

Bill No. V of 2018

THE EMPLOYMENT BILL, 2018

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to provide employment or means and resources for self-employment to at least one adult member of every family and for matters connected therewith and incidental thereto.

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

1. (1) This Act may be called the Employment Act, 2018.

Short title,
extent and
commencement.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

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

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

Definitions.

(a) "Board" means the Employment Advisory Board constituted under section 5;

(b) "family" includes wife, husband and minor children; and

10 (c) "prescribed" means prescribed by rules made under this Act.

Central Government to provide employment.	3. It shall be the duty of the Central Government to provide gainful employment to at least one adult member of every family.	
Grant of unemployment allowances.	4. Every unemployed person shall be entitled to receive monthly unemployment allowance at such rate as may be prescribed, till he is provided with gainful employment.	
Constitution of Employment Advisory Board.	5. (1) The Central Government shall, by notification in the Official Gazette, constitute a Board to be known as the Employment Advisory Board for carrying out the purposes of this Act.	5
	(2) The Board shall consist of,—	
	(a) a retired Judge of the Supreme Court—Chairperson;	
	(b) two representatives of the Central Government—Members;	10
	(c) one representative from Union Ministry of Labour and Employment—Member;	
	(d) two persons having experience in labour laws, to be appointed by the Central Government in such manner as may be prescribed—Members;	
	(e) one representative from the National Institution for Transforming India (NITI) Aayog—Member;	15
	(f) one woman having experience in the field of empowerment of women and children, to be appointed by the Central Government—Member; and	
	(g) Director - General of Employment, Union Ministry of Labour and Employment Member Secretary;	20
	(3) The Board shall have at least three meetings in a quarter of the year:	
	Provided that the Chairperson may call for a meeting at any time in consultation with the Member-Secretary as and when the circumstances warrant so.	
	(4) The salary and allowances payable to and other terms and conditions of service of Chairperson and members of the Board shall be such as may be prescribed.	25
Functions of the Board.	6. The Board shall,—	
	(a) identify fields and areas for generation of employment and forward the information to the Central Government;	
	(b) collect data of unemployed persons in every district;	
	(c) develop model for generation of self employment for unemployed youth;	30
	(d) develop model for providing skill development and vocational training to youth;	
	(e) encourage businessmen for generation of employment; and	
	(f) undertake such other measures for generation of self-employment for unemployed youth as it considers necessary.	35
Constitution of Employment Fund.	7. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Employment Fund for carrying out the purposes of this Act.	
	(2) The Central Government and State Governments shall contribute to the Employment Fund in such ratio as may be prescribed.	
Promoting interest of unemployed youth.	8. The Central Government shall, on the recommendation of the Board, take steps to promote the interest of unemployed youth for getting employment or self-employment, through various measures in such measure or may be prescribed.	40

- 9.** The Central Government shall provide facilities or resources for self-employment to every family where it is not possible to provide employment to atleast one dependent member of that family.
- Central Government to provide resources or facilities to dependent member of family.
- 10.** The Central Government shall, after the appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.
- Central Government to provide funds.
- 11. (1)** The Central Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.
- Power to make rules.
- (2) Every rule made under this Act by the Central Government shall be laid before each House of the Parliament, as soon as may be after it is made. While it is in session, for a total period of thirty days which may comprise in one session or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any such modification in the rule or both the Houses agree that the rule should not be made, the rule shall, as the case may be; however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Unemployment is one of the biggest problems in India. Even after seventy-one years of Independence, we have not been able to meet the challenge of providing employment to the massive unemployed youth. Although our country has progressed in many fields, yet it has failed to improve the generation of employment and job opportunities. With two-thirds of 1.2 billion people in the age group of 35 year, India is the world largest youth population, something a challenge and an opportunity. More than 30 per cent of India's youth are not in employment. They are reeling under poverty.

There are a large number of families where there is not even a single earning member and most of them earn their livelihood by working as labourers, domestic servants, bonded labourers, etc. majority of population lives below poverty line. Our country being a welfare State should take necessary steps to improve the lot of the people and formulate schemes and plans to eradicate poverty from the country.

The National Sample Survey Office (NSSO) round table was last held in 2011-12 and there is lot of confusion about the prevailing employment situation. The focus of the Government needs to shift to more spending on enhancing quality of education and vocational and skill training. There is a need to improve India's track record on job creation.

It is proposed that at least one adult member of every family should be provided with employment and where it is not possible to provide employment, the Government should encourage those who desire to set up their own business and improve their capability of increasing production, like handicraft artisans, carpenters, weavers, cottage industry so that they become self-sufficient and the family should be given all necessary facilities for decent and reasonable living.

Hence this Bill.

DR. T. SUBBARAMIREDDY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall provide employment to at least one adult member of every family. Clause 4 provides for payment of unemployment allowances to every unemployed person at such rate as may be prescribed till he is provided with gainful employment. Clause 5 provides for constitution of Employment Advisory Board. Clause 7 provides for contribution of Employment Fund for carrying out the purposes of this Bill. Clause 9 provides that the Central Government shall provide subsidy and all facilities or resources for self-employment to a family where it is not possible to provide employment clause 10 empowers the Central Government to provide funds for carrying out the purposes of this Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India in implementing the provisions of the Bill. It is likely to involve an annual recurring expenditure of about rupees seven thousand crore from the Consolidated Fund of India. A non-recurring expenditure to the tune of rupees four thousand crore is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules to carry out the purposes of the Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

RAJYA SABHA

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(Dr. T. Subbarami Reddy, M.P.)