

The Andhra Pradesh Employment of Local Candidates in the Industries/Factories Act, 2019

ANDHRA PRADESH

India

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Act 29 of 2019

- Published on 17 August 2019
- Not commenced
- [This is the version of this document from 17 August 2019.]
- [Note: The original publication document is not available and this content could not be verified.]

AN ACT TO PROVIDE 75% OF EMPLOYMENT TO LOCAL CANDIDATES IN THE INDUSTRIES AND FACTORIES AND THE MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO. Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventieth Year of the Republic of India as follows:-

1. Short title, extent, commencement and application -

(1) This Act may be called “The Andhra Pradesh Employment of Local Candidates in the Industries/Factories Act, 2019”. (2) It extends to the whole of the State of Andhra Pradesh. (3) It shall come into force on such date, as the Government may by notification, appoint. (4) This Act applies to all the industries and factories which were already established and to be established after enactment of the Act. (5) This Act shall also apply to joint ventures and projects taken up under PPP mode.

2. Definitions - In this Act, unless the context otherwise requires, -

(a) ‘Employer’ means a person defined under section 2(9) of the Andhra Pradesh Shops and Establishments Act, 1988 (Act.No.20 of 1988); (b) ‘Enterprise’ means as defined under section 2(e) of the Micro, Small and Medium Enterprises Development Act, 2006. (Central Act.No.27 of 2006); (c) ‘Factory’ means as defined under section 2(m) of the Factories Act, 1948 (Central Act.No.63 of 1948); (d) ‘Government’ means State Government of Andhra Pradesh; (e) ‘Industry’ means an undertaking as defined under section 3(d) of the Industries (Development and Regulation) Act, 1951. (Central Act No.65 of 1951); (f) ‘Joint Venture’ means ‘a commercial enterprise undertaken jointly by two or more parties which otherwise retain their distinct identities; (g) ‘Local candidate’ means a candidate who is domiciled in the State of Andhra Pradesh. The requirements for domicile and priority among the Local Candidates, District wise, Zone wise etc., for the purposes

of recruitment shall be as prescribed under the Rules;(h)'Nodal Agency' means the Agency notified by the Government under the Rules;(i)'Notification' means Notification published in the Andhra Pradesh Gazette and the word notified shall be construed, accordingly;(j)'Occupier' means a person defined under section 2(n) of the Factories Act, 1948;(k)'Owner' means a person defined under section 3(d)(dd)(f) of the Industries (Development and Regulation) Act, 1951;(l)'Prescribed' means prescribed by rules made under this Act;(m)'PPP' means 'A Public-Private Partnership and is a cooperative arrangement between two or more public and private sectors;(n)'Preference' means preference among the Local Candidates for recruitment shall be as prescribed in the Rules;(o)'Worker' means a person defined under section 2(l) of the Factories Act, 1948;

3. Appointment of Local Candidates -

Any Industry/Factory/Joint Venture and project taken up even under PPP mode shall appoint/engage not less than seventy-five percent (75%) of the employment with local candidates:Provided that where qualified/suitable local candidates are not available, the industry/factory within 3 years with active collaboration of Government shall take steps to train and engage local candidates:Provided further that the existing Industries/Factories/Joint Ventures and projects taken up under PPP mode shall also ensure 75% employment to the local candidates within a period of three years from the date of the Commencement of this Act.

4. Exemptions –

In respect of factories/industries in the event of local candidates not being available, the industry/factory/joint venture/project taken up under PPP mode may apply for exemptions from the provisions of the Act to the Government and the Government after due enquiry shall pass appropriate orders.

5. Employer/occupier/owner to furnish report -

Every Employer/Occupier/Owner shall furnish a quarterly report of such appointments to the Nodal Agency.

6. Verification of report -

The Nodal Agency shall verify the reports furnished by the employer/occupier/owner and submit a report to the Government.

7. Right to access to records or documents -

The Nodal Agency shall have access to any relevant record or document in the possession of any Employer/Occupier/Owner required to furnish return under section 6 of this Act.

8. Penalties -

Any Employer/Occupier/Owner, who contravenes the provisions of section 3 of this Act, is liable for penalty as prescribed in the rules.

9. Appeals -

The Employer/Occupier/Owner of Industries/Factories/Joint Ventures and Projects taken up under PPP mode on whom an order in writing by a Nodal Agency has been served under the provisions of this Act may, within 30 days of the service of the order, appeal against it to the prescribed authority, and such authority may, subject to rules made in this behalf by the State Government, confirm, modify or reverse the order.

10. Protection of acts done in good faith -

No suit or other legal proceedings shall lie in any court against the Institution, or against any authority, officer or employee of the Institution or against any person or body or persons acting under the order or direction of any authority or officer or employee of the Institution for anything which is in good faith done, or intended to be done in pursuance of the Act.

11. Power to remove difficulties -

(1) If any difficulties arise in giving effect to the provisions of the Act, the Government may, by order, make such provisions, not inconsistent with the provisions of the Act, as appear to them to be necessary or expedient for removing the difficulty: (2) Every order made under this section shall as soon as may be after it is made, be laid before each house of the State Legislature.

12. Power to issue directions -

Notwithstanding anything contained in any other law, but subject to the provisions of this Act, the State Government may from time to time, issue such directions, orders in writing to the Employer/Occupier/Owner for giving effect to the provisions of this Act which shall be complied by the Employer/Occupier/Owner.

13. Act to over ride the other laws -

Unless otherwise expressly provided in this Act, the provisions of this Act and of any orders and rules made there under shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of such law.

14. Power to make rules -

(1)The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.(2)Every rule made under this Act shall, immediately after it is made, be laid before the Legislature of the State, if it is in session and if it is not in session, in the session immediately following for a total period of fourteen(14) days which may be comprised in one session or in two successive sessions and if, before the expiration of the session in which it is so laid or the session immediately following the Legislature agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled 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.