे। चाहे समाजवाद लाने वाले लॉग हों, चाहे वह लेनिन ही क्यों न हो, उन सब ने यही किया।

आपने उदाहरण दिया कि हमें सारा परिवर्तन करना होगा, टोटेलटेरियन समाज में यह सम्भव है। जहां सारे रिसोर्स पर समाज का कब्जा है तो यह बात सही है कि इसमें आसानी होती है कि समाज की सारी सम्पत्ति, सारे रिसोर्स पर यदि आपका अधिकार हो जाय तो बहुत आसानी से इसको कर सकते हैं और यदि यह परिस्थिति नहीं है, कल्पना ही में, यह परिस्थिति है, मान लिया जाय 18 हजार करोड़ रुपये आपके हो जाते हैं तब तो आपको

कोई ऐतराज नहीं होगा? थोड़ी देर के लिए मैं मानता हूं हाइपोथेटिकली ही सही, कोई ऐतराज नहीं होगा। लेकिन रिसोर्स की बात जब आती है तो यह उस समय में भी जब सारी सम्पत्ति पर कब्जा था, रिसोर्स भी थे, एक ही दफा सारा समाज नया नहीं बना तो फिर मुझे कहना नहीं पड़ेगा कि वहां प्लान से पीछे हटना हुआ। जब लेनिन ने न्यू एकानामिक पालिसी चलाई तो वह प्लाण्ड कैपिटलिस्ट कंट्रोल से पीछे हटा जबकि उनकी कमेटी में, वकिंग कमेटी में उनके अपने साथियों के बीच में यह बात थी कि हम पूंजीवाद की ओर जा रहे हैं। लेनिन जैसे डिटरमिनेशन के आदमी ने कहा कि हां, हम पूंजीवाद की ओर जा रहे हैं क्योंकि समाजवाद जिन्दावाद, समाजवाद जिन्दावाद के नारों से पेट नहीं भरते, रोटी नहीं मिलती है। लेकिन उन्होंने कहा कि की-सेक्टर हमारे हाथ में है, उनकी बागडोर हमारे हाथ में है और इसलिए हमें पूरा विश्वास है कि कुछ समय के बाद उसको हम ओवरपावर कर देंगे, हम आगे चले जायेंगे और हमारी लाइन ठीक हो जायेगी। तो आपको भी यह सारा परिवर्तन करना होगा, हम तो करना चाहते हैं। कहिए कि आप करने को तैयार हैं या नहीं। 20-सूत्री कार्यक्रम यदि उसमें कोई संस है, एक बूंद भी संस है तो उससे सारा अन-इम्प्लाइमेंट खत्म हो जाना चाहिए। यह होगा या नहीं होगा? नया परिवर्तन होगा, बराबरी होगी या नहीं होगी, अन-इम्प्लाइमेंट का खात्मा होगा या नहीं होगा? आप कहना चाहते हैं कि 20-सूत्री कार्यक्रम के बाद अन-इम्प्लाइमेंट रहेगा, गरीबी भी रहेगी ही। उसकी एक आइडिल मंजिल है, उसको लेकर हम चलना चाहते हैं। यदि आप कहते हैं कि ये सब चीजें रहेंगी तो बह फार्स है। आप इसको साबित कर दें

कि 20-सूची कार्यक्रम फार्स नहीं है। हम एक लक्ष्य को लेकर चलें कि इम्प्लाइमेण्ट मिले, यदि यह आदर्श आपका है तो ठीक है। एक दिन वह मंजिल हमारे पास होगी जिसमें देश में बराबरी भी होगी और खुशहाली भी होगी, देश में अन-इम्प्लाइमेण्ट नहीं होगा, आदर्श के मुताबिक हमारी वह मंजिल है लेकिन इस पर चलने के लिए हमको कदम-कदम चलना होगा। बहुत से पहलू हैं जिन पर आपको प्रहार करना होगा, नये समाज के लिए। मेरा विधेयक बहुत लिमिटेड है यह आपने ठीक ही कहा है। लेकिन उस लिमिटेड को इतना मैकेनिकली आपने बना दिया, डायलाग इण्टरप्रेशन कर दिया उसका। 70 करोड़ ही क्या, 1500 करोड़ कहता हूं तो क्या आप विल्कुल ठंडे दिमाग से और सही रूप से सोचकर यह नहीं कह सकते कि हमारे समाज की जो वनावट है, जो वर्तमान रूप में है तो क्या आप रिसोर्सज का मोवलाइजेशन नहीं कर सकते। इस वनावट के आधार पर अगर आप अपनी नीतियों के मुताबिक ऐसे कदम नहीं उठाते हैं, बैंकों का राष्ट्रीयकरण कैसे हो गया? यह भी असम्भव था। उस वक्त आप होते तो आपको असम्भव मालूम होता कि कैसे हो सकता है। प्रिवी पर्स के बारे में बड़ा हल्ला हुआ था कि यह जुल्म हो रहा है। जहां हमने एग्रीमेण्ट किया यह उसके खिलाफ है लेकिन हमारे नेताओं ने एक झटके में जमींदारी एवोल्यूशन कर दी। महाराजा दरभंगा सुप्रीम कोर्ट, फेडरल कोर्ट उस वक्त था मैं गये कि हमारी जमींदारी कार्नवालिस की जमींदारी नहीं है वह अफबर की दी हुई जमींदारी है और यह उस जमाने में अफबर की दान दी हुई है जमींदारी है। बात भी ठीक है, महाराजा दरभंगा की जमींदारी कार्नवालिस की दी हुई नहीं बल्कि अफबर की दान दी हुई है

और वह छीनी जा रही है। पी० आर० दास वकील थे। पंडित जी ने पी० आर० दास को बुलाया। पंडित जी का जो अपना तरीका है उन्होंने एक भाषण दिया और कहा कि इससे कोई सरोकार नहीं है, दुनिया कहां जा रही है, इतिहास कहां जा रहा है, दुनिया क्या कहेगी। उन्होंने एक भाषण दिया, पी० आर० दास गये और महाराजा से कहा कि केस तो आप जीत गये लेकिन मेरा आग्रह है केस विड्रॉ कर लीजिए। बात यहां पर खत्म हो गई। कहने का मनलब यह है कि इन सबों को भी आपने कहा था लेकिन समाज का रिस्ट्रक्चर नहीं हुआ लेकिन जमींदारी पर कुठाराघात किया, प्रिविपर्सज पर हमला किया, बैंकों का राष्ट्रीयकरण किया, यह एक कदम आपके मंजिल की ओर बढ़ने की बात है लेकिन यह कहना कि कोई गारण्टी दे दे कि इस दिल से नया समाजवाद बन जाएगा कोई ऐसा बिल इस सदन में नहीं होगा जिससे यह हो जाए कि कल से समाजवाद आ जाएगा, समाजवाद आने जा रहा है। कोई साइंटिफिक आदमी यह नहीं कहेगा कि यह बिल हम ला रहे हैं कल से इससे समाजवाद हो जाएगा। समाजवाद इस समाज में लाता है उसमें बहुत सी रुकावटें हैं लेकिन मुख्य जो पहलू है वे कौन से हैं उन पर हमें हमला करना है और हमको आगे बढ़ना है और आहिस्ता-आहिस्ता जाबर के बहुत गैर-बराबरी को कम करते जाएंगे और अन्त में मंजिल आएगी पूरी बराबरी, अच्छी बराबरी होगी। तो यह कह कर कि हम को लिटीगेशन इससे बढ़ेगा मैं समझता हूं मंत्री जी इस विधेयक के साथ ही नहीं बल्कि सदन के साथ भी आप इन्साफ नहीं कर रहे हैं। कौन लिटीगेशन में जाएगा। देश में 50 प्रतिशत लोग गरीबी रेखा से नीचे रहते हैं। आज देहात में जाकर देखें क्या होता है। कितने

लोग कचहरी में दौड़ते जाते हैं । 50 प्रतिशत लोग कचहरी में केम करेंगे आप के विरुद्ध ? उनको केस करने का अधिकार है । जैसे वोट देने का अधिकार है लेकिन हम नहीं वोट देना चाहते हैं कोई वजह हो गई तो इसका मतलब है हम उस अधिकार से वंचित नहीं हैं । बहुत से लोग वोट देने नहीं जाते हैं । अभी राष्ट्रपति के चुनाव में भी किसी ने वोट नहीं दिया होगा । यह बात है कि इस अधिकार का मतलब यह नहीं होता है कि कल से लिटीगेशन शुरू हो जाएगा और इस आड़ में जब आप इसका मुकाबला करने से कतराते हैं तो मैं कह दूंगा आपका आदर्श समाजवाद नहीं है, आपका आदर्श बराबरी का समाज नहीं है, आपका आदर्श बीस सूत्री कार्यक्रम में जो थोड़ी भी अच्छाई है उसको क्रियान्वित करने का नहीं है । आपका आदर्श है मिक्स्ड इकोनोमी के नाम पर प्रोफिटैरिंग, मुनाफा-खोरी जिस पर आपको नाज़ है, सो काल्ड फ्री इंटरप्राइज़, फ्री सोमाइटी, बहुत सी बातें आ जाएंगी उसमें । आपकी यहां जो पालिटिकल बराबरी है वह उतनी मीनिंगफुल नहीं है यदि इकोनोमिक बराबरी नहीं होगी । आपको इसकी आड़ लेने का मतलब है आप चाहते हैं कि स्टेट्स-को रहे, प्रोफिटैरिंग रहे, गैर-बराबरी रहे समाज के अन्दर । दूसरे शब्दों में जिस तरह का समाज है वही समाज कायम रहे । यह बुनियादी चीज़ है । दूसरी बात थोड़ी देर के लिए मान लीजिए मैं तो कहता हूं कि रिसोमिज आपके पास है उसकी तफसील में मैं नहीं जा रहा लेकिन मैं पहले ही बोल चुका हूं कि अभी की बनावट में भारतीय समाज के पास इतनी दौलत है जो कि बाहर हाथ नहीं पसारना पड़ेगा । बिल टु डू, यदि भावना आपकी बुलंद है, इरादा बुलंद है तो आप मोबिलाइज़ कर सकते हैं ।

मैंने कहा इकोनोमिक डिसपेरिटी है, टैक्स इवैज़न जो ही रहा है उसको रोक कर दो हजार करोड़ रुपये की आमदनी आपको हो सकती है लेकिन थोड़ी देर के लिए मान लीजिए, आप इतनी मेहनत करना नहीं चाहते, उसका मुकाबला करना नहीं चाहते तो इसको सर्कुलेट करने में आपके सिर पर कौन सा पहाड़ आ जाएगा ? इस बिल पर पब्लिक ओपीनियन लेने में कौन सा पहाड़ टूट जाएगा ? बहुत सी रिसर्च होती है । मण्डल कमीशन रिपोर्ट खटाई में अभी तक है, पंचायत कमिटी को रिपोर्ट बना कर के रखी हुई है । इसको सर्कुलेट कर के जनता की इस विषय में ओपीनियन का पता चल जायेगा कार्यान्वित करने की बात तो बाद में आएगी, इसमें आपका क्या खर्च होता है ?

इसके पीछे रहस्य यही है कि नीयत साफ नहीं है (घंटी) यदि आप सरकुलेट करने के लिए नहीं भेजते हैं तो मैं यह कहूंगा कि नीयत साफ नहीं है । थोड़ी देर के लिए मैं मान सकता हूं कि इसको पास करना आपके सामर्थ्य से बाहर की बात है । उसमें लीडर का फैसला करने की ज़रूरत होती है । लेकिन ...

उपसभाध्यक्ष [डा० (श्रीमती) नाजमा हैपतुल्ला] : आप जरा खरम कर दें ।

श्री शिव चन्द्र झा : सरकुलेट करने में आपको क्या आपत्ति होती है, मैं यह कहना चाहता हूं । मुझको बहुत सी चिट्ठियां आ रही हैं, उनका जा लोग स्वागत करते हैं । कहते हैं बहुत अच्छी बात है । इसलिए विचार तो आप जनता के पास भेजिए । जनतंत्र में विश्वास करते हैं तो जनता का ओपीनियन लेने से आगते क्यों हैं । जनता को कहने दीजिए (समय की घंटी) कि जनता क्या कहती है । तो मेरा यही कहना

कि आप इसे सरकुलेट कर दें। जितनी और दलीलें दी गई हैं उन सब पर मैं आना नहीं चाहता हूँ लेकिन सरकुलेट करने का सामर्थ्य क्या आपको नहीं है? इसमें क्या लगता है। पिछली लोक सभा में ऐसा विधेयक था। सरकुलेट किया। श्री सुरेन्द्र मोहन, डाक्टर आदिशेषैया डाक्टर मित्रा इन सभी ने कहा था सरकुलेट तो कर दीजिए।

उपसभाध्यक्ष [डा० श्रीमती नाजमा हेपतुल्ला] : झा साहब आपने सच बोल दिया है।

श्री शिव चन्द्र झा : मेरा कहना यह है कि मंत्री जो कम से कम सरकुलेट तो कर दें तब मैं इसको वापस करूंगा वरना देखिए, उसका फैसला हो जायेगा :

उपसभाध्यक्ष [डा० श्रीमती नाजमा हेपतुल्ला] : झा साहब आप इसको वापस ले रहे हैं।

श्री शिव चन्द्र झा : पहले उनको जवाब देने दीजिए।

SHRI JAGANNATH KAUSHAL: I am afraid I have already given my viewpoint.

श्री शिव चन्द्र झा : सरकुलेट करेंगे ?

श्री जगन्नाथ कौशल : नहीं करेंगे। मैं नहीं कर रहा हूँ।

उपसभाध्यक्ष [डा० श्रीमती नाजमा हेपतुल्ला] : सरकुलेट नहीं कर रहे हैं, तो आप विदड़ा नहीं कर रहे हैं ?

श्री शिव चन्द्र झा : मैं विदड़ा नहीं कर रहा हूँ।

THE VICE-CHAIRMAN (DR. (SHRI-MATI NAJMA HEPTULLA): Are you withdrawing the Bill?

SHRI SHIVA CHANDRA JHA: No.

THE VICE-CHAIRMAN (DR. (SHRI-MATI) NAJMA HEPTULLA): The question is:

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

The motion was negative.

THE VICE-CHAIRMAN (DR. (SHRI-MATI) NAJMA HEPTULLA): The House is adjourned till tomorrow 11 A.M.

The House then adjourned at fifty-seven minutes past four of the clock till eleven of the clock on Saturday, the 7th August, 1982.