

1. SC lifts stay on Haryana Quota for Private Jobs

Prelims Syllabus: Rights Issues

Mains Syllabus: GS-II Welfare schemes for Vulnerable sections of the Population by the Centre and States and the performance of these Schemes; Mechanisms, Laws, Institutions and Bodies Constituted for the Protection and Betterment of these Vulnerable Sections.

Why in News?

- The Supreme Court recently set aside a Punjab and Haryana High Court order staying a controversial State law which provides 75% reservation for local youths in private sector jobs earning less than ₹30,000 a Month.

About the News:

- The Bench observed that every law passed by legislature was presumed to be legal. An order of stay of their implementation by a court of law should be reasoned. The High Court had not given sufficient reasons for stopping the Haryana law.
- The Supreme Court, without going into the merits of the issue, requested the High Court to decide the writ petition filed by industrialists before it expeditiously and not later than a period of four weeks from today.
- The parties were directed to not seek adjournments in the High Court.

Highlights of the Law:

- The law 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.
- Jobs with a gross monthly salary of not more than ₹30,000 will be up for hiring from among Local Candidates.

Rationale behind the Law:

- To create a harmonious environment for industry as well as the youth along with creating the right balance between the progress of Industries and the Economy.

Concerns Over the bill:

- It could lead to Multinational Firms moving out of the state.
- Reservation affects productivity and Industry Competitiveness.

What are the Legal Issues in Such laws?

- The question of domicile reservation in jobs: While domicile quotas in education are fairly common, courts have been reluctant in Expanding this to public employment. It raises questions relating to the fundamental right to Equality of Citizens.
- The issue of forcing the private sector to comply with reservations in employment. For mandating reservation in public employment, the state draws its power from Article 16(4) of the Constitution. But, the Constitution has no manifest provision for private employment from which the state draws the power to make laws mandating reservation.
- It may not be able to withstand judicial scrutiny on the touchstone of Article 19(1)(g).

