



Transparency in employment generation and provision

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Abstract

A nation to achieve its sustainable development has to engage in activities which would promote the empowerment of the citizens, by taking up measures and policies that will satisfy the diversified public. To quote Manmohan Singh, "In a country where employment opportunities are not growing fast enough, the fear of change tends to be very acute". Employment being one of such activities by which the state has to look seriously into, is in its, unfair modes of generation and provision. The decreasing rate of illiteracy and the awareness on the need of education as an important source of employment in the modern society has brought in various changes in structural governance of the sector in India. The paper has made all its efforts to share the instances of the government not being transparent in the generation and provision of employment.

Keywords: employment, transparency, generation, provision, structural governance

Introduction

The urge for job has left none in our society. People are ready to take role as persons who are not fit to serve the purpose of the work. Designation is considered as a word which enables an individual to live in a society with all comforts. In simple terms, people are categorised into rich and poor, powerful and weak, famous and unknown as such wherein the former is provided with all benefits. The agencies of government is more keen in enacting and enforcing laws and assisting the wealthy in promoting and providing with resources that would enrich them still more greater, leaving the backward and disadvantaged in more worse conditions of employment and self-employment. The legal reforms on employment available exist, just eyewash for the audience. Thus the legislative acts in force as and when amended by the law makers are still a backlog. The point that this paper would wish to explain in the contemporary period is that, there is lack of transparency in enforcing the schemes and opportunities of employment generation and provision by the agencies, boards and commissions which are directly and indirectly involved in fulfilment of the need of millions of job seekers in India. This work would also whistleblow the instances of corruption and illegal practices of employment and unethical records of employment (against the principle of natural justice and violative of the Constitution of India ^[1]) in State and National Portals of government of India.

Is employment the generic need?

Historically the Indus Valley Civilization period marked the era of well-planned organizational structure, which included efficient employment to be the most important factor. To quote John Ruskin,

"Quality is never an accident. It is always the result of intelligent effort".

The political actions taken by the Indian parliament as well as the state legislatures with regard to the vacancies in the administrative organ should be effective so as to have a good welfare state. The state has a generic need to employ eligible persons in the posts applicable to his qualifications and efficiency. Due to geographical factors such as population growth, diversity of state and their associated tongues the state is in need to setup employment agencies for the efficient administration and progress of the functions of the government. The state has an obligation in adhering to decisions taken by the boards, commissions and bringing into force all such schemes and programmes set up by the parliament then and thereof. The state should be clear and explanatory in their policy decisions with regard to employment when they come into rule. Advanced technological and creative environment in government sectors has contributed to the easy and accurate process involving service to the public. But the thirst involved in employment generation and provision are still in affirmation due to factors such as communication, industrialization, health and hygiene, and the advanced methods of scientific research and most importantly wealth. Thus, the state is indebted to the public in forecasting the sustainable development of the economy in India and the growth of the nation in terms of resources (human / material).

Role of boards and commissions

Article 320 of the Constitution of India lays down provisions for the setup of union and state public service commissions and duties and responsibilities thereof. The very reason for the setup of various boards, commissions and agencies for employment was to ease the complexities prevalent in employment generation and provision, to have record of

^[1] Constitution of India, 1950 (As modified up to the 1st December, 2007) Art 14, 41, 42.43, 43A.

vacancies in their specially designated posts and to conduct recruitments in a democratic manner. The commission has to adhere to,

1. Rules relating to methods of recruitment to civil services and for civil posts ^[2].
2. Principles in making promotion and transfers, referring to their suitability and disciplinary matters,
3. Mandates imposed, in submitting yearly reports as to the work done and reasons for act done in case of any discrepancies ^[3].

With this short understanding of what a board or a commission is, this work would bring into limelight the instances of corrupt or unfair means by which these rules, principles and mandates are manipulated. To quote Plato,

“Good people don’t need laws to tell them to act responsibly..., while bad people will find a way around the laws” ^[4].

The law is *per se* proper but the agencies to which it applies had made them corrupt and tainted. Recruitment of officers and clerks for civil posts is day by day decreasing with the increased number of applicants for such posts. No doubt, political influence has contributed to such a decrease. The agencies are setup by the parliament by law with a designed framework of members. These members are selected by an internal process involving interview and appointment which in its very form biased.

Conducting competitive examinations though mean to be the best way for selecting eligible persons to posts, still we face corrupt practices of question papers being leaked, Impersonation, Selective leak of question papers to specific candidates or through the invigilators in examination halls or by allowing them to copy from others for making additional pecuniary benefit. To move one step deep, this paper has found out that question papers in examinations such as SSC (Staff Selection Commission) CGL, CHSL posts and IBPS (Institute of Banking Personnel Selection) PO, Clerical posts conduct examinations on different days with varied set of question papers with ample differences in the difficulty level. Candidates appearing in some states such as Gujarat, UP, Bihar, West Bengal have gone through the exams very easily being the question papers so simple and easy. In *Sh. Mandeep vs. Manoj Kumar Tomar* ^[5] (normalisation case) SSC 2017 Tier I the Central Administrative Tribunal disposed of the case being the OAs being identical. Sudhir Kumar, Chairman of the BSSC was arrested in connection with allegations of question paper leak recently.

Bribe in employment

Bribe has grown as a medium of employment today overwhelming educational qualification, age and gender, yearly registration and renewal of employment forms in local

employment offices is a day to day activity in the nation through which lakhs of applicants would get benefited but the poor fact is that they are red taped by the officials in the desks awaiting the applicant to approach and bribe him.

Thomas, J. in *K.C. Sareen vs. C.B.I., Chandigarh*

Corruption by public servants has now reached a monstrous dimension in India. Unless those tentacles are intercepted and impeded from gripping the normal and orderly functioning of the public offices, through strong legislative, executive as well as judicial exercises the corrupt public servants could even paralyse the functioning of such institutions and thereby hinder the democratic polity. Proliferation of corrupt public servants could garner momentum to cripple the social order if such men are allowed to continue to manage and operate public institutions ^[6].

Magic tool to power

Employment has been and is a tool by which the contesting party in election gains power. A manifesto without index content on employment is extinct. The presently ruling party has also included a page which reads...

*“The country has been dragged through 10 years of Jobless Growth by the previous government”,
 “Priority to job creation and opportunities for entrepreneurship”,
 “Develop Labour-intensive manufacturing and Tourism”,
 “Job creation and entrepreneurship, in both rural and urban areas”,*

Commenting upon each of their employment manifesto,

“The same should be the first line of any other party’s manifesto in 2019 with editions.”
 “Does job creation and opportunities for entrepreneurship mean selling pagoda’s in front of public offices?”
 “To develop tourism to create employment does that mean to remove Taj Mahal from tourist spot and leave the hundreds of workers there at streets?”
 “Does the ambit of job creation in rural areas indicate – the data in Table 1?”

Table 1: Mahatma Gandhi National Rural Employment Guarantee Act 2005 ^[7]

Location	No of Active workers	Wages in lakhs p/a	Wage per person p/a
Tamilnadu, Coimbatore, Sulur, Giddampalayam	375	47.64	12,704
Gujarat, Aravalli, Meghraj, Ghorvada	343	9.33	2720
Assam, Demaji, Demaji, Jiadhah	1796	16.54	920

^[2] Article 320[3] (a), Constitution of India, 1950.

^[3] Article 323 (1), Constitution of India, 1950.

^[4] A Treasury of Wisdom, Pal, Rohit

^[5] CAT, OA 802/2013 on 12.09.2013 and 29.08.2013

^[6] SC, Appeal (crl.) 770 of 2001

^[7] Report on 18.02.2018, MGNREGA portal

Victimization of graduates

I take pride in addressing that the nation which was once in a stage of illiteracy and ignorance is now trying to compete with that of developed nations of the world, but this is not due to the effort taken by the leadership of any person but because of the self-interest of each and every individual in India to form a well-ordered society in which they live in. With the expectation that graduation would make them part of the public office, they have got a good recognition for India. This situation is that which compels the society to witness a life prior to independence soon. The “Make in India” and all such other schemes that tend to promote foreign merchandise and service make the commodities and services in Indian markets inferior to that of the former, where we lag behind in lack of expertise and efficiency in manufacturing as such. The government has to take effective steps for the development of trade, machinery and service expertise in India so as to create employment and to satisfy our needs by self-utilisation of resources.

Judiciary in fair adjudication of justice

The judiciary plays a prominent role in taking active decisions towards the effective implementation of employment schemes and the fair adjudication of disputes involving biased employment benefits.

It is obligatory on the part of the Government to provide certain safeguards as a social commitment in the absence of any such safeguards to the petitioners in the scheme, the petitioners would lose their employment opportunities in the Government Higher Secondary Schools permanently on the failure to provide such safeguards in the scheme which violates Article 21 of the Constitution of India^[8]. The Bombay High Court held that the employment provided under the Scheme is not formal employment, in as much as employment is provided not because the Government is in need to employ labour but with a view to secure them the right to employment^[9]. Provided under the Constitution.

In some instances the Judiciary is biased as it is also a state organ, with added disadvantages in not favouring the state in its policies and schemes on employment, introduced by the government.

National transparency portal

The National Portal in India though seem to exist as a site^[10] but the records of data on employment generation and provision are not clear and most of them are in fact malafide and the source by which the data collected are not true. Refer Table 1, wherein records of employment being granted to a rural region Jiadhhal in which 1796 workers get a wage of Rs.16.54 lakhs per year which amount to Rs.920 per annum per individual. If data being right I would take into consideration a moral quest; Does this minimal amount of Rs.920 per individual satisfy his basic needs for a year, having been responsible to provide his family with health, shelter, education and food?

Conclusion

The basic truth that, the legislative, executive and judicial representatives than being mere part of the organs of the government have to strongly imbibe in their minds that they are for reason of fact are public servants who are appointed and remunerated by the public in a democratic way and is responsible to look into the welfare of them and not to act according to his discretionary powers which law has provided with. Thus, the state agencies instead of reviving the methods of employment shall put into practice the fair and unbiased process of employment generation and provision. Create seats as and when necessary, instead of waiting to conduct the same examinations for such posts. The administrators (politicians, public servants and allied agents) are responsible for the effective implementation of schemes and programmes on employment that would enable the country to flourish between unending wars and atrocities by the arbitrators of such.

References

1. Bussell Jennifer. Corruption and Reform in India: Public Services in the Digital Age, Cambridge University Press, 2012, P. 192.
2. Mathur Nayanika. Paper Tiger: Law, Bureaucracy and the Developmental State in Himalayan India, Cambridge University Press, 2016, P. 82.
3. Nagaraj R. Growth, Inequality and Social Development in India: Is Inclusive Growth, UNRISD, Palgrave Macmillan, 2012, P. 39.
4. <http://employmentnews.gov.in/NewEmp/Home.aspx>, 10 March 2018.
5. <https://www.india.gov.in/>, 10 March 2018.
6. <http://www.nrega.nic.in/netnrega/home.aspx>, 18 February 2018.

^[8] E. Chandravadanam And 4 Others vs. The State Of Tamil Nadu

^[9] Ahmednagar Zilla Shet Majoor vs. State Of Maharashtra, Cit, 1985 (2) Bom CR 18, (1986) ILLJ 370 Bom

^[10] <https://www.india.gov.in/>