

Mr. Vice-President : Amendment No. 556 standing in the name of Mr. Kamath.

The question is:

“That in clause (2) of article 17, for the word “public” the words “social or national” be substituted.”

The amendment was negatived.

Mr. Vice-President : Amendment No. 559 standing in the name of Professor K. T. Shah, accepted by Dr. Ambedkar.

The question is:

“That in clause (2) of article 17, after the words “discrimination on the ground” the word “only” be added.”

The amendment was adopted.

Mr. Vice-President : I shall now put the article as a whole as modified by amendment No. 559 to vote.

The question is:

That article 17 as modified by amendment No. 559 form part of the Constitution.

The motion was adopted.

Article 17, as amended, was added to the Constitution.

Article 18

Mr. Vice-President : We now go to the next article.

The motion is that Article 18 form part of the Constitution.

The first amendment is No. 561. This is negative and therefore, it is out of order.

Amendments numbers 562 and 564: No. 562 standing in the name of Professor Shibban Lal Saksena and 564 standing in the name of Shri Damodar Swarup Seth and others are of similar import and have therefore to be considered together. Amendment No. 562 is allowed to be moved.

Prof. Shibban Lal Saksena (United Provinces : General) : Sir, I am not moving the amendment; but I would like to speak on the article.

Mr. Vice-President : Then, I will allow amendment No. 564 to be moved.

Shri Damodar Swarup Seth: Sir, I beg to move:

“That the following be added at the end of article 18:

‘Nor shall women be employed at night, in mines or in industries detrimental to their health.’ ”

Sir, it is a matter of great satisfaction that in article 18 protection has been afforded to children of minor age. But, unfortunately, for reasons not known to me, no protection has been provided for the fairer and softer sex, who had been in the past, employed in mines even at night time and in industries which are injurious to their health. I therefore think, Sir, that it is just and desirable that the addition suggested should be made in this article so that women may also be provided with due protection and may not be employed in mines at night and in industries which are not suited to their delicate health and position in society. I therefore hope that the House will accept this amendment of mine.

Mr. Vice-President: Then, comes amendment No. 563.

(Amendments 563 and 565 were not moved.)

The article is open for general discussion.

Prof. Shibban Lal Saksena: Sir, I am very glad that this article has been placed among fundamental rights. In fact, one of the complaints against this charter of liberty is that it does not provide for sufficient economic rights. If we examine the fundamental rights in the Constitutions of other countries, we will find that many of them are concerned with economic rights. In Russia particularly, the right to work is guaranteed; the right to rest and leisure, the right to maintenance in old age and sickness etc., are guaranteed. We have provided these things in our Directive Principles, although I think, properly, they should be in this Chapter. Even then, this article 18 is an economic right, that no child below the age of fourteen shall be employed in any factory. I feel, Sir, that the age should be raised to sixteen. In other countries also the age is higher; we want that in our country also this age should be increased; particularly on account of our climate, children are weak at this age and the age should be raised.

So also, I want that women should not be employed in the night or after dusk and before dawn in the factories. In fact all the progressive countries in the world have forbidden female labour after dusk and before dawn. This question was debated at length during the discussion on the Factory Act in the Parliament. I think that this is a question of very fundamental importance and this should be laid down in the Fundamental Rights that the States shall not employ women after dusk or before dawn. Sir, if this important thing had been done, we would have been hailed by innumerable women workers in the country—especially as it is a question of employing women in mines and factories. You know there was a great furore in the country during the war when women were allowed to work in mines, and I personally think that this must be considered as something very important and I hope Dr. Ambedkar will see his way to include it.

The Honourable Dr. B. R. Ambedkar: I do not accept the amendment moved by Mr. Damodar Swarup—No. 564.

Mr. Vice-President : I put the amendment No. 564 to vote.

The question is:

“That the following be added at the end of article 18:—

‘Nor shall women be employed at night, in mines or in industries detrimental to health.’ ”

The amendment was negatived.

Mr. Vice-President : Now I put the motion—

The question is:

“That article 18 shall stand part of the Constitution.”

The motion was adopted.

Article 18 was added to the Constitution.

Article 18-A

Mr. Vice-President : Now we come to a new article in the form of amendment No. 566.

Prof. K. T. Shah: Mr. Vice-President, I beg to move:

“That the following new article be inserted under the heading “Rights relating to Religion” occurring after article 18:—

‘18-A. The State in India being secular shall have no concern with any religion, creed or profession of faith; and shall observe an attitude of absolute neutrality in all matters relating to the religion of any class of its citizens or others persons in the Union.’ ”

This, Sir, ought not to be a controversial matter at all. We have proclaimed it time and again that the State in India is secular; and as such it should