

Jobs for Locals: A New Presidential Order or Disorder?

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The Presidential Order 1975 is still being referred to in public discussions in the new state of Telangana. Why?

As a part of the compromise forced on Telangana by the Indira Gandhi government, the 32nd Amendment Act, 1973 adding Article 371D to the Constitution was promulgated. This amendment provided for reservation in jobs and educational institutions for locals in Andhra Pradesh. This was needed as Article 15 says: “The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.”

The Article 371D was intended to allow for replacement (as it were) of the Nizam’s Mulki Rules which had decreed reservation of government employment and educational opportunities for locals in Hyderabad State and, which continued to be in force in all the regions of former Hyderabad State in its successor States: Andhra Pradesh (Telangana), Karnataka (Hyderabad-Karnatak) and Maharashtra (Marathwada). Now these types of provisions were extended to the other part of the the State of Andhra Pradesh also, which did not have this system in the past. Instead, in order to safeguard local employment and educational opportunities and other local interests from the more advanced Tamils in Madras state, Andhras fought and got a separate state!

Since 1973 the State of Andhra Pradesh had been allowed to violate the fundamental right of all citizens of the Republic under Article 15. However, before that could be done, a Presidential Order was needed to implement this deviation and to lay down the specifics, such as zones, cadres, quotas for non-locals and other qualifications for such reservation.

The Andhra Pradesh Government made an application to the Government of India and the Presidential Order (“The Andhra Pradesh Public Employment (Organization of Local Cadres and Regulation of Direct Recruitment Order), 1975”) was issued. It’s main highlights were:

(1) “local” was defined as a person who had studied in the designated zone for 4 years continuously (or for 4 discontinuous years in the preceding 7 years) before the application for the post, (2) it defined the cadres to which the Order would apply in terms of employment and (3) grouped districts into 6 zones : Zone I Srikakulam, Vizianagaram Visakhapatnam; Zone II East Godavari, West Godavari and Krishna ; Zone III Guntur, Prakasam and Nellore ; Zone IV Chittoor, Cuddapah, Ananthapur and Kurnool; Zone V Adilabad, Karimnagar, Warangal and Khammam, Zone VI Hyderabad, Rangareddy, Nizamabad, Mahboobnagar, Medak and Nalgonda

The percentage allotted for nonlocals was carefully set to make sure that the opportunities in Zone VI for nonlocals would be substantial. Even this Presidential Order was violated repeatedly and with impunity by the Andhra rulers. The Officers' Committee headed by K.Jayabharat Reddy (1985) found major violations and, as a result, GO 610 was issued. This too was violated as the House Committee on Implementation of GO 610 (2001) and the JM Girglani Commission (2003) found. So all the efforts Constitutional Amendment, Presidential Order, House Committees etc. resulted in worse results due to bad intentions. Finally, the only logical solution came, i.e to pass Telangana Bill and Telangana was granted Statehood.

However, the Andhra Pradesh Reorganization Act, 2014 extended the provisions of Article 371D to the new state of Telangana. This was intended to help the Telangana government protect local employment and educational opportunities even after Statehood was achieved.

The question now is very simple. The Presidential Order 1975 continues to apply to the residuary State of Andhra Pradesh only. It no longer legally applies to Telangana. Though the enabling Article 371D applies to Telangana, it only allows the Telangana government to apply for a new order - not use the old one.

The Telangana government must, therefore, apply now for a fresh Presidential Order 2015.

In order to do so, it must devise a fresh scheme with new zones (districts?) and new set of qualifications in terms of duration of residence, etc and identify cadres where these will apply. It may or may not set quotas for non-locals.

Will it follow the old Mulki Rules model or repeat the formula of the 1975 Order? The Order will be crucial in defining who is a genuine local person. If it sets quotas for non-locals these should be for anyone who is a citizen of the Republic.

Whatever the scheme, a Telangana Presidential Order is imperative. This new Presidential Order must come in force before the recruitment drive proposed by the Telangana Government is under taken. It will also assist in such schemes as the FAST scholarship and other social welfare schemes intended for the benefit of locals.

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