

AS INTRODUCED IN THE RAJYA SABHA
ON 13TH AUGUST, 2010

Bill No. XXXIII of 2010

THE REMOVAL OF UNEMPLOYMENT AMONGST THE YOUTH
BILL, 2010

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to provide for the removal of unemployment amongst the youth by way of making right to work mandatory so that the State generates employment opportunities for them and failing to do so the State will have to pay unemployment allowance and for measures to promote self employment amongst the unemployed youth and for matters connected therewith and incidental thereto.

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

1. (1) This Act may be called the Removal of Unemployment Amongst the Youth Act, 2010.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions.	2. In this Act, unless the context otherwise requires:—	
	(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;	
	(b) "Fund" means the National Youth Unemployment Assistance Fund established under section 4 of this Act.	5
	(c) "Prescribed" means prescribed by rules made under the Act;	
	(d) "Self employment" means to work independently for one's clients or customers by setting up own production or selling unit or establishment and not for any employer.	
Right to gainful employment and unemployment allowance.	3. (1) Notwithstanding anything contained in any other law for the time being in force every major citizen shall have the right to gainful employment and it shall be the duty of the appropriate Government to provide such employment opportunity to every unemployed citizen within its territorial Jurisdiction.	10
	(2) The gainful employment referred to in sub-section (1) shall be provided according to the age, educational qualifications and physical status of the concerned citizens.	15
	(3) For carrying out the purposes of this Act, it shall be the duty of the appropriate Government to generate requisite number of employment opportunities in the public sector, Private sector, small scale industries, cottage and village industries, khadi and other weaving industries, food processing sector, self employment opportunities, agriculture and other sectors.	20
	(4) Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of the appropriate Government to fill up all the vacant posts in the Ministries, Departments, Public Sector Enterprises and other Government agencies and organisations within a time frame.	
	(5) Till such time gainful employment is provided to a citizen or is made self employed under any Government scheme or loan provided by a Bank or Financial Institution, he shall be paid by the appropriate Government an unemployment allowance, not being less than rupees two thousand per month in such manner as may be prescribed:	25
	Provided that the unemployment allowance shall not be paid under this Act to any citizen who:—	30
	(a) has an income from any source not being less than the amount of unemployment allowance fixed under this Act. However, in case any citizen has an earning from any other source which is less than the amount of unemployment allowance fixed under this Act, his unemployment allowance shall be reduced by the amount of his earning; or	35
	(b) is covered under any scheme of unemployment allowance prevalent in a State or Union Territory, as the case may be.	
Establishment of the National Youth Unemployment Assistance Fund.	4. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish the National Youth Unemployment Assistance Fund with initial corpus of Rupees Fifty Thousand Crore and thereafter shall contribute to the fund from time to time along with the Government of the States in such ratio as may be prescribed.	40
	(2) There shall also be credited to the Fund such other sums as may be received by way of donation, contribution, assistance or otherwise from individuals, body corporate, financial institution, firms, partnership etc.;	
	(3) All amounts due and payable as unemployment allowance and all expenditures relating to the management and administration of the fund shall be paid out of the fund;	45
	(4) The fund shall be managed by the Central Government in such manner as may be prescribed.	

- 5 **5.** The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to any matter dealt with by this Act.
- 6.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to all the State Governments and Union Territory Administrations for carrying out the purposes of this Act.
- 10 **7.** The Central Government may, by notification in the Official Gazette, make rule for carrying out the purposes of this Act.
- Act of have overriding effect.
- Central Government to provide requisite funds.
- Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Our country is very vast and second most populous nation of the globe. The population explosion has given rise to the phenomenal unemployment in the country. According to an estimate, there are more than five crore unemployed youth registered in the employment exchanges in the country and the number of unregistered unemployed youth is more than the registered ones and such youth are mostly in remote rural and semi urban areas and their number is multiplying day by day. The situation of employment in the country is so grim that even highly qualified youth are also unemployed and millions who pass out their degree and diploma examinations from the Universities, Colleges and Institutes join them every year. This is causing unrest and frustration amongst the youth and they are easily lured by anti-social and anti-national forces for their nefarious and destructive activities like the naxalite violence or terrorists operations in various parts of the country. Many of them turn to crimes and spoil their lives. Unemployment is also the reason for brain drain and exodus of substantial number of skilled and unskilled youth, doctors, engineers and scientists from the country. At the same time opportunities of employment generation are on the decline for various reasons and Governments too are contributing a lot in this regard. For instance, in the Central Government, every Ministry or Department has to surrender ten per cent of total vacancies arising every year due to superannuation of employees etc. and if any post remains unfilled for over a year, it automatically lapses. So, apart from surrendering the required posts, the Ministries, Departments deliberately do not fill substantial number of posts to allow them to lapse. Agriculture has remained the largest employer but due to vagaries of nature and unremunerative prices, employment generation is decreasing very fast in agriculture sector. So, it is the situation in small scale industrial and village industries. Modernisation in other industries is also reducing employment opportunities. Hence, the situation is going out of control every day.

Our Constitution gives every citizen a fundamental right to life but this right in the absence of source of decent and meaningful life remains only on paper. The Supreme Court has also stressed for the need of necessary means and employment to enjoy the right to life. Ours is a Welfare State and as such the onus is on the State to ensure the welfare of its citizens by providing gainful employment opportunities to them and for that more and more employment opportunities have to be created. The youth have to be given fundamental right of gainful employment and if, the State fails to provide the citizen gainful employment then he should be paid unemployment allowance on monthly basis. This is the need of the hour which will go a long way in ensuring a dignified life to the youth of our nation.

Hence this Bill.

AKHILESH DAS GUPTA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of the National Youth Unemployment Assistance Fund with an initial corpus of rupees fifty thousand crore to be provided by the Central Government, Clause 6 of the Bill makes it mandatory for the Central Government to provide requisite funds to the States and Union Territories for carrying out the purposes of the Bill. The Bill if, enacted will involve expenditure from the consolidated fund of India. It is not possible to quantify the funds at this juncture but in addition to rupees fifty thousand crore as initial corpus it is estimated that a sum of rupees sixty thousand crore may involve as recurring expenditure per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

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(Dr. Akhilesh Das Gupta, M.P.)