

Bill No. XXXIV of 2009

THE CONSTITUTION (AMENDMENT) BILL, 2009

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BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2009.

Short title and commencement.

(2) It shall come into force with immediate effect.

2. **After article 16 of the Constitution, the following article shall be inserted, namely:—**

Insertion of new article 16A.

“16A. Every citizen, who has attained the age of eighteen years shall have the right to work as per his physical condition, education and other qualifications with such wages, as may be prescribed and in the event of failure of the State to provide any employment, he or she shall be provided with an unemployment allowance at such rate not being less than rupees two thousand per month, as may be prescribed by the law enacted by Parliament”.

Right to work and Unemployment Allowances.

Amendment of article 39. **3.** Article 39 of the Constitution, shall be renumbered as 39(1) thereof and after article as so re-numbered, the following clause shall be inserted, namely:—

“(2). The State shall with a view to achieve the objectives enshrined in clause (1) endeavour to generate employment in both the public and private sectors and provide necessary facilities and funds for self-employment to the youth”.

STATEMENT OF OBJECTS AND REASONS

Ours is a vast and over-populated nation where the problem of unemployment has assumed alarming proportions. As a result, the vast majority of people are deprived of access to the means of production of wealth and their living standard remains comparatively very low forcing them to live in abject poverty and below the poverty line. It is true that human beings do not live by bread alone but it is also equally true that they cannot live without bread. But the growing unemployment has taken the bread out of the reach of common man and more so from the youth. Unemployment has rendered even the educated youth indigent and they are in the grip of frustration. Taking advantage of this, anti-social and anti-national elements are luring the youth to the path of crime and violence. It is also leading to brain drain. The slowdown in the world economy has made the situation from bad to worse.

Though there are many employment generated schemes being implemented by the Government at the Centre and States but they are touching only the fringe of the problem of providing gainful means of livelihood to large sections of people in the country. Though our Constitution guarantees Fundamental Rights to the citizens, but the basic human requirement right to work does not find place in the list of Fundamental Rights. Of course, in article 39 of the Constitution, there is a directive pertaining to employment generation but it is not forceable though it is desirable that the State should undertake constructive employment generation schemes and extend necessary facilities for self-employment.

It is appropriate and high time to make right to work a fundamental right because it is more fundamental for all the citizens as right to life and liberty is meaningful only with right to livelihood. This Bill seeks to include the basic right to work in the list of fundamental right and also provide for unemployment allowance in case, the State fails to provide gainful employment to the citizens. This will certainly benefit millions of unemployed youths in the country.

Hence this Bill.

GIREESH KUMAR SANGHI

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for unemployment allowance to be paid to unemployed. This Bill, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees twenty thousand crore may involve as recurring expenditure per annum.

No non-recurring expenditure is likely to be involved.

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

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39. 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;

(b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;

(c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

(d) that there is equal pay for equal work for both men and women;

(e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;

(f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

Certain principles of policy to be followed by the State.

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RAJYA SABHA

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further to amend the Constitution of India.

(Shri Gireesh Kumar Sanghi, M.P.)