

**Bill No. 92 of 2021**

THE RIGHT TO WORK BILL, 2021

By

DR. ALOK KUMAR SUMAN, M.P.

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BILL

*to provide for the right to work to every eligible citizen and for payment of allowance till such time as appropriate work is provided to every such citizen, constitution of Right to Work Fund, framing of Right to Work Insurance Policy and for matters connected therewith or incidental thereto.*

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

1. (1) This Act may be called the Right to Work Act, 2021.

Short title and extent.

(2) It extends to the whole of India.

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

Definitions.

(a) “employment exchange” means an employment exchange set up by the Government of a State or Union territory Administration, as the case may be;

(b) “Fund” means the Right to Work Fund constituted under sub-section (1) of section 10;

(c) “notification” means a notification published in the Official Gazette by the Central Government; and

(d) “prescribed” means prescribed by rules made under this Act. 5

Right to work.

**3. Subject to the provisions of sections 7 and 12, every citizen who has attained the age of eighteen years and who, being unemployed, is registered at an employment exchange shall have the right to appropriate work to be provided by the Central Government.**

Categorising of citizens entitled to right to work.

**4. The Central Government may, in its endeavour to provide work under section 3, categorise citizens by notification on the basis of their qualification or such other basis, as may be prescribed:** 10

Provided that the Central Government shall provide the right to work to all eligible citizens within ten years from the commencement of this Act.

Nature of work.

**5. The work to be provided by the Central Government under section 3 shall be suited to the age and qualification of the citizen concerned.** 15

Grant of allowance.

**6. Till such time the work is provided to a citizen under section 3, there shall be paid by the Central Government to such citizen such allowance, not being less than rupees ten thousand per month, in such manner as may be prescribed.**

Removal of name by employment exchange.

**7. If a citizen secures any work or job subsequent to his registration with the employment exchange, either on his own or otherwise, he shall inform the employment exchange immediately and his name shall be removed by the employment exchange with effect from the date of having secured the job or work.** 20

Act not to apply to certain citizens.

**8. The provisions of this Act shall not apply to any citizen,—**

(a) who has an income, from one or more sources, not less than the amount of allowance fixed under section 6; and 25

(b) who is covered under any scheme of unemployment allowance prevalent in a State or Union territory.

Reduction of allowance.

**9. Where a citizen, being unemployed, is registered with an employment exchange, but has an income of his own from any source, the amount of allowance to which he is entitled under section 6 shall be reduced by the amount of his income.** 30

Constitution of Right to Work Fund.

**10. (1) The Central Government shall constitute a Fund to be called “Right to Work Fund” for the payment of allowance under this Act.**

**(2) The Central Government shall, from time to time, make such grants to the Fund as may be required for the purpose of this Act.** 35

(3) These shall be credited to the Fund,—

(a) all grants made by the Central Government under sub-section (2);

(b) all voluntary donations made to the Fund;

(c) all contributions in respect of the Right to Work Insurance Policy under section 11; 40

(d) all sums collected under section 12; and

(e) any interest or dividend or other return on any investment made out of the Fund.

(4) All amounts due and payable under this Act and all expenditure relating to the management and administration of the Fund shall be paid out of the Fund.

5       **11.** The Central Government shall frame a Right to Work Insurance Policy to cover whole or any part of such grants of allowances as may be payable under this Act. Right to Work Insurance Policy.

10       **12.** Every citizen who is provided work or allowance under this Act shall contribute to the Fund for a prescribed period immediately after securing any work or job, at such rate, as may be prescribed. Contribution to the Fund.

**13.** (1) The Central Government shall prepare an annual report on the implementation of the provisions of this Act including working and administration of the Fund in such form and manner as may be prescribed. Annual report by Central Government.

15       (2) The Central Government shall cause to be laid every annual report prepared under sub-section (1) before each House of Parliament.

**14.** (1) The Central Government may, by notification, make rules for carrying out the purposes of this Act. Power to make rules.

      (2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

20       (a) the basis of categorisation of citizens under section 4;

      (b) the rate of allowance referred to in section 6 and different rates may be prescribed on the basis of qualification and skills;

      (c) the necessary details relating to the Right to Work Insurance referred to in section 11;

25       (d) the rate of contribution to the Fund under section 12;

      (e) the form and content of the annual report mentioned in section 13;

      (f) the procedure to regulate all payments under this Act; and

      (g) any other matter which is required to be, or may be, prescribed.

30       (3) Every rule made under this Act by the Government and every notification issued under section 4, shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more 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  
35 notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification 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 or notification.

## STATEMENT OF OBJECTS AND REASONS

Indian Constitution guarantees to every citizen the fundamental right to life. The Supreme Court has observed that the right to life, in order to be meaningful, assumes the availability of necessary means to a decent livelihood. On the other hand, the problem of unemployment has assumed menacing proportions. Even the educated citizens are rendered indigent. Lack of employment opportunity in the country is also leading to brain drain and exodus of a large number of skilled and unskilled persons abroad.

It is time that concerted efforts are made by the State to assure work to citizens. The Bill seeks to provide to every citizen the legal right to work. Till such time as work is provided to a citizen, he or she shall be entitled to an allowance.

The Bill also provides for the constitution of a Right to Work Fund by the Central Government. The Fund shall receive grants made by the Central Government, contributions at prescribed rate and for a specified period from citizens who secure work after registration, etc. There is also a provision to promote Right to Work Insurance to raise finances.

The Bill is realistic, in so far as it provides for a gradual introduction of the right to work. To begin with, the Central Government may categorise citizens on the basis of their qualification or any other basis and make citizens of such categories entitle to the right to work, so, however, that gradually all the citizens secure the right to work within a period of ten years from the commencement of the Act.

Hence this Bill.

NEW DELHI;  
*January* 15, 2021.

ALOK KUMAR SUMAN

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for right to work to every eligible citizen. Clause 6 seeks to provide unemployment allowance not less than ten thousand per month to every citizen who has attained the age of eighteen years and who, being unemployed, is registered at an Employment Exchange, till such time the work is provided to such a citizen. Clause 10 provides for the Constitution of a 'Right to Work Fund' for the grant of allowance under this Act. However, at this it is difficult to make an exact estimate of the recurring expenditure that will be involved on this count. The Bill, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees ten hundred crore per annum would involve from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 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, therefore, of a normal character.

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*(Dr. Alok Kumar Suman, M.P.)*