

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

The Andhra Pradesh Shops and Establishments Act, 1988 –GMR Hyderabad International Airport Limited, Hyderabad- Exemption from certain provisions of the Andhra Pradesh Shops and Establishments Act, 1988-Granted - Orders-issued.

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LABOUR EMPLOYMENT TRAINING & FACTORIES (Lab.II) DEPARTMENT.

G.O.Ms.No: 83

Dated- 15-09 -2009.

Read the following:-

1. From the Commissioner of Labour Hyderabad Letter No.11/1762/2008, Dt 24-4-2008.
2. Government Memo No 3749/Lab.II/A1/08-2, Dt 19-06-2008.
3. From the Commissioner of Labour, Hyderabad Letter No.11/1762/2008, Dt 21-06-2008.
4. Government Memo No 3749/Lab.II/A1/08-4, Dt 18-07-2008.
5. From the Commissioner of Labour, Hyderabad Letter No.11/1762/2008, Dt 21-06-2008.
6. Govt.Memo.No.3749/Lab.II/A1/08-5, Dt 18-08-008.

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ORDER

The Commissioner of Labour, Hyderabad in his letter read above has furnished the proposal for exemption of certain Provisions to GMR-HIAL, Hyderabad under Chapter-II,III,IV,V (Except the provisions of 20, 24 & 25, VII, VIII (subject to Payment of Minimum Wages as fixed / revised for the scheduled employments of Shops and Establishments under the provisions of Minimum Wages Act, 1948), Chapter-XI and Section-68 of Chapter-XII and also Rules made there under the Andhra Pradesh Shops and Establishments Act, 1988.

2. Whereas, a State support Agreement has been entered into between the State of Andhra Pradesh and the Hyderabad International Airport Limited, a Company incorporated under the Companies Act, 1956 on the following recitals:

- A. The Government of India as part of its policy to encourage private sector participation in the development of airport infrastructure has granted approval and its support for the development of a Greenfield Airport with private sector participation, at Shamshabad, near Hyderabad in the State of Andhra Pradesh, India. The Government of India has to this end by its letter dated 29.05.2000 addressed to Government of Andhra Pradesh confirmed that the existing airport at Begumpet, Hyderabad shall be closed for all civil operations. Government of Andhra Pradesh and the Government of India through the Airports Authority of India also entered into a Memorandum of Understanding dated 23.11.2000 for the development of the Airport.
- B. In December, 1999 Government of Andhra Pradesh invited bids for the Airport Project through private financing on a joint venture basis. M/S.GMR-Vasavi, Bangalore (subsequently renamed as "GMR Infrastructure Limited") in association with M/s MAHB (Malaysia Airports Holdings Berhad, Malaysia) formed a consortium called GMR-MAHB consortium, which consortium has agreed that it is feasible to construct and operate a new Hyderabad International Airport at

Shamshabad with State Support and accordingly bid for the project to be developed under joint venture basis. Following an international competitive bidding process, the GMR-MAHB Consortium ("Developer") was selected to design, finance, build, operate and maintain the Airport as defined hereinafter on a Build, Own and Operate basis (the "Project").

C. The Project is of prime importance to the State of Andhra Pradesh and Government of Andhra Pradesh as part of its policy to encourage and provide Industrial Development, tourism, passenger, cargo movement and the general economic and social development of the State of Andhra Pradesh has granted approval for the development of a Greenfield Airport and the provision of financial support to assist the Project and has issued G.O.Ms.No.130 dated 26.06.2003 appointing GMR-MAHB Consortium as the developer of the Project. It is recognized by the Parties that the Airports Authority of India Act, 1994 has been amended by the Airports Authority of India (Amendment) Act, 2003 to enable private sector participation in implementing and operating airports.

D. In order to facilitate the implementation of the Project, Hyderabad International Airport Limited has been incorporated in the State of Andhra Pradesh as Limited Liability Company. It is the intention of the Developer and the Government of Andhra Pradesh to be shareholders as defined hereinafter with Airport authority India in Hyderabad International Airport Limited. Hyderabad International Airport Limited will be entering into a Concession Agreement with the Government of India (the "Concession Agreement") whereby Hyderabad International Airport Limited will be granted the concession to implement and operate the Project.

E. The Project is feasible only with State Support (as defined hereinafter) of Government of Andhra Pradesh and both Government of India and Government of Andhra Pradesh have agreed and accepted that the implementation of the Project and the operation of the Project and its facilities require extensive and continued support and actions and grant of certain rights and authorities by Government of Andhra Pradesh which are pre-requisites to the mobilization of resources(including financial resources) by Hyderabad International Airport Limited and the performance of HIAL's obligations under the Concession Agreement, and therefore, the Government of Andhra Pradesh has agreed to provide the State Support to HIAL as set out in this Agreement.

3. And whereas accordingly concession agreement has been made on 20.12.2004 between the Ministry of Civil Aviation, Government of India and Hyderabad International Airport Limited Company incorporated with limited liability under the Companies Act, 1956 for the Development, Construction and Maintenance of the Hyderabad International Airport at Shamshabad, near Hyderabad.

4. And whereas the GMR Hyderabad International Airport Limited(a joint venture of GMR Group, MAHB, Airport Authority India and Government of Andhra Pradesh.) sought for exemption of GMR Hyderabad International Airport Limited from certain provisions of the Andhra Pradesh Shops and Establishments Act, 1988;

5. And whereas the Commissioner of Labour recommended to exempt the GMR Hyderabad International Airport Limited from the provisions of section 15,16,17,21,22,23,30,31,38,47 and 68 of the said Act of 1988 so as to enable the Airport on 24 X 7 basis on 365 days working and provide the necessary services as agreed and to achieve the defined task in the concession agreement;

6. And whereas, para 2,3(c) of the State Support Agreement dated 30.09.2003 on the exemption do not contemplate the exemption from the provisions of the Act, 1988;

7. And whereas after careful consideration of the proposals of the Commissioner of Labour, Government of A.P., decided to exempt GMR Hyderabad International Airport Limited, Hyderabad from the application of the provisions of sections 15,16,17,21,22,23,30,31,38,47 and 68 of the A.P. Shops and Establishment Act of 1988 for a period of two years from the date of issue of the following notification.

8. Accordingly, the following notification will be published in the Extraordinary issue of the Andhra Pradesh Gazette dated 29.9.2009.

### **NOTIFICATION**

In exercise of the powers conferred under sub-section (4) of Section 73 of the Andhra Pradesh Shops and Establishments Act, 1988 (Andhra Pradesh Act No. 20 of 1988), the Government of Andhra Pradesh hereby grants exemption to GMR Hyderabad International Airport Limited, Hyderabad from the provisions of sections 15,16,17,21,22,23,30,31,38,47 and 68 of the Andhra Pradesh Shops and Establishments Act, 1988 A.P. Act No.20 of 1988 for a period of two (2) years from the date of issue of these orders subject to the following conditions:-

- (i) Weekly working hours for an employee shall be 48 hours. For the Work done beyond 48 hours, employee is entitled to overtime wages.
- (ii) Every employee shall be given a weekly off.
- (iii) The management is permitted to engage women employees during night shift subject to provision of adequate security during the course of employment and to and fro transport from their respective residences.
- (iv) Every employee shall be given compensatory holiday in lieu of attending duty by him/her on a notified national /festival holiday with wages under provision to sub section (2) of section 31 of the Andhra Pradesh Shops and Establishments Act, 1988 if they work on notified holidays.
- (v) The Organisation shall obtain Bio-Data of each driver and conduct pre-employment screening of the antecedents of all drivers employed on their own or through outsourcing. The details of such as driving license, Photographs, address, telephone No. / Mobile No.etc of the drivers shall be available with the respective companies.

(vi) Every employee shall be provided with identity cards and all other welfare measures to which they are eligible as per the rules in force.

(vii) The Schedule and route of the pick up and drop shall be decided by the supervisory Officer of the company on every Monday ( If the Monday is the holiday next working day in a week) . In case of exigencies change of drivers /routes /shifts shall be allowed only with the prior knowledge of supervisory officers/employees.

(viii) The telephone number particularly mobile phone numbers and addresses of the women employees shall not be disclosed to un authorized persons.

(ix) Careful selection of routes shall be made in such a way that no women employees shall be picked up first and dropped last.

(x) It is desirable that the company shall randomly check the vehicles on various routes and.

(xi) Company shall have a control room / Travel desk for monitoring vehicle movements.

2. The exemption granted under para: 7 above of this order may be revoked at any time with out prior notice.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

BHANWAR LAL  
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner of Printing and Stationery A.P. Hyderabad.

The Commissioner of Labour, A.P. Hyderabad.

Copy to

The GMR Hyderabad International Airport Limited.(Aparna Trust, 3<sup>rd</sup> Floor, Banzara Hills, Road No.2 Hyderabad.)

The Law (B) Department.

Sf/sc.

//FORWARDED :: BY ORDER//

SECTION OFFICER