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NOTIFICATION

No. LJD 62/78/12 Dated 12.10.78. The following Bill which the Lok Shaba has circulated for the purpose of eliciting opinion thereon is hereby republished for General information. Any person or public body desiring to submit an opinion on the Bill should submit their opinion in triplicate to the Secretary to the Government of Mizoram, Law, Judicial and District Council Affairs Department, Aizawl on or before 31st, December, 1978 and not direct to Lok Shaba Secretariat or any Ministry of the Government of India.

J. Willson Sundara Raj,
Secy. to the Govt. of Mizoram.

Bill No. 136 of 1977

THE CONSTITUTION (AMENDMENT) BILL, 1977

By

Shri Y.P. Shastri, M.P.

A

BILL

further to amend to Constitution of India.

BE it enacted by Parliament in the Twenty-Eight Year of the Republic of India as follows :—

1. (1) This Act may be called the Constitution (Amendment) Act, 1977. Short title and commencement.

(2) It shall come in to force—

(i) in the Union Territories within a period of six months from the date on which it receives the assent of the President, and

(ii) in the States on such dates as the respective State Governments may, by notification in their Official Gazettes, appoint.

Insertion of new articles 23A 23B and 23C 2. After article 23 of the Constitution, the following new articles shall be inserted, namely :—

Right to employment	<p>“23A. (1) All citizens shall have the right to work and shall be entitled to adequate means of livelihood.</p> <p>(2) Failing to procure such means as referred to in clause (1), every citizen shall be entitled to an unemployment allowance to be paid by the State.</p>
Right to free and compulsory education.	<p>23B. (1) All children until they complete the age of fourteen years shall have the right to free education.</p> <p>(2) Education shall be compulsory for all children until they 10 have completed the age of fourteen years.</p>
Monetary assistance to old sick and disabled.	<p>23C. The State shall provide monetary assistance to every citizen who has completed the age of sixty years, or remains sick, or is permanently incapacitated or disabled and has nothing to fall back upon and is unable to fend for himself”. 15</p>

STATEMENT OF OBJECTS AND REASONS

Article 39 of the Constitution states among other things “The State shall, in particular, direct its policy towards securing—(a) that the citizens, men and women equally, have the right to an adequate means of livelihood”. Article 41 of the Constitution enjoins upon the State to make effective provision for securing the right to work, to education and to public assistance in case of unemployment, old age, sickness and disablement. Similarly, article 45 of the Constitution enjoins upon the State to provide for free and compulsory education for all children until they complete the age of fourteen years.

But these rights are only in the nature of Directive Principles of States Policy. They are not justiciable and there is no legal sanction behind them. The focal point of the state activity, in the economic sphere, ought to have been the achievement of these objectives. Whereas enough lip sympathy has been showered on those condemned to remain unemployed, the measures taken to combat unemployment have proved far from effective. Employment has become everyone's birthright in Swaraj. Nothing can shake our peoples faith in the democratic system than the nation's failure to provide employment to all able bodied citizens. Failing this, minimum the State should do is to provide for unemployment insurance.

The State cannot, in fairness and good conscience, by its neglect, inaction or omission allow the dilution or diminution of Directive Principles which it has been directed to preserve and forbidden to infringe.

The Bill seeks to give legal effect to what is contained in articles 41 and 45 and make these rights justiciable and Fundamental Rights. Unless these rights are clothed with legal sanction, they will remain nugatory and of no significance as hitherto they have been.

New Delhi ;
The 7th October, 1977.

Y.P. Shastri.

FINANCIAL MEMORANDUM

Clause 2 of the Bill, provides for adequate means of livelihood, failing to procure such means of livelihood, every citizen shall be entitled to an unemploy-

ment allowance. Besides, assistance is to be given to every citizen who has completed the age of sixty years or remains sick or is permanently incapacitated or disabled and has nothing to fall back upon and is unable to fend for himself.

There are 9.33 million job seekers on the live register of employment exchanges.

According to the statistics 52 percent of the population is aged 60 year and over.

Therefore, there is a need for provision for expenditure on these accounts. The total estimated expenditure on unemployment allowance will come to about Rs. 400 crores annually. The expenditure over the assistance to be provided to the old citizens in their bad days is estimated to be Rs. 150 crores.

Besides, clause 2 also provides for free education to the children who are below the age of fourteen. Although the education is the responsibility of the State, the Central Government will have to make some grants towards this to assist States in these programmes. Such expenditure is estimated to be Rs. 50 cores.

There is no non-recurring expenditure involved in the Bill.

It is not possible to give precise details of the total expenditure involved at this stage.