

AS INTRODUCED IN THE RAJYA SABHA  
ON THE 18TH DECEMBER, 2009.

**Bill No. LVI 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,  
extent and  
commen-  
cement.

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

5           **2. In article 16 of the Constitution, after clause (2), the following clause shall be inserted, namely:—**

Insertion of  
new article  
2A.

10           **(2A) Each and every adult man and woman shall have the right to gainful employment according to his or her ability and qualification to work after attainment of his or her age of eighteen years, but before the age of thirty years, in any establishment or in the form of self-employment under the Government programme, failing which the Government shall provide him or her an unemployment allowance as may be prescribed but which shall not be less than the minimum wages.**

#### STATEMENT OF OBJECTS AND REASONS

The number of unemployed youths in our country is increasing at an alarming pace. There are socio-economic reasons for growing unemployment. It is also a reality that given the constraints we have, every person cannot be provided employment though every human being has a brain to think and has hands to work. More the people can be engaged in works, the greater will be the progress of the nation. On the contrary, if a section of people can have no opportunity to work and to devote to the welfare and progress of the country, the country cannot flourish to the extent possible, rather its pace will deteriorate. At the same time, the energy stored in the youths will not be utilized in the country's interest. This will create a situation where “the idle brain would become the devil's work shop”.

The right to work is a fundamental one. But it is not so as per the present provisions of the Constitution. That is why an amendment to the Constitution is proposed.

Hence this Bill.

MATILAL SARKAR

#### FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to provide unemployment allowance to every person who is unemployed. Besides, the clause seeks to make right to employment a fundamental right. The Bill, if enacted, would involve fifty thousand crores from the Consolidated Fund of India.

*ANNEXURE*

EXTRACT FROM THE CONSTITUTION OF INDIA

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**16.** (2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

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RAJYA SABHA

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*(Shri Matilal Sarkar, M.P.)*