

Andhra Pradesh Employment of Local candidates in the Industries/ Factories Rules, 2019

ANDHRA PRADESH

India

Andhra Pradesh Employment of Local candidates in the Industries/ Factories Rules, 2019

Rule

ANDHRA-PRADESH-EMPLOYMENT-OF-LOCAL-CANDIDATES-IN-THE of 2019

- Published on 14 October 2019
- Commenced on 14 October 2019
- [This is the version of this document from 14 October 2019.]
- [Note: The original publication document is not available and this content could not be verified.]

Andhra Pradesh Employment of Local candidates in the Industries/ Factories Rules, 2019Published vide Notification No. G.O. Ms. No. 21, Labour Employment Training and Factories (Lab-2), dated 14.10.2019Last Updated 21st December, 2019No. G.O. Ms. No. 21. - In exercise of powers conferred by section 14 of the Andhra Pradesh Employment of Local Candidates in the Industries/Factories Act, 2019 (Act No.29 of 2019), the Andhra Pradesh State Government hereby makes the following Rules:

1. Short title and commencement.

(1)These rules may be called the Andhra Pradesh Employment of Local candidates in the Industries/ Factories Rules, 2019.(2)These rules shall extend to the whole of the State of Andhra Pradesh.(3)They shall come into force on the date of publication in the official Gazette.

2. Definitions.

- In these Rules, unless the context otherwise requires:-(1)"Act" means the Andhra Pradesh Employment of Local Candidates in the Industries/Factories Act, 2019 (Act No.29 of 2019).(2)"Authorized Person" means a person nominated or appointed by Occupier / Employer / Owner for the purpose of the Act and the Rules.(3)"Active Collaboration" means the technical collaboration through the initiatives intended for enhancement of skill levels of identified candidates like establishment of skill development centres, providing faculty services and other related issues.(4)"Form" means a form appended to these Rules.(5)"Section" means a section of the

said Act.(6)"Vacancy" means the posts of scientific/technical/non- technical/highly skilled/skilled/ semi skilled/unskilled in nature occurring in Industries/Factories /Joint Venture / Project under Public-Private Partnership (PPP) Mode situated in Andhra Pradesh State.(7)"Quarter" means a period of 3 calendar months commencing from January of every year.(8)"Existing Industry/Factory/Joint Venture / Project under Public-Private Partnership Mode" means Existing Industry/Factory/Joint Venture / Project under Public-Private Partnership Mode which was set up after the Bifurcation of United Andhra Pradesh State into Andhra Pradesh and Telangana States by Andhra Pradesh Reorganisation Act, 2014 w.e.f. 02.06.2014.(9)"Prescribed Authority" means the State Level Monitoring Authority as constituted under Rule 5.(10)"Nodal Agency" means the District Level Nodal agency as constituted under Rule 4.(11)"State of Andhra Pradesh" means the State as defined under section 4 of the Andhra Pradesh Reorganisation Act,2014 (No. 6 of 2014)and as amended subsequently.(12)" Zone" means the Zone as notified under "The Andhra Pradesh Public Employment (Organization of local cadres and Regulation of Direct Recruitment) Order, 1975".

3. Interpretation of words not defined.

- Words & Expressions not defined in these rules but defined and used in the Act shall have the same meaning as assigned to them in the Act.

4.

(i)Composition of the District Level Nodal Agency:

- (a) District Collector - Chairman
- (b) General Manager, District Industry Centre - Member
- (c) District Employment Officer -Member /Convener

(ii)Functions of the District Level Nodal Agency:(a)District Level Nodal Agency shall deal with all issues related to the Act including overall implementation, monitoring and evaluation at District level.(b)District Level Nodal Agency shall furnish Quarterly reports to the State Level Monitoring Authority.(c)The member /convener shall convene the meetings of the Nodal Agency and submit reports to the State Level Monitoring Authority.(d)Nodal Agency shall authorize such Officers of Government whenever necessary for effective implementation and enforcing provisions of the Act.

5.

(i)Composition of the State Level Monitoring Authority:

- (a) Principal Secretary to Government-LET&FDepartment - Chairman
- (b) Commissioner of Industries - Member
- (c) Director of Factories - Member/ Convener.

(ii)Functions of State Level Monitoring Authority:(a)State Level Monitoring Authority shall deal with all issues related to the Act including overall implementation, monitoring and evaluation at

State level.(b)State Level Monitoring Authority shall be the Appellate Authority on the decisions of District Level Nodal Agency.(c)State Level Monitoring Authority shall furnish Quarterly reports to Government.(d)The member /convener shall convene the meetings of the Monitoring Authority and submit the reports to the Government.

6. Requirement of Domicile of a Local Candidate.

- (1) Any person who has been living in the State of Andhra Pradesh for more than 10 years shall be eligible to claim local status for the purpose of this Act. Any of the following documents shall be treated as evidence of local status:

- 1 Ration Card
- 2 Water Bill
- 3 Telephone (landline or postpaid mobile bill)
- 4 Electricity bill
- 5 Election Commission Photo ID card
- 6 Proof of Gas Connection
- 7 Aadhaar Card
- 8 Photo Passbook of running Bank Account(Scheduled Public Sector Banks, Scheduled Private Sector Indian Banks and Regional Rural Banks only)
- 9 Any other authorised document as may be notified by the Government

(2) In the event of an individual not having any of the above but living with his/her family members who are living for more than 10 years, he/she shall be eligible to claim local status for the purpose of this Act by producing proof of residence of the said family members. In case of non-availability of any of the above, the certification of concerned Tahsildar shall be deemed to be sufficient proof of residence. Provided further that such persons who are native of the State of Andhra Pradesh but living outside the State, shall be eligible to claim local status subject to compliance with Rule 6(2) i.e. furnishing of proof of residence of family members.(3) The Employer/ Occupier/Owner of an Industry or a Factory or a Joint Venture or a Project undertaken on Public-Private Partnership mode, whether existing or proposed, shall be responsible to ascertain domicile requirement as prescribed under sub rule (1) above before providing the employment to any local candidate in the 75% reserved for local candidates.

7. Manpower recruitment.

- (i) The Employer/ Occupier/Owner or the authorized person of an industry or a Factory or a Joint Venture or a Project undertaken on Public-Private Partnership mode, at the stage of applying for Statutory permissions/clearances for establishing the Industry / Factory, shall inform the man power with skill requirements pertaining to each of the activities being carried on or intended to be carried on, to the nodal agency.(ii) Nodal agency shall assess the availability of skilled man power vis-a-vis the requirement indicated. In the event of shortage of skilled man power a training and skill upgradation plan shall be prepared by the nodal agency in consultation with the Employer/

Occupier/Owner aligning the training calendar with the recruitment calendar of the Employer/ Occupier/Owner so that sufficient skilled local man power is made available to the Industry/ Factory at the time of recruitment.(iii)The existing Industry / Factory or a Joint Venture or a Project undertaken on Public-Private Partnership mode, shall furnish to the Nodal Agency the details of existing man power, number of local candidates employed, short fall if any in prescribed form appended in Annexure-1 within 30 days from the day of commencement of these rules along with a proposed action plan to comply with the provisions of the Act to meet the minimum 75% local employment criteria including time lines which shall not be more than 3 years from the date of commencement of these rules.

8. Preference among the Local candidates.

- The order of preference to be given to a person for recruitment under the Act shall be as follows:When the Employer/ Occupier/Owner of an Industry or a Factory or a Joint Venture or a Project undertaken on Public-Private Partnership mode or his/her authorized person commences recruitment, the respective village or town or city is the order of first preference, in which limits his/her Industry or a Factory or a Joint Venture or a Project undertaken on Public-Private Partnership mode is situated or proposed to be situated. In case of non-availability of a person with suitable skill level in that area, then it shall be open to the employer to recruit a person from the Mandal, District, Zone and the State, in that order.

9. Exemptions.

- (i) The Employer/ Occupier/Owner of the Industry / Factory including existing Industry / Factory may apply for exemption from the provisions of this Act to the Government. The application shall be disposed of within 15 days.(ii)Any exemption granted under this rule is generally valid for a duration of one year. In the meantime, suitable local candidates shall be identified and necessary training shall be taken up to improve the skill level to the required standards of the Industry. Any Industry seeking exemption for a duration more than one year shall submit detailed report of the circumstances that necessitate such exemption to Government.(iii)Government after due consideration of such request filed under rule 9 (ii) shall pass orders within 15 days.

10. Submission of Returns.

- Every Employer/Occupier/Owner shall furnish to the concerned Nodal Agency a Quarterly Return in Prescribed format (LER 1) within 30 days after the end of each quarter every year in the form appended in Annexure -2.

11.

It shall be obligatory on the Employer/ Occupier/Owner of the Industry /Factory to provide such information as is sought by the Nodal Agency limited to matters related to employment and recruitment.

12. Verification of report.

- The Quarterly report rendered by the Employer/Occupier/Owner shall be verified as per the section (6) of the Act by the Nodal agency or its authorized officers and submit a consolidated report to the Government periodically.

13. Records.

- (i) Every Employer/Occupier/Owner shall maintain a record of Local status of each employee as defined in 2(g) of the Act.(ii)The records viz., (a) Local status record register; (b) Pay Bill register; (c) Attendance register/ Muster roll; (d) returns / reports and (e) any relevant register shall be produced to the Nodal Agency on demand.

14. Penalties.

(1)If any Employer/ Occupier/Owner (a) refuses to furnish required information, furnishes false information under Section 5 of the Act; (b) impedes access to relevant records or documents under section 7 of the Act; or(c) fails to comply with the provisions of the Act, the Employer/ Occupier/Owner shall be guilty of an offence and punishable for the first offence with fine which may extend up to Rs. 25,000/- and for every subsequent offence with fine which may extend to Rs. 50,000/-. Provided that the said penalty shall be imposed by the Nodal Agency only after giving an opportunity of hearing to the Employer concerned.(2)In addition to the above, if in a calendar year an Industry / Factory is found to be guilty for not maintaining 75% employment of local candidates in consecutive six months, it is open to the Government to impose appropriate penalty including rescinding the license / clearances for such Industry / Factory after giving an opportunity to be heard. Annexure-1 Form for Notification of Manpower requirement to the Nodal Agency (Separate form to be used for each type of Post)

1. Name and address , Telephone Number of the Employer / Occupier / Owner

2. Name and address of the Industry/Factory with phone number and e-mail id:

3. Registration No. of Industry/Establishment/Factory

4. Details of the Post:

(a) Designation of the post(s) to be filled

(b) Description of the duties

(c) Qualification required

(i) Essential:

(ii)

Desirable:

(d) Age Limits, if any

(e) Whether Women are eligible

(f) Whether any training/skill required for the job. If so, furnish the details

5. Number of posts to be filled duration wise:

Duration	Number of posts	Number reserved for Local candidates (75%) As per Act
----------	-----------------	---

(a) Permanent

(b) Temporary

(i) Less than 3 months

(ii) Between 3 months & year

(iii) Likely continued beyond one Year.

6. Pay and Allowances/Remuneration

7. Place of Work (Name of the town/village and district in which it is situated)

8. Probable date by which the vacancy will be filled

9. Any other relevant information.

Place:

Date:

Signature of the
Employer/Occupier/Owner
Or his authorized person
(with stamp / seal)

Annexure-2 Form LER-1 (Prescribed under Rule 10)

Quarterly Return to be furnished to the Nodal Agency for the quarter ending

Name and address of the Employer/Occupier/Owner

Telephone Number or Mobile Number
e-mail id:

Registration No. of Industry/Factory

Nature of Activity

1 (a) Employment :

	Number of employees working On the last working day of the previous Quarter	Number of employees working On the last working day of the Quarter under report
Number of employees working on the last working day of the previous		

Men

Women

Total

Out of the above employees the following

Local

Non-Local

Skilled/Semi skilled/ unskilled/
highly skilled
Skilled/ Semi
skilled/unskilled/highly skilled

Men

Women

Total

(b) Please indicate the main reasons
for any increase or decrease in
employment during the quarter.

3. Manpower Shortages , if any.

Name of the occupation or
Designation of posts

Number of unfilled
posts

Qualification
required

Experience
required

Skill trg
required

Signature of the Employer/Occupier/Owner

Or his authorized person

(with stamp /seal)

To The Nodal Agency _____