

**Bill No. XXXV of 2016**

**THE YOUTH (ERADICATION OF UNEMPLOYMENT AND  
MISCELLANEOUS PROVISIONS) BILL, 2016**

A

**BILL**

*to provide for the eradication of unemployment amongst the youth by granting right to work to every eligible youth and for payment of unemployment allowance during the period of unemployment and for making all the sanctioned posts in Government employment non-lapsable and free from abolition and establishment of right to work fund for funding unemployment allowance and for matters connected therewith or incidental thereto.*

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

1. (1) This Act may be called the Youth (Eradication of Unemployment and Miscellaneous Provisions) Act, 2016.

Short title,  
extent and  
commencement.

5 (2) It extends to the whole of India.

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

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

Definitions.

(a) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(b) "employment exchange" means an employment exchange set up by the appropriate Government;

(c) "fund" means the Right to work Fund establishment under section 6;

(d) "government employment" include all the services in the Ministries, Departments, subordinate offices, bodies, public enterprises, constitutional bodies, educational institutions including universities, colleges, schools etc., health services providers, Banks and financial institutions and all such organisation which are under the appropriate Government with sanctioned strength of officers and staff;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "youth" include any human being a male, female or transgender who has attained the age of eighteen years but not crossed the age of forty five years and who is a citizen of India.

Eradication of unemployment through right to work.

**3.** Every unemployed youth shall have the right to work to be provided by the appropriate Government as a measure of eradication of unemployment subject to the age, educational qualification and ability of the youth as may be prescribed:

Provided that the youth seeking employment under this section shall register his name in an Employment Exchange under the appropriate Government.

Grant of unemployment allowance.

**4. Till such time an employment is provided to the unemployed youth under section 3, the appropriate Government shall pay to the youth unemployment allowance not being less than one thousand rupees per week in such manner as may be prescribed:**

**Provided that the unemployment allowance under this section shall be stopped with immediate effect if, the youth secures any work or job either through the Employment Exchange or of his own or otherwise and his name shall also be removed from the register of the Employment Exchange.**

Act not to apply in certain cases.

**5.** The provisions of this Act shall not apply to any youth,—

(a) who has income, from one or more sources, not less than the amount of unemployment allowances fixed under section 4;

(b) who is covered under any scheme of unemployment allowance prevalent in a State or Union Territory, as the case may be.

Establishment of Right to work Fund.

**6. (1) The Central Government shall, as soon as may be, by notification in the official Gazette, establish a Right to work Fund with initial corpus of one lakh crores rupees to be provided by the Central Government after due appropriation made by Parliament by law in this behalf for the purposes of this Act and thereafter make such grants to the fund, from time to time as may be required for the purposes of this Act.**

**(2) The Fund shall also be credited with,—**

(a) all grants made by the Central Government and Contributions made by Governments of the States and administrations of the Union Territories;

(b) all voluntary donations made to the fund by individuals, bodies, corporates and financial institutions etc;

**(3) the Fund shall be administered for the purposes of this Act in such manner as may be prescribed.**

Miscellaneous provisions.

**7.** 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 sanctioned posts of Government employment within one months of the vacancies arising and no sanctioned post of Government employment shall be subject to abolition and lapsing as a matter of policy or for any reason whatsoever of the appropriate Government.

**8. The Central Government shall, after due appropriation made by Parliament by law, from time to time, provide requisite funds to the States for the purposes of this Act.**

Central Government to provide funds.

5 **9.** 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.

Act to have overriding effect.

**10.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Act to supplement other laws.

**11.** The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

## STATEMENT OF OBJECTS AND REASONS

Unemployment amongst the youth is the biggest problem of our vast nation today and it is assuming menacing proportions with each passing day. Millions of educated and qualified youth are unemployed. Recently media highlighted that a State Government invited applications for few posts of Peons. In response it received nearly five lakh applications and among the aspirants were Engineers, Technocrats and Ph.D degree holders. Though the concerned State Government ultimately cancelled the process, but this shows the gravity of situation so far as the unemployment in the country is concerned. Quite a large number of unemployed youth have become desperate due to poverty. This situation is being exploited by anti-social and anti-national elements by luring the youth into their net and the youth is choosing the path of violence and crime. Lack of employment opportunities in the country is also leading to brain drain and exodus of large number of skilled and unskilled youth abroad.

Agriculture sector and Government provide majority of jobs but agriculture sector is under stress due to vagary of nature and consistent drought conditions. In Government the number of vacancies are shrinking year after year. In Central Government there are peculiar rules. For instance if a post is not filled for a year it automatically lapses. Similarly, ten percent of the total vacancies arising in Government employment every year stand lapsed. Then there are Voluntary Retirement Schemes. So the sanctioned strength is decreasing year after year. This trend needs to be checked by making it mandatory to fill up all the sanctioned posts.

It is high time to make concerted efforts for the eradication of unemployment amongst the youth by declaring right to work as fundamental and making it mandatory for the Government to provide employment to all the youth. In case the Government fails to provide employment, it must pay the youth unemployment allowance because Constitution of India guarantees to every citizen the fundamental right to life. The apex court too has observed that for the right to life, decent livelihood is necessary and if a person is unemployed, he and his family can not enjoy a decent life. The Bill gives every youth the legal right to work and grants unemployment allowance. The Bill also provides for the establishment of a Right to Work Fund by the Government for the purposes of the Bill.

Hence this Bill.

RAJ KUMAR DHOOT

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the eradication of unemployment through right to work. Clause 4 provides for the grant of unemployment allowance. Clause 6 provides for the establishment of Right to Work Fund with initial corpus of One Lakh crore rupees to be provided by the Central Government. Clause 8 makes it mandatory for the Central Government to provide requisite funds to the States for the implementation of the provisions of the Bill. The Bill if, enacted will involve expenditure from the Consolidated Fund of India. Apart from the initial corpus of one lakh crore rupees, it is estimated that a sum of two lakh crore rupees may involve as recurring expenditure per annum. No non recurring expenditure is likely to be involved.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 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.

RAJYA SABHA

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*(Shri Rajkumar Dhoot, M.P.)*