

ಕರ್ನಾಟಕ ವಿಧಾನಪರಿಷತ್ತು

ಚುಕ್ಕೆ ಗುರುತಿಲ್ಲದ ಪ್ರಶ್ನೆ ಸಂಖ್ಯೆ : 338


ಸದಸ್ಯರ ಹೆಸರು : ಶ್ರೀ ಕೆ.ಎ ತಿಪ್ಪೇಸ್ವಾಮಿ (ನಾಮನಿದೇಶನ ಹೊಂದಿದವರು)

ಉತ್ತರಿಸುವ ದಿನಾಂಕ : 15.02.2024

ಉತ್ತರಿಸುವ ಸಚಿವರು : ಹಿಂದುಳಿದ ವರ್ಗಗಳ ಕಲ್ಯಾಣ ಹಾಗೂ ಕನ್ನಡ ಮತ್ತು ಸಂಸ್ಕೃತಿ ಸಚಿವರು

ಕ್ರ. ಸಂ	ಪ್ರಶ್ನೆ	ಉತ್ತರ
(ಅ)	ರಾಜ್ಯದಲ್ಲಿ ಇತರೆ ರಾಜ್ಯಗಳಲ್ಲಿ ಜಾರಿಯಾಗಿರುವ ಕಾನೂನಿನಂತೆ ಸರ್ಕಾರಿ ಮತ್ತು ಖಾಸಗಿ ಉದ್ಯೋಗಗಳಲ್ಲಿ ಸ್ಥಳೀಯರಿಗೆ ಶೇ 75 ರಷ್ಟು ಉದ್ಯೋಗ ಕಲ್ಪಿಸುವ ಯೋಜನೆ ಸರ್ಕಾರ ಆಲೋಚನೆಯಲ್ಲಿ ಇದೆಯೇ;	ಈ ಕುರಿತಾಗಿ ಆಂಧ್ರಪ್ರದೇಶ ರಾಜ್ಯವು ಸ್ಥಳೀಯರಿಗೆ ಉದ್ಯೋಗ ಕಲ್ಪಿಸುವ ಕುರಿತಾಗಿ ತಂದಿರುವ ಕಾಯ್ದೆಯಂತೆ, ಕರ್ನಾಟಕದಲ್ಲಿ ಸರ್ಕಾರಿ/ಖಾಸಗಿ, ಎಲ್ಲಾ ವಲಯಗಳಲ್ಲಿ ಸ್ಥಳೀಯರಿಗೆ ಉದ್ಯೋಗ ದೊರಕಬೇಕೆನ್ನುವ ಆಶಯದಿಂದ ಕಾರ್ಮಿಕ ಇಲಾಖೆಯೊಂದಿಗೆ ಕನ್ನಡ ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರವು ಹಲವಾರು ಬಾರಿ ಚರ್ಚಿಸಿ ಹಿಂದಿನ ಅಧ್ಯಕ್ಷರುಗಳ ಅವಧಿಯಲ್ಲಿ ಆಂಧ್ರಪ್ರದೇಶ ರಾಜ್ಯದ ಮಾದರಿಯಂತೆ ಕರಡು ಕಾಯ್ದೆಯನ್ನು ಸಹ ಸಿದ್ಧಪಡಿಸಿ ಸಲ್ಲಿಸಿದ್ದು, ಅನುಷ್ಠಾನದ ಕುರಿತು ಕಾರ್ಮಿಕ ಇಲಾಖೆಯೊಂದಿಗೆ ವ್ಯವಹರಿಸಲಾಗುತ್ತಿದೆ.
(ಆ)	ಹಾಗಿದ್ದಲ್ಲಿ, ಈ ವಿಧೇಯಕದ ಧ್ಯೇಯೋದ್ದೇಶ, ಆಶಯ ಮತ್ತು ಕಾರಣಗಳು ಒಳಗೊಂಡಂತೆ ಪೂರ್ಣ ಮಾಹಿತಿ ನೀಡುವುದು.	ಕಾರ್ಮಿಕ ಇಲಾಖೆಗೆ ಸಲ್ಲಿಸಿದ ಕಾಯ್ದೆಯ ಕರಡನ್ನು ಅನುಬಂಧ-1ರಲ್ಲಿ ಒದಗಿಸಿದೆ.
ಇ)	ಉದ್ದೇಶಿತ ವಿಧೇಯಕ ತರುವ ಮೊದಲು ರಾಜ್ಯದಲ್ಲಿ ಸ್ಥಾಪಿತವಾಗಿರುವ ಖಾಸಗಿ ಕಂಪನಿಗಳು ಮತ್ತು ಅಂತರರಾಷ್ಟ್ರೀಯ ಮಟ್ಟದ ಕಂಪನಿಗಳು ಹಾಗೂ ಹಲವಾರು ಫೇಂಬರ್ ಆಫ್ ಕಾಮರ್ಸ್ ಸಂಸ್ಥೆಗಳೊಂದಿಗೆ ರಾಜ್ಯ ಸರ್ಕಾರ ಸಮಾಲೋಚನೆ ನಡೆಸಿದೆಯೇ; ಹಾಗಿದ್ದಲ್ಲಿ, ಈ ಸಂಸ್ಥೆಗಳ ಪ್ರತಿಕ್ರಿಯೆ ಮತ್ತು ಅನಿಸಿಕೆಗಳು ಯಾವುವು? (ಪೂರ್ಣ ಮಾಹಿತಿ ನೀಡುವುದು)	ಕಾರ್ಮಿಕ ಇಲಾಖೆಯಿಂದ ಮಾಹಿತಿ ಪಡೆಯಬಹುದು.

ಸಂಖ್ಯೆ.ಕಸಂವಾ 20 ಕೆಓಎಲ್ ಆಕ 2024


 (ಶಿವರಾಜ್ ಎಸ್. ತಂಗಡಗಿ)
 ಹಿಂದುಳಿದ ವರ್ಗಗಳ ಕಲ್ಯಾಣ ಹಾಗೂ
 ಕನ್ನಡ ಮತ್ತು ಸಂಸ್ಕೃತಿ ಸಚಿವರು

Karnataka Bills

KARNATKA LEGISLATIVE ASSEMBLY

The following Bill to be introduced in the Karnataka Legislative Assembly on

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L. A. BILL NO..... Of 2019

A BILL TO PROVIDE 75% OF EMPLOYMENT TO LOCAL CANDIDATES IN THE INDUSTRIES AND FACTORIES SHOPS & COMMERCIAL ESTABLISHMENTS, MICRO, SMALL & MEDIUM ENTERPRISES JOINT VENTURES AND THE MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

Be it enacted by the Legislature of the State of Karnataka in the year of Republic of India as follows.

1. Short Title, Extent & Commencement

- (1) This Act may be called "The Karnataka Employment of Local Candidates in the INDUSTRIES AND FACTORIES SHOPS & COMMERCIAL ESTABLISHMENTS, MICRO, SMALL & MEDIUM ENTERPRISES JOINT VENTURES Act, 2019".
- (2) It extends to the whole of the State of Karnataka.
- (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 SHOPS & COMMERCIAL ESTABLISHMENTS, MICRO, SMALL & MEDIUM ENTERPRISES 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) "Adult" means a person who has completed his eighteenth year of age,
- b) "apprentice" means a person age not less than fourteen years who is employed whether on payment of wages or not for the purpose of being trained in any trade, craft, or employment in any establishment.
- c) 'Employer' means a person as defined under section 2(h) of the Karnataka Shops & Establishments Act, 1961.
- d) "Employee" means a person as defined under section 2(g) of the Karnataka Shops & Establishments Act, 1961.
- e) 'Enterprise' means as defined under section 2(e) of the Micro, Small and Medium Enterprises Development Act, 2006.

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- f) "Establishment" means a shop or commercial establishment.
- g) 'Factory' means as defined under section 2(m) of the Factories Act, 1948
- h) 'Government' means State Government of Karnataka.
- i) 'Industry' means an undertaking as defined under section 3(d) of the Industries (Development and Regulation) Act, 1951
- j) 'Joint Venture' means a commercial enterprise undertaking jointly by two or more parties which otherwise retain their distinct identities
- k) 'Local candidate' means a candidate who is domiciled in the State of Karnataka. Who is resident of Karnataka from 15 years, who can read, write & speak kannada language, who has studied kannada language from 1st to 10th Std. or any specifications shall be as prescribed under the Rules. For this purpose
- School Certificate (The candidate must have studied Kannada as a language till S.S.L.C)
 - Ration Card
 - Birth Certificate
 - Aadhar Card must be considered
- l) 'Nodal Agency' means the Agency notified by the Government under the Rules
- m) 'Notification' means Notification published in the Karnataka Gazette and the word notified shall be construed, accordingly.
- n) 'Occupier' means a person defined under section 2(n) of the Factories
- o) 'Owner' means a person defined under section 3(d)(dd)(f) of the Industries (Development and Regulation) Act, 1951.
- p) 'Prescribed' means Prescribed by rules made under this Act.
- q) 'PPP' means A Public-Private Partnership and is a cooperative Arrangement between two or more public and private sectors
- r) "Preference" means preference among the Local Candidates for recruitment shall be as prescribed in the Rules.
- s) 'Worker' means person defined under section 2(1) of the Factories Act, 1948

3. Appointment of Local Candidates

Any Industries and Factories, Shops & Commercial Establishments, Micro, Small, Medium, Large Enterprises, 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.

This must include all industries of private sector including IT, BT, MNC Commercial Resort, Hospital, Entertainment, Hotels, Transport start-ups, E-Commerce, Schools and Universities etc.

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Provided that where qualified/ suitable local candidates are not available, the Industries and Factories, Shops & Commercial Establishments, Micro, Small, Medium, Large Enterprises within 3 years with active collaboration of Government shall take steps to train and engage local candidates.

Provided that the existing Industries and Factories, Shops & Commercial Establishments, Micro, Small & Medium Enterprises, 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. Employer/ occupier/ owner to apply for exemption.

“In respect of Industries and Factories, Shops & Commercial Establishments, Micro, Small & Medium Enterprises, /joint venture/project taken up under PPP mode, in the event of local candidates not being available, 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 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. If the number of employees in any industries/ enterprises exceeds 100 employees the selection committee of recruitment must compulsorily have a representative from State Government of Karnataka.

9. While displaying the name board of Central/State Government offices, Enterprises and all private sector industries, the advertisement boards on highways must compulsorily display kannada as first priority.

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10. Penalties

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

11. Appeals

The Employer/Occupier/Owner of the 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 on this behalf by the State Government, confirm, modify or reverse the order.

No suit or other 111 10. Protection of acts done in good faith If 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.

12. 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 consistent 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.

13. 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.

14. Act to over ride the other laws

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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.

15. 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 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.

STATEMENT OF OBJECTS AND REASONS

The State of Karnataka has been encouraging establishment of industries/factories in a big way to provide employment and improve the economy of the State. With the implementation of liberal policies and reforms by the Government to enable Ease of Doing Business, the availability of man power, minerals, infrastructure, ports, connectivity and logistic advantages, there is scope for accelerated industrialization leading to employment generation.

With the growth in industries, the demand for land for industrial use has been increasing. Since most of the land requirement is met by acquiring private agricultural lands, the owners are being displaced and deprived of their occupation and thereby loss in income.

Therefore, there is a demand from land losers besides the local population for providing employment & livelihood as the industrialization in their respective areas is depriving them of their source of livelihood.

Though there were promises by the industrial managements to meet these demands at the initial phases of setting up their industries, more often than not, the objectives are not met. In some instances, even though the local people are employed

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as per the initial commitments, they are generally employed as gardeners, house-keeping personnel and other low income jobs. This is causing dissatisfaction in the local community and leading to industrial unrest.

Therefore, there is need to address the problem through a legal framework to ensure that at least 75% of the local candidates are provided employment in the factories/ industries, Shops and Commercial Establishments. Wide ranging consultations have been held with the various stakeholders in regard thereto.

The Salient features of the Karnataka Employment of Local candidates in In the Industries and Factories Shops & Commercial Establishments, Micro, Small & Medium Enterprises Joint Ventures Bill, 2019 are as follows:-

To provide employment to 75% of the local candidates in the Industries and Factories Shops & Commercial Establishments, Micro, Small & Medium Enterprises

To provide training to eligible local candidates where qualified/ suitable candidates are not available in the local area.

The Bill seeks to achieve the above objects.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 1, 3, 7, 10, 11 and 13 of the Bill authorizes the Government to issue notification in respect of the matters specified therein and generally to carry out the purposes of the Act.

As such the notification issued, which is intended to cover matters mostly of procedural in nature is to be laid on the table of the both Houses of the State Legislature and will be subject to any modifications made by the Legislature.

The above provisions of the Bill regarding delegated legislation are thus of normal type and mainly intended to cover matters of procedure.

MEMORANDUM UNDER RULE _____ OF THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE KARNATAKA LEGISLATIVE ASSEMBLY.

The Karnataka Employment Local candidates in the Industries / Factories Bill, 2019, after it is passed by the Legislature of the State, may be submitted to the Governor for his assent under article 200 of the Constitution of India.