

Bill No. 173 of 2022

THE BHARATIYA ROZGAR SAMHITA, 2022

By

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A

BILL

to outline the modalities for providing employment to Indian citizens across various departments of the Central Government and undertakings and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

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1. (1) This Act may be called the Bharatiya Rozgaar Samhita, 2022.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government, may by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires, —

(a) "candidate" or "applicant" shall mean any citizen of India above eighteen years of age;

(b) "department" means a department of the Central Government;

(c) "notification date" means the date on which the list of vacancies shall be declared in public and applications invited for filling the said vacancies; 5

(d) "prescribed" means prescribed by rules made under this Act;

(e) "selection date" means the date on which the results of the particular examination shall be declared and the list of successful candidates is made public; and

(f) "zero date" means the date on which the said Bill is passed in the House of the People. 10

CHAPTER II

IDENTIFICATION AND ANNOUNCEMENT OF VACANCIES

Determination of vacancies.

3. (1) Each Ministry under the Central Government shall request the various departments under it to prepare and submit the list of existing vacancies in their respective Departments along with their details, including but not limited to, the designation, salary, location and duration for which the said post has been vacant within three days from the zero date in such manner as may be prescribed. 15

(2) Each department shall prepare the requested list under sub-section (1) within ten days from the day such request was made by the respective Ministry or within thirteen days of the zero date, whichever is earlier in such manner as may be prescribed. 20

(3) The Ministry shall be permitted to add additional vacancies to the list prepared by the various departments and approve the same for making it public within five days from the preparation of such list or eighteen days from zero date, whichever is earlier.

(4) The departments concerned shall advertise the approved list of existing vacancies under sub-section (2) and (3) within seven days of the approval of list or twenty five days from zero date whichever is earlier. 25

Dissemination of information on existing vacancies.

4. It shall be the responsibility of every department to make the information regarding vacancies public by,—

(i) uploading the list in the websites of the respective departments; 30

(ii) publishing the list in one national newspaper and two vernacular newspapers;

(iii) informing interested candidates through Email and SMS for all jobseeker citizens registered in various employment exchanges; and

(iv) uploading the list in the verified social media accounts of each department or Ministry, as applicable. 35

Delay in publishing list.

5. If any department fails to publish the approved list of vacancies under section 3 after forty-five days from the zero date, the Secretary of the respective department shall present the reasons for such delay in the House of the People or failing which, he may be liable for a joint-party enquiry.

CHAPTER III

SELECTION OF CANDIDATES

6. (1) The Central Government shall, by notification in the Official Gazette, constitute a body to be known as the Expert Committee for Model Examination Code to reform and standardize the existing process for conducting all recruitment related examinations in such manner as may be prescribed.

Expert Committee
for Model
Examination
Code.

(2) The Expert Committee shall consist of:—

(i) an IAS official from the Prime Minister Office;

(ii) elected student representatives from Central and State universities and Institutes of National Importance; and

(iii) three eminent academicians and three eminent labour market economists with at least twenty years of experience in teaching academia and practise to be appointed by members defined in clause (i) and (ii) in such manner as may be prescribed.

(3) The Expert Committee shall be assisted by an Audit Committee to be constituted by the Central Government.

(4) The Audit Committee shall examine the processes followed by various recruitment boards and Government departments for examinations, identify deficiencies or loopholes and suggest reform thereto.

(5) The Audit Committee shall be headed by a retired Judge of the Supreme Court and five other members, consisting of officials from Comptroller & Auditor General (CAG) of India, the Union Ministry of Education, Finance and Labour and Employment to be appointed by the Central government in such manner as may be prescribed.

(6) The Expert Committee shall,—

(a) coordinate with the various Government Departments and Recruitment Boards;

(b) coordinate examination schedules across the country ensuring minimal overlap;

(c) review for one time (only for current financial year) revision of the Notification Date under section 7; and

(d) finalize roadmap for reducing contractual employment in Government ranks, including conversion of contractual employment in Government ranks to permanent Government employment.

7. (1) Each department shall ensure that applications from the deserving candidates are invited within a period of seven days from the date of publishing the approved list of existing vacancies, in such manner as may be prescribed.

Notification Date
and Applications.

(2) The applications under sub-section (1) shall be invited in both online and offline modes, with prompt acknowledgement of receipt of application and one time error rectification, if any, within the stipulated period of seven days.

8. (1) After receipt of applications under section 7, the departments shall issue admit cards to all candidates and conduct preliminary examinations within five days of receipt of applications.

Preliminary
Examinations.

(2) Admit cards under sub-section (1) shall be issued via electronic means to candidates and followed by SMS intimation.

(3) The department shall ensure that the centre for the examination is within one hundred kilometer radius of the correspondence address or residence, as the case may be, of the applicant, unless requested otherwise by the applicant during application process: 5

Provided that if the examination centre is more than or hundred kilometers away from the applicant's correspondence address or residence, as the case may be, the respective department shall pay the applicant a lumpsum cost of rupees one thousand to cover any travel and lodging expenses *via* direct transfer to applicant's Bank Account within fifteen days from the issuance of admit cards, failing which a late penalty shall be levied at eight per cent. per annum. 10

(4) No application fees shall be charged on the applicant and the application fees or any additional fees incidental thereto for conducting preliminary examinations shall be borne by the department.

(5) The preliminary examinations shall within twenty-seven days from the Notification Date under sub-section (1) of section 7, be conducted online in examination centres equipped with provisions as contained in the Schedule. 15

(6) The answer key and answer sheet of the preliminary examination conducted under sub-section (5) shall be released within thirty two days from the Notification Date:

Provided that in case of any error in answer key, additional two days shall be provided for desired corrections in the answer key and case of any error in question(s), the marks for the incorrect question shall be awarded in full to all applicants. 20

(7) The expenditure for rechecking of answer key, in case of any discrepancy, shall be borne by the department.

(8) The results of the preliminary examinations conducted under sub-section (5) shall be declared within thirty five days from the Notification date in such manner as may be prescribed. 25

Mains
Examination.

9. (1) Within five days of the announcement of results for preliminary examinations under sub-section (8) of section 8, the admit card for the mains examination shall be issued by the respective department. 30

(2) The mains examinations, including physical or typing test or any other associated skill set test as applicable, shall be conducted within fifteen days from the issuance of admit cards for mains examinations under sub-section (1).

(3) All other provisions of including allotting centres, providing lumpsum amount to candidates for travel and lodging, conducting exams, releasing answer key and answer sheets as applicable to preliminary examinations under sub-sections (3), (4), (5), (6) and (7) of section 8 shall also be applicable for conducting mains examinations under this section. 35

(4) After release of answer key, the medical examinations of applicants, if required, shall be completed within ten days of relevant answer key.

(5) Final results shall be announced within seventy-five days from the Notification Date and shall be termed as "Selection Date". 40

(6) In case any cancellation of examinations due to any foreseen or unforeseen events, compensatory attempts shall be provided to all applicants by relaxation of age norms, if any, in eligibility criteria.

CHAPTER IV

FINAL RECRUITMENT OF SUCCESSFUL CANDIDATES

10. (1) After announcement of final results on Selection Date under sub-section (5) of section 9, the respective department shall provide the successful candidates with their Letter of Joining, indicating designation, location, joining date, salary breakup and other general terms and conditions of employment in such manner as may be prescribed. Joining Process.

(2) The joining date shall be maximum forty-five days from the Selection Date:

Provided that in case of any delay in joining, the successful candidate shall be eligible for monetary compensation at fifty per cent. of the total gross salary of the post for which the candidate has been finally selected:

Provided further that the candidate shall also be eligible for a thirty day extension in joining date on account of any exigencies and shall inform the concerned department in writing at least five days in advance to the joining date for any extension thereof in such manner as may be prescribed.

CHAPTER V

GRIEVANCE REDRESSAL AND PENALTIES

11. (1) **It shall be the duty of the Central Government to establish a Grievance Redressal Cell to address the grievances faced by the candidates during the entire process from Notification Date till Joining Date.** Grievance Redressal.

(2) Each Recruitment Board under a department shall establish a separate Grievance Cell for any examination under their purview:

Provided that in case the Grievance Redressal Cell already exists, then the same shall be deemed as the Grievance Redressal Cell established under this Act.

(3) Each Grievance Redressal Cell shall be equipped with:—

(a) **a 24x7 operational helpline number which shall be notified in public before the applications for the vacancies are invited;**

(b) **adequate manpower trained and capable to respond in official and scheduled languages of India to ensure that waiting time in having assistance from a representative is less than ten minutes; and**

(c) **adequate infrastructure such that call drop rate shall be less than five per cent.**

(4) The Grievance Redressal Cell in each department shall be headed by an officer of IAS Rank not below the rank of Additional Secretary of the respective department:

Provided that in case the Grievance Redressal Cell is newly constituted and in absence of any relevant Recruitment Board, the head of the Grievance Redressal Cell shall be selected by the Principal Secretary of the Prime Minister Office.

12. **The Central Government shall set up fast track courts in each district to examine cases related to recruitment examinations.** Establishment of Fast Track Courts.

13. (1) In addition to penalties for any malpractices defined in the Indian Penal Code, 1860, all such offences pertaining to malpractices, especially leaking of question papers, shall be considered as non-bailable offences for the purpose of this Act. Penalties.

(2) If any person contravenes the provision of this Act, he shall be liable to a penalty of rupees five lakhs, failing which the person shall serve six months imprisonment and shall not be eligible for any Government job.

Compensation
to be met out of
penalties.

14. (1) Each department shall, by notification constitute a fund to which the fines collected under sub-section (2) of section 13 shall be credited.

(2) The Fund shall be utilised to pay compensation to the applicants under sections 8 and 9.

Power to remove
difficulties.

15. If any difficulty arises in implementing the provisions of this Act, the Central Government shall have power to issue such orders not inconsistent with the provisions of this Act by notification in the Official Gazette as are required to remove such difficulty:

Provided that no such order shall be issued after three years from the date of commencement of this Act.

Power to make
rules.

16. (1) The Central Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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THE SCHEDULE

[See section 8(5)]

Facilities in Examination Center—

The examination centres for preliminary and main examination shall be equipped with the following facilities and/or be capable to discharge any services, incidental thereto:

(a) All online based examinations centres to have adequate number of computers and be conducted by the National Testing Agency (NTA).

(b) The examination software for online examinations shall be audited by independent third-party auditors and certified by the National Testing Agency and the Expert Committee for Model Examination Code.

(c) All examination centres to have,—

(i) basic lighting and fans to ensure proper comfort for applicants;

(ii) cloak room for depositing bags, mobile phones and other electronic equipment;

(iii) biometric attendance system for both invigilators and candidates;

(iv) functional CCTV cameras to reduce chances of malpractices, including cheating; and

(v) Security to ensure no one apart from invigilator and candidates are present in the examination area.

STATEMENT OF OBJECTS AND REASONS

The idea for the Bharatiya Rozgaar Samhita stems from a multitude of socio-economic realities pertaining to India's demographic dividend, employment scenario and the role of various Government institutions in reshaping the same for better and sustainable outcomes.

The reality remains that millions are leaving the job market, despite record increase in youth population. India's Labour Force Participation Rate (LFPR) fell to 39.5 per cent. in March 22, which is lower even than the LFPR in second wave of COVID (June 21 at 39.6 per cent.), despite easing of lockdown and no restrictions on movement. In absolute terms, our total labour force now stands at 428 million people, lowest in 8 months (since June 21) with a shrinkage of 3.8 million people in March 22 itself. This means that millions are leaving the labour markets and have stopped even looking for employment, possibly too disappointed with their failure to get a job and under the belief that there were no jobs available. Within the job-market, non-agricultural jobs remain the worst hit. While labour force shrank by 3.8 million people, the employment fell by 1.4 million people. Of this net impact, the non-agricultural jobs fell by 16.7 million, comprising mainly of, Industrial jobs (fell by 7.6 million), manufacturing jobs (fell by 4.1 million) signs of manufacturing revival, construction jobs (fell by 2.9 million) which have stagnated at 64 million jobs compared to 70 million jobs pre-lockdown. This reduction was cushioned by increase in the number of people under agriculture (increase of 15.3 million), possibly driven by seasonal employment due to rabi season.

Within a falling LFPR and employment scenario, the Government also has scope for improvement. During the last year, the Central Government hiring in FY 21 stood at 87423 jobs – a drop of 27 per cent. over the past year when it provided 119000 jobs. The reduced employment generation is not a one-year trend but has been continuing for the past few years. Since 2017-18, Government employment is falling continuously, with Central share falling faster than States. The Central Government provided 11000 jobs per month in 2017-18 but has steadily and consistently declined to now providing 7300 jobs per month in FY 21 (drop of 34 per cent.). State Governments provided 45200 jobs per month in 2017-18 but have reduced to providing 32400 jobs per month in FY 21 (drop of 28 per cent.). Cumulatively, these signal a loss of 16000 jobs per month since 2017-18. At these prevalent rates of giving employment, only 4 per cent. of people entering workforce every month (1 million) get Government employment.

Meanwhile, the demand for Government employment is strong and continues to rise. Our pace of provisioning employment has been slow, with an estimated 60 lakh vacancies in Government across various levels in July 2021. Whatever vacancies are being filled up, they are being done through contractual employment with Government departments reducing permanent positions, mainly to reduce costs and compliance. This also disincentivizes the employees from speaking against all possible ills within the system. While various ministries and departments are hiring contractual staff, there is no central record of the same. Secondly, where vacancies are being filled, they are notably skewed towards contractual jobs. In 2014, 43 per cent. of Government employees (*i.e.* 12.3 million)

had non-permanent or contractual jobs, with 6.9 million working in key flagship welfare schemes (*e.g.* Anganwadi workers), while having low wages (in some cases, lower than the minimum wage) and little if any social security cover (as per Indian Staffing Federation Research 2014). By 2018, the percentage of Government employees in this category had risen to 59 per cent. (as per Indian Staffing Federation). For Central Public Sector Enterprises (CPSEs), the percentage of contractual (and non-permanent) employees has increased from 19 per cent. to 37 per cent. (reaching 498807 in March 2020), with permanent employees dropping in share by 25 per cent. Consider select PSUs – ONGC had contractual employees (43397) from 81 per cent. of its staff in March 2020. Some States have sought to take this further - in 2020, while the pandemic led to mass unemployment, the State Government in Uttar Pradesh sought to amend recruitment for Group B and C employees (of which there were 9 lakh in 2020 in UP), with a push for increasing contractual employment (for a five year period), with such employees not offered allowances and typical benefits.

Last year, the Central Government has witnessed a rise in its tax collections, with direct tax collections rising by 49 per cent. and indirect taxes by 30 per cent., leading to gross tax collections rising to 27 lakh crore, against an estimated tax collections of 25.16 lakh crore. The Tax to GDP ratio for FY 22 at record high of 11.7 per cent., while tax buoyancy (index to measure the growth in tax revenues as compared to GDP growth) clocked at a healthy figure of 1.9. In April 22 itself, GST collections clocked 1.67 lakh crore – an increase of 0.25 lakh crore over March number of 1.42 lakh crore (uptick of 18 per cent. in one month), with highest collections from Maharashtra (27000 cr.), Gujarat, Karnataka (11000 cr. each) and UP, Haryana (8000 cr. each). This indicates to a healthy tax collection scenario for last year and is expected to continue into the next financial years as well and should be capitalized to achieve dual objectives of providing employment to Indian youth and bolstering public services.

Hence this Bill.

NEW DELHI;
4 July, 2022.

FEROZE VARUN GANDHI

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides that the Central Government shall constitute an Expert Committee for Model Examination Code. Clause 10 provides for payment of monetary compensation to selected candidates in case of delay in joining. Clause 11 provides for establishment of Grievance Redressal Cell. Clause 12 provides for the establishment of Fast Track Courts. Clause 14 provides for constitution of a fund for payment of compensation to applicants.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about one lakh ten thousand crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LOK SABHA

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to outline the modalities for providing employment to Indian citizens across various departments of the Central Government and undertakings and for matters connected therewith or incidental thereto.

(Shri Feroze Varun Gandhi, M.P.)