

MAINS TOPIC A DAY



Job Reservation for Locals

Recently, Jharkhand assembly passed the Jharkhand State Employment of Local Candidates Bill, 2021 becoming the third state in the country, after Andhra Pradesh and Haryana, to pass a law which promises reservations for locals in private jobs

Jharkhand law accords 75% reservation to locals in jobs, with the condition that this will apply to those who ***earn ₹40,000 or below.***

The idea of local reservation is driven by issues of-

- scarcity of employment
- the need for governments to satisfy their domestic electorate

The Andhra story

The Andhra Pradesh Employment of Local Candidates in the Industries and Factories Act was passed in the state assembly first, on July 17, 2019.

The law mandates **75% reservation for locals** in both existing and upcoming industries

- The law has provisions that a company be **exempted if it writes to the government that it requires specialised manpower** not available locally, but this will require an examination by the state industries department.

The government has also asked industries what skill sets they need, so that they can train people and supply the requirements as well.

Industry is unhappy as it **imposes restraints on them** and that there are **no sops and no rebates for investors**.

The law has been challenged on the grounds that it violates **Article 16(2) and 16(3)** of the constitution.

The law continues to be operative, although in an ineffective manner, as there is no stay from the Judiciary, which is yet to give final verdict.

CASE OF Haryana

Haryana government passed a law which provides for 75% reservation in private sector jobs to those having a resident certificate (domicile).

The law will be applicable for a period of 10 years.

Legal experts say that the new law would not withstand judicial scrutiny. This is because preference in jobs to the local candidates domiciled in Haryana was in contravention of Article 14 and Article 19(1)(g) of the Constitution.

Article 14 of the constitution which ensures equality before the law or the equal protection of the laws within the territory of India.

Article 16(2) states, "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 or, any employment or office under the State.”

violate Article 19(1)(g) which states that all citizens have right to practise any profession, or to carry on any occupation, trade or business

Former Haryana advocate general, has stated that domicile can never form the basis of employment. “If public employment cannot be given on the basis of domicile, how can private jobs be given this way?”

India is one national and there is only one citizenship. To regard a person as an outsider merely because he is not resident of one state goes against the essential integrity of the nation.

WAY FORWARD

The governments should encourage people belonging to vulnerable sections to set up industry so that they are in a position to provide jobs to others.

Conclusion

Though the responsibility is with district collectors, no strict implementation is done due to paucity of the staff with the industries/labour departments. This clearly

shows that these reservations have barely taken off the ground.