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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 2nd March, 1973:—

1

BILL No. I of 1973

A Bill further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 1973.

Short
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(2) It shall come into 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.

Right to employment.

2. After article 23 of the Constitution, the following new articles shall be inserted, namely:—

“23A. (1) All citizens shall have the right to work and shall be entitled to adequate means of livelihood.

(2) Failing to procure such means as referred to in clause (1), every citizen shall be entitled to receive from the State an unemployment allowance not below the declared per capita national annual income, payable per month at the rate of one-twelfth of the same.

Minimum monetary need for existence of an individual

23B. Each State shall from time to time, not exceeding beyond a year, declare the minimum monetary need for existence of an individual on the basis of the prevailing whole-sale price index.

Monetary assistance to olds, disabled, sick and

23C. The State shall provide monetary assistance to every citizen who has completed the age of sixty years, or remains chronically sick, or is permanently incapacitated or disabled or earns below the level of monetary needs, in terms of article 23B and has nothing to fall back upon and is unable to fend for himself.”

STATEMENT OF OBJECTS AND REASONS

Under Article 41 of the Constitution, it is a constitutional obligation of the State to make effective provision for securing the 'right to work' and for public assistance in case of unemployment, old age, sickness and disability. There is little difference between an unemployed person and a person who casually earns or earns below the subsistence level. They stand at par with the unemployed, from ethical point of view, if not legally. In article 39, however, the Constitution provides "The State shall, in particular, direct its policy towards securing that the citizens, men and women equally have the right to an adequate means of livelihood". The emphasis is not on "men and women equally" but to "right to an adequate means of livelihood". Since there are only Directive Principles in the Constitution, the 'right to an adequate means of livelihood' is not a right in the legal sense of the term. As a result the Central and State Governments, in spite of their sympathy and assurances, have only helped to create an explosive situation; crores of men and women are wholly unemployed and on record their number is about six crores and the unregistered unemployed will be many times more. Those who live below the bare minimum necessities for their existence will also be several crores. They all together constitute a threat to democratic processes and democratic systems and demand a constitutional guarantee for all to live as human beings. Seventy-two to seventy-five monopoly houses, amassing huge wealth do not represent India, not even a fraction of it; and the '*per capita* national income' theory based on the wealth accumulated in few hands is a simple mockery and a cloud of confusion, more to hide the dismal picture than to admit a reality. The Bill seeks to amend the Constitution to guarantee as a Fundamental Right that which was so long a Directive Principle only.

Hence the BILL.

DWIJENDRALAL SEN GUPTA.

FINANCIAL MEMORANDUM

The Bill provides for the payment of monetary assistance in case of old age, unemployment, sickness, disablement and inadequate income. There are more than six crores of unemployed persons in the country and about fifteen crores having an inadequate income. They should get a minimum subsistence allowance of hundred rupees per month. The same should be for the aged, sick and the disabled citizens. It is not possible to give exact estimate of the amount but it will run into several crores of rupees.

There will be regular expenditure for this

II

BILL No. IV of 1973

A Bill to provide for the use of Tape Recorders for recording the proceedings of the Supreme Court.

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

1. This Act may be called the Supreme Court (Use of Tape Recorder for recording Proceedings) Bill, 1973. Short title.

2. The Supreme Court shall, in respect of a case being heard by it, use the services of a Tape Recorder, for recording all the proceedings of the Court: Tape Recorder to be used for recording

Provided that the tape recordings shall not be preserved and shall not form part of proceedings unless the Court, on request by any party to the case being heard by it or otherwise, passes an order to preserve them and to make them part of the proceedings. proceedings of Supreme Court.

STATEMENT OF OBJECTS AND REASONS

It is incumbent, in the interest of justice and fair play, that all what is said in a court, either by the court or an advocate or witnesses, if any, be faithfully recorded. Sometimes for want of faithful recording or on account of capricious recording, the sanctity of the court is damaged beyond repair. Justice should not only be done it should be manifest that it is being done. Tape recording will put a check on irresponsible utterances in the court and shall be a correct guide for all future references in pending proceedings or thereafter. This will also help in recording all executive influences in judicial matters.

Hence this Bill

DWIJENDRALAL SEN GUPTA

FINANCIAL MEMORANDUM

The Bill provides for the use of tape-recorders for recording proceedings of the Supreme Court. As such it will involve expenditure on account of purchase of tape-recorders. Salary will have to be paid to persons who will look after the machines and maintain them. It will approximately involve a non-recurring expenditure of Rs. 10,000 and a recurring expenditure of Rs 15,000 to 20,000 per year.

III

BILL No. III of 1973.

A Bill further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Amendment) Act, 1973.

Short title

2. In clause (1) of article 1 of the Constitution, for the words "India, that is Bharat, shall be a Union of States" the words "Bharat shall be a Union of States" shall be substituted.

Amendment of article 1.

STATEMENT OF OBJECTS AND REASONS

The Constitution of India came into force on the 26th January, 1950 and since then our country is referred to as 'India' in all the foreign countries and in all the official correspondence done with these countries and even within the country itself when the correspondence is done in the English language.

On 3rd August 1972, in reply to my Unstarred Question No. 292 on renaming of India as 'Bharat' Government stated: "Article 1(1) of the Constitution already refers to the country also as Bharat. The question of renaming the country, therefore, does not arise." It is true that a mention of Bharat is already in the Constitution but it is never used in any communication when done in the English language.

More recently many countries have changed their names. These countries are now known as Sri Lanka, Zaire, Zambia and Guyana etc. In our country also very recently the State of Madras has been given a new name 'Tamil Nadu' and the State of Mysore will be soon known as the 'State of Karnataka'. There seems to be no reason why our country should not be known by one name only and that too 'Bharat'. The name of the country which should be one only and the country should not be known by one name in one language and another name in some other language.

Besides, there is a confusion in some foreign countries where Indians are sometimes confused with Red Indians.

Hence this amending Bill.

S. JAIPURIA.

B. N. BANERJEE,
Secretary.

