

**Government of Karnataka**

No: LD 268 LET 2016 (P-1)

Karnataka Government Secretariat,  
Vikasa Soudha,  
Bengaluru, Dated: 07 /12/2019

**NOTIFICATION**

Whereas The Karnataka Standing Order (on employment) Rules 1961 makes provision to issue notification for any of the issue listed in the schedule-1 of the Act, and whereas safety of the workers is an item in the list this notification is issued to enhance the safety of the workers in industrial establishments coming under the purview of the rules and whereas there have been demanded from the local population to employ the local people in the establishments and whereas it is ascertained from the records of the Chief Inspectors of Factories and Boilers that in the last 10 years the majority of the accidents involved non – Kannadiga's (72%) and whereas communication is an very critical factor in safety and most of the accidents happened due to communication gap.

**Accident data analysis of Migrant workers and Kannadigas - for nine years**

Year	Kannadiga population	Migrants	Kannadiga Accidents	Non - Kannadiga Accidents	% of Kannadiga Accidents	% of Non - Kannadiga Accidents
2011	61095297	4430000	918	123	0.001502571	0.002776524
2012	61996885	4651500	758	137	0.001222642	0.002945286
2013	62898473	4884075	580	126	0.000922121	0.002579813
2014	63800061	5128279	545	79	0.000854231	0.001540478
2015	64701649	5384693	476	77	0.000735685	0.001429979
2016	65603236	5653927	362	70	0.000551802	0.001238077
2017	66504824	5936624	360	77	0.000541314	0.001297034
2018	67406412	6233455	348	65	0.000516271	0.00104276
2019	68308000	6545128	183	57	0.000267904	0.000870877
			<b>4530</b>	<b>811</b>	<b>0.007114541</b>	<b>0.015720829</b>

The data proves that the accident rate of Non-Kannadigas is higher than that of Kannadigas due to language barrier which includes proficiency in speaking, reading, writing and understanding of the language. Therefore it is suggested to give more preference to Kannadigas in the local jobs with an aim of reducing the rate of accidents.

The infamous example of the mid -air collision in the year 1996 where all 349 people died and its common knowledge that communication errors are high when the people keep different languages and whereas when the Industrial Establishment functions in Karnataka State, when they need to interact with majority of the people speaking in the local language Kannada and many of the communications on safety aspects are in Kannada and the predominant language within the industry and outside the industry is Kannada, it makes sense to have the employees also know Kannada in addition to other languages and whereas in the interest of safety of the employees use of the local languages at the shop floors and related jobs is better, it is decided to ask the Industrial Establishments to give priority to those know the local language (read, write, understand and speak), priority in the appointments that are related to the shop floor (group 'C' and 'D') and whereas those who can read write speak and understand are normally educated with Kannada as a subject in the schooling for 16 years it is decided to keep a duration of 15 years domicile in Karnataka as a condition, and allow the establishments to give priority to those who are domiciled and have knowledge of Kannada in appointment to the cadres as mentioned in the schedule (group C and D) and whereas the priority is defined as including the words 'priority will be given to local candidates domiciled in Karnataka for 15 years and know how to read, write, understand and speak Kannada in the selection', and select those who know Kannada all other factors being the same and hence this notification.

Whereas the draft of the Karnataka Industrial Employment (Standing Orders) (Amendment) Rules, 2019 was published as required by Sub-section (1) of Section 15 of the Industrial Employment (Standing Orders) Act, 1946 (Central Act 20 of 1946) in Notification No: LD 268 LET 2016 (P-1) dated 24/5/2019 in Part IV A (No. 23) of the Karnataka Gazette dated 6/6/2019 inviting objections & suggestions from all persons likely to be affected within thirty days from the date of its publication in the Official Gazette.

Whereas the said Gazette was made available to public on 6/6/2019.

And Whereas objection and suggestion received in this behalf have been considered by the State Government.

Now therefore, in exercise of powers conferred by Section 15 of the Industrial Employment (Standing orders) Act 1946, (Central Act 20 of 1946), the Government of Karnataka hereby makes the following rules, namely:-

### **RULES**

**1. Title and commencement-** (1) These rules may be called the Karnataka Industrial Employment (Standing Orders) (Amendment) Rules, 2019.

(2) They shall come into force from the date of their publication in the Official Gazette.

**2. Amendment of the schedule:-** In schedule I of the Karnataka Industrial Employment (Standing Orders) Rules, 1961,

- (i) under the heading : "A - for workmen excluding clerks and other ministerial staff", after clause 2 and entries relating there under the following shall be inserted namely:-

"2A: Every Industrial Establishment operating or carrying on business in Karnataka that has received or obtained any benefit of concession on allotment or sale of land, concessional or differential pricing for water, electricity, infrastructure, tax or financial concession, tax rebate or deferment of tax or exemptions from the operation of any Labour Law or any other similar or other benefit under any Industrial or other policy of the State shall give priority appointment to Kannadigas who are Indian citizens and are residing in Karnataka for not less than fifteen years (15) and are able to read, write and speak Kannada language subject to suitability, qualification, experience and other requirements in case of workmen classified in sub-clause (a) of clause 2 above.

Provided that, every Industrial Establishment operating or carrying on business in Karnataka that has not received or not obtained any benefit of concession on allotment or sale of land, concessional or differential pricing for water, electricity, infrastructure, tax or financial concession, tax rebate or deferment of tax or exemption from the operation of any labour law or any other similar or other benefit under any industrial or other policy of the State shall give preference in appointment to Kannadigas who are Indian citizens and have resided in Karnataka for not less than fifteen years (15) and **able to read, write and speak Kannada language**, subject to suitability, qualification, experience and other requirements in case of workmen classified in sub-clause (a) of clause 2 above.

2B: Every industrial establishment shall provide not less than five percent of employment to persons with bench mark disabilities as defined in clause (r) of section 2 of the Rights of Persons with Disabilities Act, 2016 (Central Act 49 of 2016) in case of workmen classified in sub clauses (a) of clause 2 above in order to get incentive from the Government.”

- (ii) Under the heading “Model Standing Orders for *Clerks*, after clause 3 and entries relating there under the following shall be inserted, namely:-

“3A: Every Industrial Establishment operating or carrying on business in Karnataka that has received or obtained any benefit of concession on allotment or sale of land, concessional or differential pricing for water, electricity, infrastructure, tax or financial concession, tax rebate or deferment of tax or exemptions from the operation of any Labour Law or any other similar or other benefit under any Industrial or other policy of the State shall give priority appointment to Kannadigas who are Indian citizens and are residing in Karnataka for not less than fifteen years (15) and are **able to read, write and speak Kannada language** subject to suitability, qualification, experience and other requirements in case of workmen classified in sub-clause (1) of clause 3 above.

Provided that, every Industrial Establishment operating or carrying on business in Karnataka that has not received or not obtained any benefit of concession on allotment or sale of land, concessional or differential pricing for water, electricity, infrastructure, tax or financial concession, tax rebate or deferment of tax or exemption from the operation of any labour law or any other similar or other benefit under any industrial or other policy of the State shall give preference in appointment to Kannadigas who are Indian citizens and have resided in Karnataka for not less than fifteen years (15) and are able to read, write and speak Kannada language, subject to suitability, qualification, experience and other requirements in case of workmen classified in sub-clause (1) of clause 3 above.

3B: Every industrial establishment shall provide not less than five percent of employment to persons with bench mark disabilities as defined in clause (r) of section 2 of the Rights of Persons with Disabilities Act, 2016 (Central Act 49 of 2016) in case of workmen classified in sub clauses (1) of clause 3 above, in order to get incentive from the Government.”

By Order and in the name of  
Governor of Karnataka

(L.S.SRIKANTA BABU)

Deputy Secretary to Government  
Labour Department

**To,**

The Compiler, Karnataka Gazette, Bengaluru-with a request to publish the above Notification in the Gazette and furnish 100 copies of the Notification to the Under Secretary to Government, Labour Department Vikasa Soudha, Bengaluru and 100 copies to the Commissioner of Labour in Karnataka, Karmika Bhavana, Bannerughatta Road, Bengaluru.

**Copy to:**

1. Principal Accountant General in Karnataka, New Building, Audit Bhavan, Post box No. 5398, Bengaluru-1.
2. Principal Accountant General (A&E) in Karnataka New Building, Audit Bhavan, Post box No. 5398, Bengaluru-1.
3. Personal Secretary to Chief Secretary, Vidhana Soudha, Bengaluru.
4. All Departments Additional Chief Secretary/Principal Secretary/Secretary to Government.
5. Deputy Secretary to Government, DPAR & DCA (Cabinet Subject No. C:633/2019, Vidhana Soudha, Bengaluru-560001.
6. Secretary, Kannada Development Authority, Vidhana Soudha Bengaluru.
7. Commissioner, Labour Department, Karmika bhavana, Bannerughatta Road, Bengaluru.
8. All Additional Labour Commissioners, Joint Labour Commissioners, Deputy Labour Commissioners, Assistant Labour Commissioners and Labour Officers (Though the Labour Commissioner)
9. Private Secretary to Hon'ble Minister for Labour, Vidhana Soudha, Bengaluru.
10. P.S to Secretary to Government, Labour Department, Vikasa Soudha, Bengaluru.
11. P.A to Deputy Secretary to Government, Labour Department, Vikasa Soudha, Bengaluru.
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