

AS INTRODUCED IN LOK SABHA

**Bill No. 199 of 2018**

THE RIGHT TO WORK BILL, 2018

By

DR. Udit RAJ, M.P.

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BILL

*to provide for the right to work to every eligible citizen and for payment of allowance till such time as appropriate work is provided to every citizen, constitution of Right to Work Fund, creation of Right to Work Insurance Policy and for matters connected therewith or 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 Right to Work Act, 2018.

(2) It extends to the whole of India.

Short title and  
extent.

Definitions.	<p><b>2. In this Act, unless the context otherwise requires,—</b></p> <p>(a) "employment exchange" means an employment exchange set up by the Government of a State or Union territory Administration;</p> <p>(b) "Fund" means the "Right to Work Fund" constituted under sub-section (1) of section 9;</p> <p>(c) "Government" means the Central Government;</p> <p>(d) "notification" means a notification published in the Official Gazette by the Central Government; and</p> <p>(e) "prescribed" means prescribed by rules made under this Act.</p>	5
Right to work.	<p><b>3. Subject to the provisions of sections 7 and 12, every citizen who has attained the age of eighteen years and who, being unemployed, is registered at an employment exchange shall have the right to appropriate work to be provided by the Government.</b></p>	10
Nature of work to be provided.	<p><b>4. The work to be provided by the Government under section 3 shall be suited to the age and qualification of the citizen concerned.</b></p>	
Grant of allowance.	<p><b>5. Till such time as work is provided to a citizen under section 3, there shall be paid by the Government to such citizen such allowance, not being less than rupees five thousand per month, as may be prescribed.</b></p>	15
Removal of name by Employment Exchange.	<p><b>6. If a citizen secures any work or job subsequent to his registration with the employment exchange, either on his own or otherwise, he shall inform the employment exchange immediately and his name shall be removed by the employment exchange with effect from the date of having secured the job or work.</b></p>	20
Act not to apply to certain citizens.	<p><b>7. The provisions of this Act shall not apply to any citizen,—</b></p> <p>(a) who has an income, from one or more sources, not less than the amount of allowance fixed under section 5; and</p> <p>(b) who is covered under any scheme of unemployment allowance prevalent in a State or Union territory.</p>	25
Reduction of allowance.	<p><b>8. Where a citizen, being unemployed, is registered with an employment exchange, but has an income of his own from any source, the amount of allowance to which he is entitled under section 5 shall be reduced by the amount of his income.</b></p>	
Constitution of 'Right to Work Fund'.	<p><b>9. (1) The Government shall constitute a Fund to be called "Right to Work Fund" for the payment of allowance under this Act.</b></p> <p><b>(2) The Government shall, from time to time, make such grants to the Fund as may be required for the purpose of this Act.</b></p> <p><b>(3) These shall be credited to the Fund,—</b></p> <p>(a) all grants made by the Government under sub-section (2);</p> <p>(b) all voluntary donations made to the Fund;</p> <p>(c) all contributions in respect of the Right to Work Insurance Policy under section 10;</p> <p>(d) all sums collected under section 11; and</p> <p>(e) any interest or dividend or other return on any investment made out of the Fund.</p> <p><b>(4) All amounts due and payable under this Act and all expenditure relating to the management and administration of the Fund shall be paid out of the Fund.</b></p>	30 35 40

- 10.** The Government shall frame a Right to Work Insurance Policy to cover whole or any part of such grants of allowances as may be payable under this Act. Right to Work Insurance Policy.
- 11.** Every citizen who receives work or allowance under this Act shall contribute to the Fund for a prescribed period immediately after securing any work or job, at such rate, as may be prescribed. Contribution to the Fund.
- 12.** The Government may, in its endeavour to provide work under this Act, categorise citizens by notification on the basis of their qualification or such other basis, as may be prescribed, and make citizens of such categories entitled to right to work under section 3: Categorising of citizens entitled to right to work.
- Provided that the Government shall provide the right to work to all eligible citizens within ten years from the commencement of this Act.
- 13.** As soon as may be, after the close of a financial year, the Government shall cause an annual report on the working and administration of the Fund and the implementation of this Act during that year, to be prepared and laid before each House of Parliament, and every such report shall be in such form and shall contain such matters as may be prescribed. Annual report by Government.
- 14.** (1) The Government may, by notification, make rules for carrying out the purposes of this Act. Power to make rules.
- (2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—
- (a) the rate of allowance referred to in section 5 and different rates may be prescribed on the basis of qualification and skills;
- (b) the necessary details relating to the Right to Work Insurance referred to in section 10;
- (c) the rate of contribution to the Fund under section 11;
- (d) the basis of categorisation of citizens under section 12;
- (e) the form and content of the annual report mentioned in section 13;
- (f) the procedure to regulate all payments under this Act; and
- (g) any other matter which is required to be, or may be, prescribed.
- (3) Every rule made under this Act by the Government and every notification issued under section 12, shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

## STATEMENT OF OBJECTS AND REASONS

Indian Constitution guarantees to every citizen the fundamental right to life. The Supreme Court has observed that the right to life, in order to be meaningful, assumes the availability of necessary means to a decent livelihood. On the other hand, the problem of unemployment has assumed menacing proportions. Even the educated citizens are rendered indigent. Lack of employment opportunity in the country is also leading to brain drain and exodus of a large number of skilled and unskilled persons abroad.

It is time that concerted efforts are made by the State to assure work to citizens. The Bill grants every citizen the legal right to work. Till such time as work is provided to a citizen, he or she shall be entitled to an allowance.

The Bill also provides for the constitution of a 'Right to Work Fund' by the Government. The Fund will receive grants made by the Government, contributions at prescribed rate and for a specified period from citizens who secure work after registration, etc. There is also a provision to promote Right to Work Insurance to raise finances.

The Bill is realistic, in so far as it provides for a gradual introduction of the right to work. To begin with, the Government may categorise citizens on the basis of their qualification or any other basis and make citizens of such categories entitled to the right to work, so, however, that gradually all the citizens secure the right to work within a period of ten years from the commencement of the Act.

Hence this Bill.

NEW DELHI;  
*November 27, 2018.*

UDIT RAJ

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for right to work. Clause 5 seeks to provide allowance to a citizen who has attained the age of eighteen years and who, being unemployed, is registered at an Employment Exchange. Till such time as work is provided to such a citizen, he or she shall be entitled to such allowance not being less than two hundred rupees per week, as may be prescribed. Clause 9 provides for the Constitution of a 'Right to Work Fund' for the grant of allowance under this Act. It is difficult to make an exact estimate of the recurring expenditure that may be involved on this count. Nevertheless, the provisions of the Bill may be expected to involve recurring expenditure of about rupees five hundred crore per annum from the Consolidated Fund of India. The recurring expenditure is expected to reduce substantially as employment situation improves, and as voluntary donations and contributions from citizens who secure work and contributions from the Right to Work Insurance are received.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

LOK SABHA

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