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ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.

The following Act of the Andhra Pradesh Legislative Assembly which was reserved by the Governor on the 11th April, 2003 for the consideration and assent of the President received the assent of the President on the 11th June, 2003 and the said assent is hereby first published on the 19th June, 2003 in the Andhra Pradesh Gazette for general information:-

ACT No. 10 OF 2003.

**AN ACT FURTHER TO AMEND THE CONTRACT
LABOUR (REGULATION AND ABOLITION)
ACT, 1970 IN ITS APPLICATION TO THE
STATE OF ANDHRA PRADESH.**

GCP-14

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-fourth year of the Republic of India as follows:-

Short title;
extent
and
Commence-
ment.

1.(1) This Act may be called the Contract Labour (Regulation and Abolition) (Andhra Pradesh Amendment) Act, 2003.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the State Government may, by notification in the Andhra Pradesh Gazette, appoint.

Amendment
of sec-
tion 2 of
Central
Act 37
of 1970.

2. In the Contract Labour (Regulation and Abolition) Act, 1970 (herein after referred to as the principal Act) as in force in the State of Andhra Pradesh, in section 2 in sub-section (1) after clause (d), the following clause shall be inserted, namely:-

"(dd) "Core Activity of an establishment" means any activity for which the establishment is set up and includes any activity which is essential or necessary to the core activity, but does not include.-

(1) Sanitation works, including Sweeping, Cleaning, Dusting, and Collection and disposal of all kinds of waste.

(2) Watch and ward services including security service.

(3) Canteen and Catering services.

(4) Loading and Un-loading Operations.

(5) Running of Hospitals, Educational & Training Institutions, Guest Houses, Clubs and the like where they are in the nature of support services of an Establishment.

(6) Courier Services which are in nature of support services of an Establishment.

(7) Civil and other constructional works, including maintenance.

(8) Gardening and maintenance of Lawns etc.,

(9) House keeping and laundry services etc., where they are in nature support services of an Establishment.

(10) Transport services including Ambulance Services;

(11) Any activity of intermittent in nature even if that Constitutes a core-activity of an Establishment and

(12) Any other activity which is incidental to the core activity;

Provided that the above activities by themselves are not the "Core Activities" of such establishment.

Omission
of sec-
tions 3 to
5.

3. In the principal Act, Chapter II, relating to the Advisory Boards dealing with sections 3 to 5 shall be omitted.

Substitution
of sec-
tion 10

4. In the principal Act, for section 10 the following section shall be substituted, namely:-

Prohibition
of employ-
ment of
Contract
Labour.

10.(1) Notwithstanding any-
thing contained in this
Act, employment of Contract
Labour in Core Activities
of any establishment is pro-
hibited:

Provided that the Principal employer may engage Contract Labour or a Contractor to any core activity, if

(a) the normal functioning of the establishments is such that the activity is ordinarily done through Contractors, or

(b) the activities are such that they do not require full time workers for the major portion of the working hours in a day or for longer periods as the case may be

(c) any sudden increase of volume of work in the core-activity which needs to be accomplished in a specified time;

Designated
Authority

(2) (a) The 'Appropriate Government' may by notification in the official gazette appoint a designated authority to advise them on the question whether

any activity of a given establishment is a core activity or otherwise;

(b) If a question arises as to whether any activity of an establishment is a core-activity or otherwise the aggrieved party may make an application in such a form and manner as may be prescribed, to the appropriate Government for decision;

(c) The appropriate Government may refer any question by itself or such application made to them by any aggrieved party as prescribed in clause (b), as the case may be, to the designated authority, which on the basis of relevant material in its possession, or after making such an enquiry as deemed fit shall forward the report to the appropriate Government, within a prescribed period and thereafter the appropriate Government shall decide the question within the prescribed period.

5. In the principal Act, for Substitution section 31 the following section shall of section 31. be substituted, namely:-

31(1) The appropriate Government may, in public interest, direct, by notification in the Official Gazette, that subject to such conditions and restrictions, if any, and for such period or periods, as may be specified in the notification, all or any of the

The Power to exempt in special cases.

provisions of this Act or the rules made thereunder shall not apply to any establishment or class of establishment or any class of contractors, as the case may be.

(2) Where the operation of any of the provisions of this Act, under section 31 (1) has been excluded, such exclusion may at any time be revoked by the appropriate Government by subsequent notification in the Official Gazette.

Amendment of Section 35. 6. In the principal Act, in section 35 in sub-section(2) clauses (a) and (b) shall be omitted.

K.G. SHANKAR,
Secretary to Government,
Legislative Affairs & Justice (FAC),
Law Department.

STATEMENT OF OBJECTS AND REASONS

The contract Labour (Regulation and Abolition) Act, 1970 applies to every establishment in which twenty or more workers are employed on any day of the preceding 12 months as Contract Labour. In the establishment, the core activities can be continued by engaging permanent workmen. To reduce the cost of an establishment it has been decided to exclude certain services such as watch and ward, sanitation and other cleaning works, canteen works, and catering service, civil and other construction work and loading and unloading from the core activity of an establishment. It has also been decided to omit Chapter-II, dealing with the Central and State Advisory Boards and the Committees. It is also proposed to empower the State Government to prohibit employment of Contract labour in core activities and also empower the State Government to exempt certain establishment or class of contracts not only in the emergencies but also under certain circumstances subject to certain conditions and restrictions prescribed from any of the provisions of the Act.

This Bill seeks to give effect to the above decisions.

P. BABU MOHAN,
Minister for Labour and Factories.