

Providing Priority in employment to minimum 80% local persons in all Micro, Small, Medium, Large & Mega Industrial Enterprises.

Government of Maharashtra
Industry, Energy & Labour Department,
Government Resolution No. ELP-2008/C.No.93/Ind-6,
Mantralaya, Mumbai 400 032.
Date: 17th November, 2008.

- Read:**(1) Government Circular, Industries & Labour Department, No. EMP-4468/3912- Labour -1, dated 5th November, 1968.
- (2) Government Resolution, Industries & Labour Department, No. EMP-4470/143727- Labour-1, Dated 25th August, 1970.
- (3) Government Resolution, Industries & Labour Department, No. IST-1072/13491/Ind-3, Dated 13th February, 1973.
- (4) Government Resolution, Industries, Energy & Labour Department, No.IDL-1005/C.No.119/Ind-8, Dated 2nd June, 2005.
- (5) Government Resolution, Industries, Energy & Labour Department, No.PSI-1707/ C.No.50/Ind-8, Dated 30th March, 2007.

Preamble:

Government of Maharashtra has a policy in place to ensure that local persons of the State get their due share in gainful employment arising from the growth in industrial activity. Accordingly, all industrial enterprises are expected to ensure that 50% of all supervisory staff, and 80% of all employees (including supervisory staff) are local persons, and also that the Head of the Human Resources / In charge of the recruitment is a person with knowledge of Marathi.

While encouraging that the maximum number of employees on the rolls be local persons, the State Government has borne in mind the provisions of the Constitution of India, which allows for freedom of movement and freedom of employment anywhere in the country. It has been in general observed that 80% of employees in enterprises are local persons. Government now desires to effectively monitor the extent of employment of local persons, and suggest appropriate steps to enhance employment of local persons. Government has taken the following Resolution in this context:

Resolution:

All micro, small, medium, large and mega industrial enterprises shall ensure that 50% supervisory staff and 80% of the total employees (including supervisory staff) will be local persons that the head of Human Resources / recruitment will

be a person with knowledge of Marathi. The procedure for implementation of the ELP policy of the Government is being outlined hereunder:

- (A) All registered industrial enterprises (micro, small, medium, large and mega) that have been sanctioned incentives and/or secured concessions from the State Government, shall fulfil the following conditions:
- (i) While applying for eligibility certificate under Package Schemes of Incentives, the industrial enterprise shall, along with the application for incentives, submit to the concerned Implementing Agency, an undertaking in the prescribed form ELP-II.
 - (ii) Subsequent to commencement of production, and thereafter for each financial year, the industrial enterprise shall submit to the concerned District Industries Centre / Joint Director (MMR), an undertaking in the prescribed proforma ELP-I on or before 30th of June of the succeeding financial year.
 - (iii) The said Industrial enterprise shall maintain necessary records pertaining to each person by way of Domicile Certificate/Caste Certificate/School Leaving Certificate or any such documentary evidence confirming that the employee is a local person. The aforesaid record shall be made available to the concerned District Industries Centre / Joint Director (MMR) for verification, as and when called for the submission of ELP-I and ELP-II returns shall form a part of the eligibility conditions for sanction of incentives under Package Schemes of Incentives.
- (B) The ELP Policy of the Government shall also be applicable to all such micro, small, medium, large and mega industrial enterprises that have not availed of benefits under Package Scheme of Incentives. Along with submission of Enterprise Memorandum Part I to the concerned District Industries Centre / Joint Director of Industries (MMR), all Micro, Small and Medium Enterprises shall submit returns on employment to local persons in the prescribed form ELP-II. Similarly, while submitting Entrepreneur's Memorandum Part II, all Micro, Small and Medium Enterprises shall submit ELP-I. Every industrial enterprise, upon going into production, shall be required to submit periodic return ELP-I for every completed financial year, and the said return shall be submitted to the concerned DIC/Joint Director of Industries (MMR) by 30th June of the succeeding financial year.
- (C) A "Local Person" is defined as one who has completed minimum of 15 years residence in the State of Maharashtra. Such a person will be required to possess a Domicile Certificate / Caste Certificate / School Leaving Certificate / Property tax or any such document / certificate establishing a stay of minimum 15 years in the State of Maharashtra, issued by the relevant Competent Authority.

(D) In case an industrial enterprise is unable to fulfill the conditions stated in the Employment to Local Persons Policy, it shall clearly specify the reasons for its failure to fully implement all the conditions mentioned in the said Policy and submit the same along with the periodic ELP-I return. Such an industrial enterprise shall also submit a time-bound programme for ensuring fulfillment of employment of minimum 50% local persons in supervisory category and 80% local persons in all categories put together.

2) A District Level Committee comprising the following members shall oversee the implementation of the Employment to Local Persons Policy:

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| (1) District Collector | : | Chairman |
| (2) Asst. Labour Commissioner | : | Member |
| (3) District Vocational Education and Training Officer | : | Member |
| (4) Asst. Director, Employment and Self-Employment | : | Member |
| (5) Regional Officer, MIDC | : | Member |
| (6) Two representatives of Industries Associations from the district. | : | Member |

(The representatives shall be selected by the Chairman of the Committee. The selection would be for a period of year, and the members shall be eligible for re-nomination)

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| (7) General Manager, District Industries Centre/Jt. Director (MMR) | : | Member-Secretary |
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3) The District Level Committee will meet at least once every three months. Whenever possible, the meeting be held immediately before / after Zilla Udyog Mitra Committee meeting. The tasks of the District Level Committee shall be as under:

- (i) To review status of Employment to Local Persons (minimum 50% in Supervisory category, and minimum 80% in all categories put together) in every industrial enterprise on the basis of ELP-I and ELP-II returns.
- (ii) To discuss the difficulty on the part of an Industrial Enterprise which may be unable to provide employment to local persons as per the ELP policy and suggest ways and means for overcoming the same. The committee to facilitate training of Local Persons in vocational education and Training Institutes where necessary.
- (iii) The proceedings of the District Committee shall be submitted to the Development Commissioner (Industries).

4. A State Level Committee comprising of following members is constituted to co-ordinate, monitor and implement the ELP Policy.

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| (1) Development Commissioner (Industries) | - | Chairman |
| (2) Commissioner, Labour | - | Member |

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|---|-------------------------|
| (3) Director, Vocational Education and Training | - Member |
| (4) Director, Technical Education | - Member |
| (5) Commissioner (Employment & Self Employment) | - Member |
| (6) Chief Executive Officer , MIDC | - Member |
| (7) Jt./Dy. Secretary (Inds. Dept.) | - Member |
| (8) Six representatives of Industries Associations from State. (The representatives will be selected by Chairman of the Committee. This selection would valid for one year and the members shall also eligible for re-nomination) | - Member |
| (9) Jt. Director of Industries (ELP), Directorate of Industries | - Member
- Secretary |

5. The State Level Committee shall meet at least three times a year. The tasks of the State Level Committee shall be as under:

- (i) To review the implementation of the ELP Policy.
- (ii) To deliberate on the action taken by the District Level Committees, and to discuss and decide on suggestions / proposals received from the District Level Committees.
- (iii) To develop a plan of action for maximizing employment to local persons.

The proceedings of the State Level Committee shall be submitted to the Hon'ble Minister (Industries) through the Secretary (Industries).

6) The Directorate of Industries shall make necessary arrangements to enable industrial enterprises to file ELP-1 & ELP-II returns online.

7) This Government Resolution is made available on website of Government of Maharashtra and the Computer Code is 20081117124133001.

By order and in the name of Governor of Maharashtra.

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(G. G. Panchbhai)
Jt. Secretary to Government

To

1. Secretary to Hon'ble Governor, Rajbhavan, Malbaar Hill, Mumbai
2. Principal Secretary to Hon'ble Chief Minister, Mantralaya, Mumbai
3. Secretary to Hon'ble Dy. Chief Minister, Mantralaya, Mumbai
4. Private Secretary to Minister / Minister of State (All)
5. Hon'ble Chief Secretary, General Administration Department , Mantralaya, Mumbai
6. Additional Chief Secretary / Principal Secretary / Secretary to Government (All), Mantralaya, Mumbai

7. Principal Secretary, Higher & Technical Education Department, Mantralaya, Mumbai
8. Principal Secretary, Employment & Self Employment Department, Mantralaya, Mumbai
9. Secretary (Labour), Industries, Energy & Labour Department, Mantralaya, Mumbai
10. All Departments of Mantralaya
11. Development Commissioner (Industries), Directorate of Industries, Mumbai
12. Commissioner, Directorate of Employment & Self Employment, Konkan Bhavan, Navi Mumbai
13. C.E.O., Maharashtra Industrial Development Corporation, Mumbai
14. Labour Commissioner, Maharashtra State, Mumbai
15. Joint Director of Industries, Regional Office, Thane / Nashik / Aurangabad/Pune/ Nagpur/Amravati/ Mumbai Metropolitan Region, Mumbai
16. General Manager, District Industries Centre (All)
17. Director General, Directorate of Information & Public Relation, Mantralaya, Mumbai (2 Copies)
18. Select File(IND-6)

ELP-I
Directorate of Industries,
Govt. of Maharashtra

*Form of declaration regarding employment of Local persons
(*To be executed by existing Industrial Undertaking)

	Code ***
Name of the Industrial Undertaking:-----	
(1) Office Address: -----	

(2) Factory Address: -----	

(3) Products manufactured: -----	
(4) Year of Establishment: -----	
(5) Constitution of the Enterprise:	
(i) Central Government Undertaking	
(ii) State Government Undertaking	
(iii) Co-Op. Society	
(iv) Public Limited	
(v) Private Limited	
(vi) Proprietary	
(vii) Partnership	
(viii) Other	
(6) The Head of the Human Resources / Recruitment is a Person with Knowledge of Marathi / no Knowledge of Marathi.	
(7) Whether registered under Factories Act? : Yes / No	
(8) Whether registered as one of the following ?	
(A) Mega Industrial enterprise	
(B) Large Industrial enterprise	
(C) Medium Industrial enterprise	
(D) Small Industrial enterprise	
(E) Micro Industrial enterprise	

* "Local Persons" is defined as one who has at least fifteen years domiciled in the State of Maharashtra.

** This declaration should be signed only by a person duly authorized to do so by the Industrial Enterprises

*** The codes in the rectangle will be filled in by concerned District Industries Centers / Joint Director of Industries, MMR.

The Employment Status as on ----- my / our Industrial enterprise mentioned above is as under:

Sr. No.	Item	Other than Management		
		Supervisory	Other	Total
1.	Current Status			
	(a) Total Employment			
	(b) Local Persons			
	(c) % of Local Persons			
2.	Status as on -----(Last Financial Year)			
	(a) Total Employment			
	(b) Local Persons			
	(c) % of Local Persons			

10. I / We undertake that, while recruiting of Local Persons, I / We will verify the documents such as Domicile Certificate / Caste Certificate / School Leaving Certificates / Property Tax / any such document / Certificate for establishing a residence of minimum 15 years in the State of Maharashtra issued by relevant Competent Authority.

- *11 (A) I / We know that the percentage of local persons in Supervisory category Shall not be less than 50% , while in other categories including Supervisory Category shall not be less than 80%. However, I / We declare that the Employment of Local Persons in following categories is not in the prescribed percentage.
- (i) Supervisory -----%
- (ii) Other than Supervisory -----%
- (iii) Total -----%
- (B) The reasons for not maintaining the prescribed percentage of Local Persons are as follows (if necessary, the reasons may be submitted on Separate page.)
- (C) The Action Plan for employment of Local Persons and the details of actions initiated by me / us are as follows (if necessary, the same may be submitted on Separate page.)
- (D) For fulfilling the prescribed percentage of Local Persons, the assistance / action expected from State Govt. may be mentioned.

*12. I / We undertake to state that, I / We will appoint a Local Marathi Person in place of existing Personnel Officer / Recruitment Officer who is responsible for appointment of employees (Supervisory / Non- Supervisory).

Place:

Date:

Signature of the Director/
Managing Director / General
Manager / Proprietor / Partner

*11. To be filled only if Percentage of Local Persons in Supervisory Category & other category is less than minimum

50% and 80% respectively.

*12. If the existing Personnel Officer / Recruitment Officer is Local Marathi Person , then this will not be applicable.

ELP-II
Form of declaration regarding employment of "Local Persons"

(To be filled in by New Industrial Undertaking)

Name of the Chief Promoter:

Name of the Industrial Undertaking:

Office Address: -----

Address of proposed location of the factory: -----

1. I/ We undertake to employ in my / our new Industrial enterprise at least 50 % of local persons in the Supervisory category and 80% in all categories put together (including Supervisory Category).
2. I/We undertake that the Personnel Officer or an Officer employed in charge of recruitment in my / our proposed industrial enterprise will have knowledge of Marathi.
3. I/ We undertake that, while recruiting local persons, I/ We will verify the documents such as Domicile Certificate / Caste Certificate / School Leaving Certificates / Property Tax / any such document / Certificate for establishing a residence of minimum 15 years in the State of Maharashtra issued by relevant Competent Authority and will produce the same whenever required.

Place:

Date:

Signature of the Director/
Managing Director / General
Manager / Proprietor/Partner

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- * "Local Persons" is defined as one who has at least fifteen years domiciled in the State of Maharashtra.
 - ** This declaration should be signed only by a person duly authorized to do so by the Industrial Enterprises
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