

15.05 hrs.

COMPANIES (AMENDMENT) BILL*
**(AMENDMENT OF SECTIONS 275, 276,
 ETC.)**

SHRI BALASAHEB VIKHE PATIL
 (Kopargaon): I beg to move for leave to introduce a Bill further to amend the Companies Act, 1956.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Companies Act, 1956."

The motion was adopted.

SHRI BALASAHEB VIKHE PATIL: I introduce the Bill.

15.06 hrs.

**MINIMUM HOMESTEAD LAND
 (PROVISION AND PROTECTION)
 BILL***

SHRI A. C. DAS (Jaipur): I beg to move for leave to introduce a Bill to provide for possession of minimum homestead land by the citizens of India.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for possession of minimum homestead land by the citizens of India."

The motion was adopted.

SHRI A. C. DAS: I introduce the Bill.

15.06 hrs.

**CONSTITUTION (AMENDMENT)
 BILL—contd.**
 (AMENDMENT OF ARTICLES 19 AND 41).

MR. DEPUTY-SPEAKER: We shall now take up further consideration of the following motion moved by Shri Bapusaheb Parulekar on 25th July, 1980, namely:—

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

The Minister will reply to the debate.

**THE MINISTER OF STATE IN THE
 MINISTRY OF DEFENCE (SHRI
 SHIVRAJ V. PATIL):** On the last occasion while replying to the debate I had said that there are some socialist countries which provide and give the fundamental right to work to the citizens. There are certain other countries which do not come in the fold of socialist definition yet they have provided the fundamental right to work to the citizens. But the difference between the Constitutions which provide for the fundamental right to work and the Constitutions which do not provide for the fundamental right to work is that in the Constitutions where this right is given the duty to work is also imposed. There is not a single Constitution in the world which provides for the right to work yet does not mention duty to work. Our Constitution does not make any mention about the duty to work. One of the most important distinguishing features of our Constitution is that it provides the right to go to a court of law and this right is given the status of the fundamental right. Article 32 of our Constitution says that if a citizen wants to enforce the right which is given to him in the Chapter of the Fundamental Rights, he can go to the High Court and to the Supreme Court for enforcing that right against the government. This kind of provision is not available in any other Constitution; this kind of provision is not available in the Constitutions which are available in the socialist countries or this kind of a provision is not available in the French Constitution also where the right to work and the duty to work is also given. We have to bear these things in mind.

If we provide in our Constitution a right under which a job can be claimed by a citizen from the government

*Published in Gazette of India, Extraordinary, Part II, Section 2, dated 5-12-80.

and if at the same time there is a fundamental right available to the citizens to go to a court of law, so many cases, so many writ petitions will be filed in the High Court and the Supreme Court. We may have a number of writ petitions in the High Court and the Supreme Court, but the problem of giving employment to the citizens would not be solved. That was the point that I was trying to make.

There is one more thing which has to be borne in mind with respect to socialist countries and that is that in the socialist countries, the citizens are offered the jobs and they have to accept those jobs. If they do not accept those jobs, they cannot claim anything more than that. I am afraid, in our country, that kind of situation cannot prevail. Even today, we have jobs at certain places where the people are not available, but we cannot ask all our citizens to go and work there because of the situation prevailing here, because of the system we have adopted here; it is not just possible to have something of that kind in our country. That is also one of the difficulties. The hon. Shri Parulekar has given a financial memorandum along with the Bill, wherein he says that the total expenditure will be approximately Rs. 200 crores. He says that if the right to work is included in the Fundamental Rights Chapter, if responsibility is placed on the Government, the expenditure that would be incurred by the government is estimated by him to be Rs. 200 crores. I must very respectfully submit that this estimate is not correct. It is not possible to give employment to all unemployed persons with a sum of Rs. 200 crores. In the current year's budget a sum of Rs. 340 crores had been provided; it is much more than what he is asking for in the financial memorandum. There are states in which some kind of arrangement is already made for this purpose. In Maharashtra for instance, they are providing Rs. 80 crores for giving employment to people coming from rural areas. That means that much more is provided in the budgets for giving employment to people.

My submission was that simply by creating a legal right, we would not be able to do away with the unemployment problem that is prevailing in our country. We have to take some concrete steps which will create more jobs, steps which will improve our economy, which will provide jobs for the people. Something of that nature has to be done. So many submission is that this responsibility cannot be taken at this stage. But we have to plan and we have to see that unemployment is liquidated. The first thing that the government have done this year is to provide Rs. 340 crores for giving employment to the people. The second thing is: the foodgrains that we have with us would be utilised for giving as wages to the workers who are working there. State governments are also allowed to take steps. There is a state in our country which has already taken steps to see that unemployment is done away with. Such kinds of steps can be taken. The labour department has given suggestions to provide employment to so many people; at the district level, taluk level, at the state level and at the national level there are plans to create jobs. That kind of arrangement is already provided. In our plans, one of the things which is kept in view is: how to cope up with the problem of unemployment in our country. That is always borne in mind. We want to have more industries and intensified agricultural practices adopted by the farmers; we want to do so many things which would give more employment. It is only by tackling the problem in this fashion that it would be possible for us to liquidate the unemployment that we have in our country, it is not simply by transferring the right which is already given in the directive principles chapter to the chapter on fundamental rights. The intention is good and can be accepted. But there are practical problems which are to be borne in mind. If we keep the entire structure of our Constitution before our eyes and if we keep in mind the economic system prevailing in our country, which is completely different from what is prevailing in socialist countries, it would be diffi-

[Shri Shivraj V. Patil]

cult for us to give the jobs and not allow people to go to the court, if this right is transferred from the chapter on directive principles to the chapter on fundamental rights.

Sir, it would not be necessary to dilate any more on these points. I would request the hon. Member to withdraw his Bill.

(Interruptions)

AN HON. MEMBER: He has not touched the other points raised.

SHRI SHIVRAJ V. PATIL: What point? I think I have dealt with all the points when I spoke last time. Last time also I wanted to speak only for five minutes and if there are any more points which I have not replied, I would only be glad to...

(Interruptions)

My request would be that the Bill may be withdrawn.

MR. DEPUTY-SPEAKER: Mr. Parulekar.

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): Sir, at the outset I think all the hon. members...

MR. DEPUTY-SPEAKER: Including myself?

SHRI BAPUSAHEB PARULEKAR: Yes, including yourself, who have participated in this debate and made valuable contributions and specially to those like Shri Chitta Basu, who have fully supported my Bill.

Mr. Deputy Speaker, Sir, there are no two opinions as we find from the entire debate about the intention of the Bill, but the only difficulty that is experienced is as mentioned by my hon. colleagues who have expressed in this august House is that we have no resources. Sir, this was in fact the view of practically all the Members. While speaking some of my friends made some uncharitable remarks. Sir, it was stated that this is a political gimmick, some of my friends said that

it is a political stunt, it is a pious wish which cannot be implemented. The hon. Minister, when he spoke as a Member, said:

'the best principle to serve democracy is to save from the Opposition benches which they will be able to implement...'

Sir, we are bringing forward these suggestions, even when we know that they are not going to be implemented. But for certain reasons, to catch the neck of the Government, we have initiated this particular Bill. With all humility, I may tell my friends that that is not my intention.

(Interruptions)

...Not now, because I have quoted from your speech itself.

Sir, apart from this, if I have to summarise the debate and the suggestions made, I can summarise them, in the wording of Mr. Daga, who concluded his speech by saying—

"अगर आपने कांस्टीट्यूशन में राइट टु वर्क कर दिया तो वह बहुत अच्छा स्लोगन है, बहुत बहुत अच्छी बात है! मैं सूचना चाहता हूँ कि क्या हिन्दूस्तान में इतने साधन हैं कि इसको कर सकेगा ?"

Sir, this is also what Mr. Shivraj V. Patil said. Even my best friend, Mr. Arakkal said, who congratulated me for bringing forward an impossible proposition. So, Sir, the first impediment in my way is, to others, to the Government as to what are the sources. Which sources, everybody knows. But, Sir, we are in a slumber, we have closed our eyes, we know how we are wasting the money. With your permission, Sir, I really want to refer to the submissions made by hon. colleagues. But I know, Sir, I have not sufficient time and I want to remove the impression in your mind when you expressed the other day that I always make long speeches but this time I would like to remove that impression. (Interruptions).

Sir, there are three important points. First is, as to what are the sources. The second is the constitutional provisions of our country and likewise the provisions in other countries and I would try to reply to the submissions made by the Hon. Minister. Sir, without doing much constitutional exercise, I want to solve this problem and if for solving the problem it is necessary to amend the Constitution we can amend that particular Article in the Constitution. Sir, I will come to the constitutionality of the point and the constitutions of other countries after some time but before that, Sir, I feel it is my duty. Sir. . . (Interruptions).

MR. DEPUTY SPEAKER: Mr. Parulekar, we have already completed five hours for this debate

SHRI BAPUSAHEB PARULEKAR: True, Sir. (Interruptions) I have to reply.

MR. DEPUTY-SPEAKER: Yes, Yes, you reply.

(Interruptions)

SHRI BAPUSAHEB PARULEKAR: Sir, if we go through the figures and statistics, we find that the public expenditure has been allowed to grow to a point, where it has become a Frankenstein for the country. When I make this demand, I am armed with certain statistics, which would show how we are wasting money and even if we compare the national income with the expenditure, we find this ratio is also increasing every year. Some figures would speak volumes. The budgetary expenditure of the Central Government, State Government and Union Territories was Rs. 651 crores in 1951-52. It had gone up to Rs. 27,616 crores in 1978-79. Every year there is an increase of about Rs. 4000 crores. I will show certain evidence to prove that this is absolute waste of money, money going down the drain. For the information of the hon. members, I would invite attention to the book "Your Most Disobedient Servant" written by one of the retired ICS officers. He has said that at least

55 per cent of the Government money goes down the drain. This is substantiated by the record of the Government. In 1963-64, the budgetary expenditure was Rs. 4284 crores. In 1976-77 it was 21,196 crores. In 1978-79 it was Rs. 27,616 crores. I will not take the percentage from 1951-52. Even if you take it from 1963-64 to 1978-79, the budgetary expenditure has increased by 540 per cent, i.e. 36 per cent per year. In this background, if we consider the economy of any other sector, no other sector of the Indian economy can boast of a growth rate bearing even a remote closeness to this.

I would ask this question to those hon. members who have said that there are no funds, can we seriously consider this and have a threadbare discussion? Mr. Mhalgi gave an amendment that it should be sent to a Select Committee. The Minister did not reply to that. No money is going to be spent for that. An allegation was made saying, "You were in the ruling party. Now that you are in the opposition, you are bringing this Bill. The Janata Party Government did not like to bring this Bill." To these critics, in all humility I would say, one of the members of the Janata Government did move that Bill; we all spoke on it. Mr. Vasant Sathe, now Minister, and Mr. Lakkappa whole-heartedly supported it and they said, it should be implemented as fundamental right. Now the hon. Minister can apply that phraseology and say that because they were in the opposition, they said it and that is the democracy which they wanted to show. But we do not sail in the same boat. We are different. We did not totally reject the Bill. We wanted to consider threadbare all the aspects and see from where money could be brought. So, that Bill was sent to a Select Committee. But Parliament was dissolved and that particular Bill lapsed. I ask the Government, are you ready to accept Mr. Mhalgi's amendment and send it to a Select Committee. If you are ready, I will consider whether I should withdraw the Bill. Millions of youth are watching and when you

[Shri Bapusaheb Parulekar]

go out, they will ask you, You have sufficient money for a global tour and spend Rs. 75 lakhs to study development of Hindi, You have several crores to spend on Colour TV. You have money for inaugural flights by Air India, when Air India is running at a loss of Rs. 50 crores. A Minister is reported to have sent back a State plane to bring back his favourite shirt. But you do not have money for a Select Committee and to pay the salaries and allowances of the Members. I do not know why the Minister did not refer to this particular amendment at all.

Sir, I was alluding to the expenses. Coming to non-development expenditure, in 1963-64 it was 1735 crores. In 1978-79, it was 9864 crores. Can we not sit together and consider as to how this non-developmental expenditure can be curtailed?

MR. DEPUTY-SPEAKER: The income is also going up.

SHRI BAPUSAHEB PARULEKAR: I anticipated this particular question from the hon. Minister. I am thankful to you that you have raised this particular question. I am glad I have got an opportunity to reply to it when you are in the Chair. In a minute's time I will come to that particular point.

The governmental expenses have been mounting to astronomical level. According to the figures which I have received from the Finance Ministry or from the Reviews which you have sent to us, in the year 1950-51 the total expenditure of the Central Government was Rs. 520 crores and in 1979 it is Rs. 17,808 crores. Here is the ratio. The total governmental expenditure, as percentage of the national income, was 5.88. Now it is 19.78 per cent. There is an increase of about 14 per cent during these years. Can we not sit together and find out as to why this expenditure has gone up and how it can be curtailed?

SHRI SHIVRAJ V. PATIL: That is what we do when we discuss the budget.

SHRI BAPUSAHEB PARULEKAR: We know how budgets are discussed in 7 hours, 4 hours or 3 hours. Even in the present case, I am supposed to reply in 12 minutes for the debate which took place for over 5 hours.

What are the difficulties, what are the impediments in your way in referring this question to the Select Committee?

SHRI SHIVRAJ V. PATIL: Sir, I seek your permission to reply to that point.

SHRI BAPUSAHEB PARULEKAR: It is not that your argument or my argument has to be accepted. But let us consider it in the Select Committee.

You must have read in the papers that on this very issue, 15,000 students courted arrest in Delhi. The learned Magistrate sentenced them to imprisonment for four days. There was no place in the Tihar Jail. So, they were kept in tents. They are now watching this discussion, where you say you have no money to appoint a Select Committee. This shows how callous you are to the younger generation of this country.

The administrative expenditure has gone up from Rs. 34 crores to Rs. 77 crores. Through questions and through Call Attention Notices the attention of the Government has been invited to this.

Coming to the question of tax evasion, the Finance Minister stated in the Rajya Sabha that if there was no evasion of tax, the revenue from income tax would be higher by at least 33 per cent. The hon. Minister, Shri Patil, asked me as to whether Rs. 200 crores are sufficient. At the same time, he did not tell me as to what amount would be required according to the Government. I tell you that this 33 per cent of the total recovery of in-

come-tax is much more, double, treble or four times what would be required even according to the assessment of the Government. Are you prepared to do that?

They are prepared to accept the reports of the bureaucrats. I will quote an instance which happened in the month of July. Here is a report, to which I made a reference the other day, when I was speaking over the Supreme Court Judges (Conditions of Service) Bill. I am referring to the *Hindustan Times* of July 12, which says:

"Windfall for tax defaulters.

Income-tax below Rs. 1 lakh pending for the last five years are to be written off, according to a secret circular issued by the Member of the Board of Direct Taxes, on the instructions of the Finance Ministry. The total amount of direct loss to the Exchequer would be a minimum of Rs. 300 crores."

I put a question and there is an answer to it. But since that answer is not received, I am not making a reference to that. What is the reason?

"According to official sources, 90 per cent of the tax demand notice came back, because of wrong addresses and wrong names."

So, the income-tax officers and the department could not give correct notice and, therefore, the Government of India suffered a loss of Rs. 300 crores. Could you not do something on this, Mr. Patil? If the students or the young people ask "what are you going to do?" are we only to say "it is the fault of the bureaucrats, we are in the Government, we are Members of Parliament, we are not responsible for it"? If we can plug this evasion, it will give us enough funds.

I will now come to the growth of bureaucracy. I am giving only figures.

SHRI SHIVRAJ V. PATIL: I have no opportunity to reply to these new points.

SHRI BAPUSAHEB PARULEKAR: You have all along been saying "we

have no money". That has been the burden of the song. Could we not tell you from where you can get the money?

SHRI SHIVRAJ V. PATIL: He is saying there is an increase in the expenditure. I have no opportunity to reply to that point.

SHRI R. K. MHALGI (Thana): He has made a point that Government has no money. Let him now reply to Shri Parulekar's point.

MR. DEPUTY-SPEAKER: If I remember correctly, he said that we are spending more money, Rs. 340 crores or so. He never said that there was no money. He said whether it could be possible to give Rs. 200 crores. That is what he said.

SHRI BAPUSAHEB PARULEKAR: I will come to the speech of the Minister.

MR. DEPUTY-SPEAKER: Very quickly you must come.

SHRI BAPUSAHEB PARULEKAR: Coming to the growth of bureaucracy, the number of employees in 1956 was 5.534 millions in Government service. In 1977 this figure has shot up to 14.153 million.

MR. DEPUTY-SPEAKER: That means, unemployment problem, I think, to some extent is solved.

SHRI BAPUSAHEB PARULEKAR: How many persons are employed in service? But it is not necessary. This is the unwanted growth in the bureaucracy.

MR. DEPUTY-SPEAKER: You do not want employment in Government offices?

SHRI BAPUSAHEB PARULEKAR: You will ask me whether they should be removed. And to that extent unemployment should be there. That is a different aspect altogether. I do not mean that.

[Shri Bapu Saheb Parulekar]

Coming to the question of Planning Commission, you will be surprised and you perhaps may be knowing, but at least till the day I received this information I do not know. The Planning Commission should be an ideal before us. In the Planning Commission, we have 500 officers, 348 clerical staff, 255 orderlies, 45 Senior Research Officers and 118 Economic Advisers and the reports of the various Committees say that this is all unwanted, and in the words of Pandit Jawaharlal Nehru, all our Government offices are public jungles, jungles of these particular employees, bureaucrats. Even that aspect has to be considered.

MR. DEPUTY-SPEAKER: Even a clerk is a bureaucrat? You must welcome that they have got many people. When they were unemployed, they have got them employment.

SHRI BAPUSAHEB PARULEKAR: All right, Sir, you can have that view.

MR. DEPUTY-SPEAKER: On the one side you want unemployment problem to be solved, but then you oppose this also.

SHRI BAPUSAHEB PARULEKAR: Sir, I am not opposing this. I think I have not made myself clear to you. That is my difficulty.

I am only on this point that the Government itself says that this is not necessary and a suggestion has been made that every year when persons retire, the vacancies should not be filled in. 'Too many cooks spoil the broth.' That is the observation.

MR. DEPUTY-SPEAKER: The money collected from the people through taxes go to the people again.

SHRI BAPUSAHEB PARULEKAR: What I request you is, this is a talk and you will excuse for the time which we are spending in this talk. I will try to satisfy you but not here, because I have to refer to many other points to which my learned friend,

the hon Minister has referred. But please don't carry the impression that what I mean is, curtail the employment percentage and create unemployment. It is not in that sense that I am making my submission. Kindly consider the background in which I am making this particular submission. There are ample resources. If you kindly consider, study, sit together and discuss—by this debate it is not possible to convince. If I am to convince you, I will have to supply you the statistics and I will have to quote from the books. But for that purpose, there will be a difficulty in your way and I will have to make a request not to ring the bell. But we are to do all these things within the time.

Coming to the speech of the hon. Minister, no doubt *prima facie* it is a good speech. As an advocate of outstanding ability, no doubt he can make a good speech. But with due respect to him, I find that there is no substance in it. He has made two points that there are socialist countries, there are non-socialist countries and there are capitalist countries, let us consider what other socialist countries have done. That is one aspect of it.

That is on record.

Secondly, he says that even in socialist countries the right to work is not justiciable. His third submission is that if this right is made justiciable, the problem of advocates may be solved as the Supreme Court and the High Courts will be flooded with suits. Being a lawyer, he seems to have said it in a lighter vein. He also said that in the capitalist countries this right has not been given.

Another point of his was that the right to work and duty go together that these are the two sides of the same coin, and that my Bill had not mentioned anything about duty. In fact, I have said in my Bill that the nature of the work, the quality of the work, how the work is to be performed, what measures should be taken

etc., shall all be decided by law, but I shall not go into that. Granting that I have not mentioned duty in my Bill, if he is ready to come forward with a Bill laying down the right to work as also duty, I will welcome it and withdraw my Bill. Only, let him say that he will come forward with such a Bill.

MR. DEPUTY-SPEAKER: He can do it only when he comes to that side.

SHRI BAPUSAHEB PARULEKAR: He said that in non-socialist countries the right is not fundamental, that it is only a simple right. He said that in capitalist and non-socialist countries—in Japan, Ireland, Italy, Luxemburg, France, Denmark, Australia, Belgium, Finland, Canada, Brazil and Austria—the right to work is not fundamental. I accept that, but are you ready to accept what they have done? They have given unemployment benefit as a gesture. Are you ready to give that benefit? If so, I will withdraw my Bill. Then I will be able to tell the younger generation that the present Government which came to power on the slogan of a Government that works has done something. Therefore, we cannot take only one aspect and leave out the others, we have to take into consideration all the aspects.

The hon. Minister says that the right to work is there in the directive principles, but that it is not justiciable, but, as in Maharashtra, if work is not given, the person can go to court. Then, what is the logic?—that the lower courts can be allowed to be flooded but not the High Courts and the Supreme Court? Probably the hon. Law Minister mentioned to him that there were lots of arrears in the High Courts and the Supreme Court and so they should not be flooded, but the lower courts can be allowed to be flooded. What is this logic? We cannot hoodwink our younger generation by this.

MR. DEPUTY-SPEAKER: Don't forget he is also a lawyer.

SHRI BAPUSAHEB PARULEKAR: I paid him the best compliment when I started this speech.

His last argument, in fact his ace trump, is that the directive principles are meant for giving benefit to society, while the fundamental rights are to benefit the individual. This is wrong. I do not agree with this proposition. After all, there is the right of association, and if thousands and lakhs of youth come together and say that this is their common problem, is it not a problem of society as a whole? We cannot play on the words. Just consider the spirit of this particular Bill and do not say that it is a political gimmick only because we are in opposition, that is why we are doing. That will be doing total injustice to all those who have spoken in favour of the Bill including your hon. Minister in the Cabinet Shri Vasant Sathe and hon. Member of Parliament, Cong (I) Shri Lakkappa who supported and accepted the fact when they were in Opposition.

I, therefore, submit that this by enshrining this in the Fundamental Rights Chapter. I want to make it justiciable. I want to go on record on that. Why? If the right is made justiciable, Government will be on proper path. Government will be conscious. Government will create more jobs, more job opportunities, more work, more construction they will do and they will feel that if they are not in a position to give jobs to these people who are unemployed, they will have to pay money. Therefore, let us make all serious efforts.

I have tried to keep all these facts before the House. I believe, you will also appreciate, these cannot be solved unless we have a threadbare discussion on various Constitutional aspects—what is the provision here, what is the total number of unemployed, what would be the growth, what would be the money that would be necessary—I will be saying Rs. 200 crores and he will be saving Rs. 5,000 crores in

[Shri Bapu Saheb Parulekar]

that connection I submit and I believe all the hon. Members who have supported the Bill have said that they agree in principle. All right, at the moment we have no money, we will find out what are the sources of money. What harm is there if the amendment of Shri Mhalgi is accepted and this Bill is sent to the Select Committee? At least we can do this. In that case we can tell the millions of people in the country, we are trying to do business. But you are saying no, we are trying to throw it out.

A reference was made by me of 33 years to which retort was given by the hon. Minister. Well, I spoke of 33 years. Yes, I did speak. What did you do in 33 years? You could not solve the problem of unemployment of youth in 33 years when you could mount up your expenditure and all other things, which I said. Therefore, I submit that I am not going to oblige the hon. Minister by withdrawing this. I insist that this should be a justiciable right. This should go in the Fundamental Rights. You will create more jobs. You will be serious with the problems. Your lip sympathy will stop and you will start really doing some good work. I will, therefore, again request the Government and through you. Sir, Government representative Shri Patil, to give a second thought to it. I believe that, a sincere person as Mr. Patil is, he will concede to the request of accepting my Bill or at least of accepting the amendment moved by Shri Mhalgi, for rejection of which he has no logical and no reasonable grounds.

SHRI SHIVRAJ V. PATIL: One point which the hon. Member wanted me to reply to is about referring this Bill to a Select Committee. Bills are referred to Select Committee when they are of very complicated nature.

(*Interruptions*)

I am giving points one after the other, you can just consider.

When the Bills are of complicated nature, they are referred to the Select

Committee. Simple Bills are not referred to the Select Committee. When Simple Bills are referred to the Select Committee, the people sitting in this House and outside can come to a conclusion that the Bill is not to be passed but it is just to be delayed. If anybody sitting in this House previously wanted that the Bill should be referred to the Select Committee, a Bill of this nature, a simple nature, a Bill which consists only of one clause was referred to the Select Committee, the intention of those who wanted to refer it to the Select Committee can be very well judged.

My second point is, this is a Constitution Amendment Bill and while giving my comments on the points raised by my learned friend on the other side, I must return the compliment I would not say return the compliment, but he did it very well to those weighty points I was replying and the points which were very ably raised, I was replying. What I was saying was, by this amendment of the Constitution, alone you are not going to give jobs to the people.

My hon. friend wanted Rs. 200 crores for giving jobs to young people. The Government has already given Rs. 340 crores, that is Rs. 140 crores more for giving employment to people. What my hon. friend is wanting has already been given. He has got not only Rs. 200 crores but Rs. 140 crores more. That is provided in the Budget itself.

When we were considering the constitutional aspect of the amending Bill, I referred to the Constitutions which are existing in the socialist countries, non-socialist countries and the communist countries. I was trying to say what would be the implications if an amendment of this nature in the Constitution is made.

PROF. MADHU DANDAVATE: (Rajapur): Is the hon. Minister referring to Rs. 200 crores mentioned in the Financial Memorandum appended to the Bill?

SHRI SHIVRAJ V. PATIL: Yes.

PROF. MADHU DANDAVATE: It is always an approximate amount that is mentioned. We will be happy if you give more.

SHRI SHIVRAJ V. PATIL: There are two aspects of it. One aspect is whether this Bill is brought forward in the House with all the seriousness it deserves or it requires. If it were brought with all the seriousness, the financial calculations could have been done more correctly. If the hon. Member comes to a conclusion that Rs. 200 crores are sufficient, then, I say, Rs. 340 crores are already given. I would say that the second point is correct and the first point is not correct.

The second aspect is that this is a Constitution Amendment Bill. They want the Constitution Amendment Bill to be referred to the Select Committee. The Constitution Amendment Bill is not to be referred to the Select Committee. I would not say that there is no precedent of that kind. Why not consider it here? By simply putting on clause in the Constitution, we are not going to solve the problem. There are so many aspects relating to our Constitution which are to be brought in line with the arrangements in the other Constitutions in which the "right to work" is already provided. By simply introducing this thing you are not going to solve the problem. You will be creating certain other problems. The problems will be more complicated. A thing of this nature cannot be done by simply referring it to the Select Committee.

He could bring in "duty to work". What prevented my learned friend from bringing in "duty to work" in the Constitution. Not only that. There are so many other provisions in the Constitution. Time and again, I referred to article 32. It is a special kind of a right given to Indian citizens. It is a fundamental right. It is a right given to the citizens to go to the High Court and the Supreme

Court. I was not saying that you go to the lower courts; do not go to the High Court and the Supreme Court. I was not saying that. The right to file a writ is something different from a right to go to a civil court in a civil case. A writ can be easily filed. The remedy is readily available. You can go to the High Court and the Supreme Court. Those are two different things. This kind of an arrangement is there. Is your Select Committee going to consider article 32? These points are not to be taken into consideration.

We have not said it in our manifesto. The previous Government had mentioned it in their manifesto. If the previous Government was really sincere in amending the Constitution, the Bill would not have come from the opposition benches or from private members. It would have come from the Treasury Benches. We have not mentioned it in our manifesto. You can read our manifesto again. It is the previous Government which specifically mentioned it.

They want to refer such a simple Bill to the Select Committee. The intention is very clear. That is why I say that we are not wanting to delay it or we are not trying to hoodwink the people. They are asking for Rs. 200 crores. Rs. 340 crores are already given.

You ask for a legal right only. We are trying to give employment itself. That is the difference between the two.

MR. DEPUTY-SPEAKER: The first amendment is that of Mr. Daga. Mr. Mool Chand Daga. He is not here.

I shall now put Amendment No. 1 moved by Shri Mool Chand Daga, to the vote of the House.

The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by 31st October, 1980." (1)

The motion was negatived

MR. DEPUTY-SPEAKER: Amendment No. 2 is that of Mr. Mhalgi. Mr. Mhalgi, are you withdrawing your amendment?

SHRI R. K. MHALGI: No, Sir. I am pressing it. My amendment is quite reasonable.

MR. DEPUTY-SPEAKER: I shall now put Amendment No. 2, moved by Shri Mhalgi, to the vote of the House.

The question is:

"That the Bill further to amend the Constitution of India, be referred to a Select Committee consisting of 15 members, namely:—

1. Shri P. Shiv Shankar
2. Dr. Farooq Abdulla
3. Shri Satish Agarwal
4. Shri Jyotirmoy Bosu
5. Shri Mool Chand Daga
6. Prof. Madhu Dandavate
7. Shri C. T. Dhandapani
8. Shri Eduardo Faleiro
9. Shri George Fernandes
10. Shri Bapusaheb Parulekar
11. Shri Janardhana Poojary
12. Shri Ramavtar Shastri
13. Shri Jagdish Tytler
14. Shri Ravindra Varma; and
15. Shri R. K. MHALGI

with instructions to report by the last day of the first week of the next session." (2)

The Lok Sabha divided:

Division No. 3]

[15.56 hrs.

AYES

Acharia, Shri Basudeb
 Basu, Shri Chitta
 Choubey, Shri Narain
 Chaudhury, Shri Saifuddin
 Dandavate, Prof. Madhu
 Dandavate, Shrimati Pramila
 Giri, Shri Sudhir
 Halder, Shri Krishna Chandra
 Hasda, Shri Matilal

Madhukar, Shri Kamla Mishra
 Mandal, Shri Sanat Kumar
 Masudal Hossain, Shri Syed
 Mehta, Prof. Ajit Kumar
 Mhalgi, Shri R. K.
 Mukherjee, Shri Samar
 Roy, Shri A. K.
 Saha, Shri Ajit Kumar
 Shastri, Shri Ramavtar
 Sinha, Shrimati Kishori
 Verma, Shri R. L. P.
 Zainal Abedin, Shri

NOES

Abbasi, Shri Kazi Jalil
 Ahmed, Shri Kamaluddin
 Ankineedu Prasad Rao, Shri P.
 Anuragi, Shri Godil Prasad
 Appalanaidu, Shri S. R. A. S.
 Arakal, Shri Xavier
 Azad, Shri Ghulam Nabi
 Baleshwar Ram, Shri
 Barway, Shri J. C.
 Behera, Shri Rasabehari
 Bhagwan Dev, Acharya
 Bheekhabhai, Shri
 Bhoi, Dr. Krupasindhu
 Bhoye, Shri Reshma Motiram
 Brar, Shrimati Gurbrinder Kaur
 Brijendra Pal Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandu Lal
 Dabhi, Shri Ajitsinh
 Damor, Shri Somjibhai
 Dennis, Shri N.
 Dev, Shri Sontosh Mohan
 Dhandapani, Shri C. T.
 Digvijay Singh, Shri
 Dogra, Shri G. L.
 Doongar Singh, Shri
 Dubey, Shri Ramnath

Fernandes, Shri Oscar	Poojary, Shri Janardhana
Gadhavi, Shri Bheravadan K.	Potdukhe, Shri Shantaram
Gireraj Singh, Shri	Pradhani, Shri K.
Hembrom, Shri Seth	Quadri, Shri S. T.
Jaffer Sharief, Shri C. K.	Rajamallu, Shri K.
Jaideep Singh, Shri	Ram, Shri Ramswaroop
Jain, Shri Virdhi Chander	Ran Vir Singh, Shri
Jha, Shri Kamal Nath	Rane, Shrimati Sanyogita
Kahandole, Shri Z. M.	Ranjit Singh, Shri
Kailash Pati, Shrimati	Rao, Shri M. Nageswara
Kamla Kumari, Kumari	Rathawa, Shri Amarsinh
Keyur Bhusan, Shri	Rathod, Shri Uttam
Kuchan, Shri Gangadhar S.	Raut, Shri Bhola
Kunwar Ram, Shri	Reddi, Shri G. S.
Lakkappa, Shri K.	Reddy, Shri G. Narisimha
Laskar, Shri Nihar Ranjan	*Riyan, Shri Baju Ban
Madhuri Singh, Shrimati	Sahu, Shri Shiv Prasad
Mahabir Prasad, Shri	Saminuddin, Shri
Mallick, Shri Lakshman	Satya Deo Singh, Prof.
Mallikarjun, Shri	Sawant, Shri T. M.
Meena, Shri Ram Kumar	Shailani, Shri Chandra Pal
Mishra, Shri Ram Nagina	Shaktawat, Prof. Nirmala Kumari
Mishra, Shri Nityananda	Shakyawar, Shri Nathuram
Mukhopadhyay, Shri Ananda Gopal	Sharma, Shri Chiranjit Lal
Muthu Kumaran. Shri R.	Sharma, Shri Nand Kishore
Nahata, Shri B. R.	Shingda, Shri D. B.
Namgyal, Shri P.	Shiv Shankar, Shri P.
Narayana, Shri K. S.	Shivendra Bahadur Singh, Shri
Netam, Shri Arvind	Singh, Shri C. P. N.
Nihal Singh, Shri	Solanki. Shri Babu Lal
Pandey, Shri Krishna Chandra	Sreenivasa Prasad, Shri V.
Parmar, Shri Hiralal R.	Subba, Shri P. M.
Patel, Shri Mohanbhai	Sunder Singh, Shri
Patel, Shri Shantubhai	Swami, Shri K. A.
*Pathak, Shri Ananda	Tapeshwar Singh, Shri
Patil, Shri A. T.	Tewary, Prof. K. K.
Patil, Shri Balasheb Vikhe	Thorat, Shri Bhausaheb
Patil Shri Shivraj V.	Vyas, Shri Girdhari Lal
Patil, Shri Uttamrao	Yadav, Shri Ram Singh
Pattabhi Rama Rao, Shri S. R. P	Zainul Basher, Shri

*Wrongly voted for Noes.

16.00 hrs.

MR. DEPUTY-SPEAKER: Subject to correction* the result of the Division is:

The motion was negatived.

MR. DEPUTY-SPEAKER: Before I put the consideration motion, this being a Constitution Amendment Bill, voting has to be by division. Let the Lobbies be cleared.

The Lobbies have been cleared.

The question is:

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

The Lok Sabha divided.

Division No. 4] [16 01 hrs.

AYES

Acharia, Shri Basudeb
Basu, Shri Chitta
Bhattacharyya, Shri Sushil
Chaudhury, Shri Saifuddin
Dandavate, Prof. Madhu
Dandavate, Shrimati Pramila
Giri, Shri Sudhir
Halder, Shri Krishna Chandra
Hasda, Shri Matilal
Madhukar, Shri Kamla Mishra
Masudal Hossain, Shri Syed
Mehta, Prof. Ajit Kumar
Mhalgi, Shri R. K.
Mukherjee, Shri Samar
Rajda, Shri Ratansinh
Ram Kinkar, Shri

**Riyan, Shri Baju Ban
Roy, Shri A. K.
Shastri, Shri Ramavtar
Sinha, Shrimati Kishori
Verma, Shri R. L. P.
Zainal Abedin, Shri
NOES**

**Abbasi, Shri Kazi Jalil
Ankineedu Prasad Rao, Shri P.
Anuragi, Shri Godil Prasad
Appalanaidu, Shri S. R. A. S.
Arakal, Shri Xavier
Barway, Shri J. C.
Behera, Shri Rasabehari
Bhagwan Dev, Acharya
Bheekhabhai, Shri
Bhoi, Dr. Krupasindhu
Bhoye, Shri Reshma Motiram
Brijendra Pal Singh, Shri
Chandrakar, Shri Chandu Lal
Dabhi, Shri Ajitsinh
Damor, Shri Somjibhai
Dennis, Shri N.
Dev, Shri Sontosh Mohan
Dhandapani, Shri C. T.
Dogra, Shri G. L.
Dubey, Shri Ramnath
Fernandes, Shri Oscar
Gireraj Singh, Shri
Jain, Shri Virdhi Chander
Kahandole, Shri Z. M.
Kailash Pati, Shrimati
Khan, Shri Malik M. M. A.
Kuchan, Shri Gangadhar S.
Kunwar Ram, Shri
Lakkappa, Shri K.**

*The following members also recorded their votes:

AYES: Sarvashree Ratansinh Rajda, T. R. Shamanna, Vijay Kumar Yadav, Sushil Bhattacharyya, Ananda Pathak and Baju Ban Riyan.

NOES: Sarvashree Sobeng Tayeng, Chhotelal Uike, Chintamani Pani-grahi, Krishna Datt, S. B. Sidnal, G. Devarya Naik, Malik M. M. A. Khan M. V. Chandrashekhar Murthy, Chandrabhan Athare Patil, Harish Chandra Singh Rawat, R. N. Tripathi, Vilas Muthemwar, Tariq Anwar and Virda Ram Phulwariya.

Laskar, Shri Nihar Ranjan	Sawant, Shri T. M.
Mahabir Prasad, Shri	Shailani, Shri Chandra Pal
Mallick, Shri Lakshman	Shakyawar, Shri Nathuram
Mallikarjun, Shri	Sharma, Shri Nand Kishore
Meena, Shri Ram Kumar	Shingda, Shri D. B.
Mishra, Shri Ram Nagina	Shiv Shankar, Shri P.
Mishra, Shri Nityananda	Shivendra Bahadur Singh, Shri
Mukhopadhyay, Shri Ananda Gopal	Sidnal, Shri S. B.
Murthy, Shri M. V. Chandrashekara	Singh, Shri C. P. N.
Nahata, Shri B. R.	Solanki, Shri Babu Lal
Naik, Shri G. Devaraya	Tapeshwar Singh, Shri
Namgyal, Shri P.	Tariq Anwar, Shri
Narayana, Shri K. S.	Tewary, Prof. K. K.
Netam, Shri Arvind	Thorat, Shri Bhausaheb
Nihal Singh, Shri	Tripathi, Shri R. N.
Parmar, Shri Hiralal R.	Venkatasubbaiah, Shri P.
Patil, Shri A. T.	Yadav, Shri Ram Singh
Patil, Shri Balasheb Vikhe	Zainal Abedin, Shri
Patil, Shri Chandrabhan Athare	Zainul Basher, Shri
Patil Shri Shivraj V.	
Phulwariya, Shri Virda Ram	
Poojary, Shri Janardhana	
Potdukhe, Shri Shantaram	
Pradhani, Shri K.	
Ran Vir Singh, Shri	
Rath, Shri Rama Chandra	
Rathawa, Shri Amarsinh	
Rathod, Shri Uttam	
Raut, Shri Bhola	
Rawat, Shri Harish Chandra Singh	
Reddi, Shri G. S.	
Reddy, Shri G. Narsimha	
Saminuddin, Shri	

MR. DEPUTY-SPEAKER: Subject to any minor correction* that may be made, the result of the Division is:

Ayes 22; Noes 81.

The motion is not carried by the requisite majority.

The motion was negatived

MR. DEPUTY-SPEAKER: Shri George Fernandes. Not here. Shrimati Pramila Dandavate.

*The following Members also recorded their votes:

AYES: Sarvashree Vijay Kumar Yadav, Sanat Kumar Mandal and Ananda Pathak

NOES: Sarvashree Baleshwar Ram, Kumari Kamla Kumari M. Nageshwar Rao, S. B. P. Pathabhi Rama Rao, Chiranji Lal Sharma, Kamal Nath Jha, Sunder Singh, Chhote Lal Uike, Raja mallu, Chintamani Panigrahi, Krishan Datt, Madhu Singh, ST, Quadri Shantu bhai Patil, Uttamrao Patil Gurbinder Kaur Brar, Bheraradan K. Gadhavi, Shiv Prasad Sahu, Mohanbai Patel, Ramswaroop Ram, Krishna Chandra Pandey, Ghulam Nabi Azad, Vilas Muttemwar and Doorgar Singh