

KILE NEWS

October-December 2014



Kerala Institute of Labour and Employment

Publication in progress

Njanum Ente Thozhil Niyamangalum

(A handbook on labour legislations in the State)





INITIATIVES UNDER LABOUR AND SKILLS DEPARTMENT



Minister for
Labour and Skills



Prl. Secretary
Labour and Skills Dept.



Minister with a group of headload workers

Labour Department

- Priority for fixation and revision of minimum wages
- e-payment of wages in selected employments
- Housing schemes for plantation and low income group workers
- Call Centre in the Labour Commissionerate for redressal of public grievances
- Social Security Act for Migrant Workmen
- A comprehensive legislation for the protection of teachers of unaided schools
- Amendment to the Kerala Shops and Commercial Establishments Act, 1960 to incorporate more welfare and safety provisions

National Employment Service Department

- Employability Centres
- e- governance in the Department
- Career Exhibitions, Career Talks, Career Seminars, Job Fests and coaching classes for competitive Exams etc.
- Techno Skill Pool Project

Industrial Training Department

- ISO Certification for Government ITIs
- Nutrition Programme for ITI trainees
- Kerala State Vocational Training Institute (Regulation) Bill
- Residential ITI in Centralised Minority Areas
- IT Enabled Activities
- Institute for Training of Trainers (ITOT)

Factories and Boilers Department

- Occupational Health Centre in Kollam
- Computerisation in the Department

Kerala Academy for Skill Excellence (KASE)

- Nypunnam International Skills Park (NISIP)
- Kusala Kendra Community Skills Park (KK-CSP)
- Indian Institute of Infrastructure and Construction (IIIC)
- Centre of Excellence in Nursing (CEN)
- Aviation Academy in Kannur
- Automotive Skills Academy
- High Tech Automation and Mechatronics Skill Centre in Palakkad
- Skills Academy for Oil and Rig at Pattambi, Palakkad



KILE NEWS

A Publication of the Kerala Institute
of Labour and Employment (KILE)

Vol - 1
Issue - 4
October-December 2014

Patron
Shibu Baby John
Hon'ble Minister for Labour and Skills
President KILE

Managing Editor
Phillip Joseph
Chairman KILE

Chief Editor
V Veerakumar
Executive Director KILE

Editors-in-Charge
Saju S S
Fellow (Employment) KILE

P G Asokakumar
Fellow (Labour) KILE

Design & Layout
Deepak Mouthatil

Photos
Arun

Editorial Assistance
T S Jayalal
Jisha A S
Jayasree S
Umadevi S
Nazeeja A R

Printed at
C-apt
Thiruvananthapuram-13

KILE NEWS

9 Performance of Micro, Small and Medium Enterprises in Kerala - With Respect to Employment Generation

Dr.Raju.G



13 KNOW YOUR AUTHORITIES UNDER VARIOUS ENACTMENTS



18

Part
2

Employees'
Provident Funds and
Miscellaneous
Provisions Act, 1952
and the schemes
framed thereunder

S. Mahalingam

23 Child Labour in Kerala - Governmental Initiatives

A retrospective

V. Veerakumar



47

Do
You
Know?



32 Safety in Construction Industry



33 Workers and Human Right Violations



41

**Juris
Consultus**

V. Veerakumar



8 Letters

34 Publications

35 Data Zone

46 Media on KILE

30 Programmes

48 Consumer Price Index



From the Chairman's Desk



Looking forward

The Budget allocation for KILE during its initial period was very meagre and inadequate for taking up creative activities. However, for the last few years it was steadily increasing. This enhanced budgetary allocation for KILE was certainly on account of the new initiatives undertaken by it and the creative intervention it made in its functioning. We earnestly acknowledge Hon'ble Minister, Labour and Skills Department, Principal Secretary, Labour and Skills Department and the State Planning Board for having considered KILE in their priority list while providing the budgetary allocation for the last few years.

The enhanced budgetary provision reminded us the responsibilities further in our activities. Consequently, we have revamped and undertaken programmes that are relevant to the time and situation. In the selection of programmes priority has been given to new employment sectors and categories of workers.

The support we have received from our stakeholders and well wishers to the new initiatives undertaken have given us courage to shoulder further responsibilities in our effort in this direction. With these activities in the move KILE is looking for a further enhancement in budget allocation in the forthcoming year also. The necessary discussions have been held with Government and the State Planning Board in this regard. From the consideration we have received from Government and Planning Board we hope our request would be favourably looked into.

Philip Joseph

Thiruvananthapuram
21.03.2015

From the Chief Editor's Desk



Nokkukooli a Social Evil

Kerala have been a nightmare for new investors for a long time because of the false perception that have cemented among the investors worldwide that aggressive trade unionism, multiplicity of trade unions, union rivalry, unnecessary trade union intervention etc. reign the smooth functioning of the industries in the State. This condition further worsened due to the unlawful claiming of “Nokkukooli” or “ghost money” by certain headload workers in the State. The employers who resisted this practice have been harassed or even restrained in their functioning. In many instances the employers had to approach Courts for their normal functioning.

After painstaking effort from various quarters including from the trade unions the situation improved and new investors have started investment in the State. This created an impression that the so called fear about the trade union activities in the State was only a pseudo campaign from some unidentified sources that have feared in the growth prospects of the State. Besides, the enactment of the Kerala Loading and Unloading (Regulation of Wages and Restriction of Unlawful Practices) Act, 2002 (Act 10 of 2002) which stipulated stringent penal provisions including imprisonment for the retrograde practices which have crept in the loading and unloading sector in the State gave more confidence on the prospective investors to choose their destination as Kerala. But the subsequent repeal of the said enactment created suspicion among the investors and paved way to bring back the retrograde practices adopted by certain groups of anti social people among the headload workers.

The reports coming in the media worsened the situation further and branded the State a ‘danger zone for the investors’. The claiming of ‘Nokkukooli’ in the unloading of books of the British Council Library brought for a National Book Fair at Kanakakunnu Palace, collecting of ‘ghost money’ at Cochin Port Trust, issue relating to the unloading of the iron water pipes brought for the Japanese Drinking Water Project of the Water Resources Department, unloading issue in the Corporation of Kollam, unloading of the machineries at Govt. Press, frequent disputes in the loading and unloading of the domestic articles, issue with the Builders Associations, issue in the V- Guard industries etc. were only a few instances which created a bad name for the labour scenario, among the investors and public in general.

The recent decision of the Labour Department and Home Department to work hand in hand in curtailing this social evil by initiating criminal case against the offenders is a remarkable step in this regard. But some prominent trade unions are supporting ‘Nokkukooli’ as a compensation for the loss of job due to various reasons including modernization, mechanization etc. But the critics raise the question why these trade unions are not making such claim for compensation in many other employments at par with the loading and unloading sector. Eg. Beedi, cashew, coir, rickshaw pulling, construction, motor transport etc.

In these circumstances, as the critics view unless the Government consider a re-thinking of the re - promulgation of the repealed 2002 Act (Act 10 of 2002) or make necessary amendments to incorporate similar provisions in the existing Headload Workers Act, 1978 (Act 20 of 1980) to stop these unlawful acts this social evil cannot be eliminated from the ‘Gods own Country’. The passing of the Kerala Industrial Employment (Prohibition of Obstructive Practices) Bill, 2002 proposed by the Law Reforms Committee (2002) also could be thought of for a better labour scenario and thereby expect attractive investment.

V. Veerakumar
Executive Director

Thiruvananthapuram
15.03.2015

Letters



KILE NEWS



A.S. Girish,
Head (Human Resources),
Apollo Tyres Ltd.
Perambra-680 689, Thrissur Dist.

My complements to you and your team for this wonderful edition of KILE NEWS, June 2014. The contents are encouraging and reflective of various initiatives undertaken by KILE with a view to enrich labour and its stakeholders. Your training calendar is very interesting. "Avakasha Radham" and "Vinjana Radham" are unique and takes care of the need of migrant labour who are generally left out by all concerned.

I wish KILE all success and eagerly wait for the next edition of "KILE NEWS".

P. Sidhardhan,
Deputy Labour Commissioner
(Rtd.), Palakkad

Wonderful, marvellous n most beautiful. Cover design, paper, content n everything. Juris Consultus most attractive. Expect more n more court verdicts/interpretations on labour laws will be published in dis column in future. May "kile news" flew untn sky.

Thank you for sending me the KILE NEWS. The Magazine has come out very well. We would like to have the two issues of the Magazine already published.

The contents of the Magazine is well brought out and I shall certainly try to contribute articles on any subject of interest to the labor.

Ashok Sharma
Head (HR&ADMN.)
HR Department
Keltron Equipment Complex
Karakulam, Trivandrum 695564
Ph: 0472 2888999(200) /2888040/9447130111

A. Sheeba , UGC Scholar,
Thiruvananthapuram

Sir, Your magazine came out well. Many of the contents are very useful for students and teachers of social sciences and management disciplines. Some of the articles were very relevant to my area of research. I understand that institute is conducting research on topics of labour and employment. We are happy to know that institute is going to upload the studies in the new website under construction. We would be grateful if the institute also makes arrangements to publish the abstracts of the studies in the magazine, so that we will be able to refer it for our academic purposes.

Sophiamole, Ernakulam

Let me first congratulate KILE for having invited us for the workshop on "Women and Labour enactments" held at Ernakulam. It was certainly a new experience we felt in the workshop. We have gone through the KILE NEWS supplied to us in the workshop. The article by Dr. K.S. Chandrasekhar was very good. We would be grateful if you could include articles on the rights of women under labour enactments especially the recent amendments made to protect the interests of women employed in shops and establishments.

All letters to the editor may be sent to

The Executive Director,
Kerala Institute of Labour and Employment,
Thozhil Bhavan,
Thiruvananthapuram-695033
or
email to: kiletvm@gmail.com



Dr.Raju.G

Associate Professor, Department of
Commerce, Govt. College for Women,
Thiruvananthapuram -695014.

PERFORMANCE OF MICRO, SMALL AND MEDIUM ENTERPRISES IN KERALA *- With Respect to Employment Generation*



The Micro, Small and Medium enterprises are playing a vital role in the economic development of the country. They help to generate more employment and income with lower investment through the utilization of domestically available resources. They also create new and innovative use of domestically available raw

materials by employing locally available human resources. By realizing the importance these enterprises in the economic development, the Government of India has passed the Micro, Small and Medium Enterprises Development Act in the year 2006 for facilitating the promotion and

development of micro, small and medium enterprises. As per the MSMED Act 2006, an enterprise engaged in the manufacture or production of goods whose investment in plant and machinery does not exceed twenty five lakh rupees is termed as micro enterprises, exceeds twenty five lakh rupees but

Table 1

Employment Generation of MSMEs				
Year	All India		Kerala	
	Total Working Enterprises (In Lakhs)	Employment (In Lakhs)	Total Working Enterprises (In Lakhs)	Employment (In Lakhs)
2007-08	377.37	842.23	1.96	7.23
2008-09	393.70	881.14	2.04	7.71
2009-10	410.82	922.19	2.14	8.32
2010-11	428.77	965.69	1.95	9.42
2011-12	447.73	1012.59	2.06	10.21
2012-13	NA	NA	2.19	11.03

Source : Govt. of India, Ministry of MSMEs, Annual Report 2012-13.
: Kerala State Planning Board, Economic Review, 2013.

does not exceed five crore rupees is termed as small enterprises and exceeds five crore rupees but does not exceed ten crore rupees is termed as medium enterprises. But in the case of enterprises engaged in providing or rendering of services, the investment in equipment does not exceed ten lakh rupees is termed

as micro enterprises, exceeds ten lakh rupees but does not exceed two crore rupees is termed as small enterprises and exceeds two crore rupees but does not exceed five crore rupees is termed as medium enterprises.

The Micro, Small and Medium Enterprises (MSMEs) are generally

Table 2

Average Number of Employees per Unit of MSME		
Year	Average Number of Employees per Unit at All India Level	Average Number of Employees per Unit at Kerala Level
2007-08	2.23	3.69
2008-09	2.24	3.78
2009-10	2.24	3.89
2010-11	2.25	4.83
2011-12	2.26	4.96
2012-13	NA	5.03

Source : Govt. of India, Ministry of MSMEs, Annual Report, 2012-13.
: Kerala State Planning Board, Economic Review, 2013

established by one person or a small group of persons and these enterprises are generally managed and controlled by owner managers, who contribute the capital and are responsible for taking important decisions. They are the nurseries for the new and innovative entrepreneurs and also help to achieve the equitable and inclusive growth of the country. One of the unique features of MSMEs is that their capital-labour ratio is very small as compared to their large scale counterparts. The industries under this sector include handicrafts, handloom, khadi, food processing, garment and textile industries, industries related to coir, wood, bamboo, plastic, rubber, leather, clay and cement products, etc. There are over 6,000 various MSME products ranging from traditional to high-tech items are produced in India.

The growth in the performance of MSMEs at all India and Kerala level in terms of number of units and employment generated in Table 1 reveals that the total number of working enterprises in India had increased from 377.37 lakhs to 447.73 lakh units during the period from 2007-08 to 2011-12. The number of employment generated from this sector also had increased from 842.23lakhs to 1012.59 lakhs during the same period. In Kerala the total number of working enterprises had increased from 1.96 lakhs in 2007-08 to 2.19 lakhs in 2012-13. Similarly, the employment generated in this sector in Kerala had increased from 7.23 lakhs to 11.03 lakhs during the period from 2007-08 to 2012-13.

The average performance of MSMEs in terms of number of employees, presented in Table 2 reveals that at all India level there is



Table 3

District wise Distribution of Registered MSME units in Kerala as on 31-03-2013					
District	Units		Employment		Average Number of Employment per Unit
	Number	Percentage to Total	Number	Percentage to Total	
Thiruvananthapuram	29720	13.5	144168	13.1	4.85
Kollam	14939	6.8	104703	9.5	7.01
Pathanamthitta	8857	4.0	49447	4.5	5.58
Alappuzha	16554	7.5	92381	8.4	5.58
Kottayam	23059	10.5	77853	7.1	3.38
Idukki	4854	2.2	26883	2.4	5.54
Ernakulam	28428	13.0	192156	17.4	6.76
Thrissur	28899	13.2	114965	10.4	3.98
Palakkad	14714	6.7	65860	6.0	4.48
Malappuram	11508	5.2	50714	4.6	4.41
Kozhikode	17346	7.9	81674	7.4	4.71
Wayanad	3207	1.5	16628	1.5	5.18
Kannur	11124	5.1	52195	4.7	4.69
Kasaragod	6235	2.8	33499	3.0	5.37
Total	219444	100.0	1103126	100.0	5.03

Source: Kerala State Planning Board, Economic Review, 2013.

no significant difference in the average number of employment generated during the period under study. It was 2.23 in 2007-08 which slightly increased to 2.26 in 2011-12. In Kerala, the average number of employees per unit had increased from 3.69 to 5.03 during the period from 2007-08 to 2012-13.

The district wise distribution of MSMEs registered as on 31st March 2013 presented in Table 3 reveals that out of the 2,19,444 registered units, Thiruvananthapuram district has the highest share (13.5 per cent), followed by Thrissur district (13.2 per cent) and Ernakulam district (13 per cent). But in the case of employment generation, Ernakulam district leads with 17.4 per cent followed by Thiruvananthapuram (13.1 per cent) and Thrissur (10.4 per cent) districts.

The district wise distribution of average employment of MSMEs in Kerala as on 31st March 2013 is also presented in Table 3. It reveals that the average number of employment generated from MSMEs in Kerala is 5.03. But the district wise details also presented in the same Table shows that Kollam district has the highest number employees per unit i.e.7.01, followed by Ernakulam district with

6.76 employees and Pathanamthitta district with 5.58 employees per unit.

It can be concluded from the above analysis that MSMEs have played a vital role in the economic development of the country as well as the state of Kerala. They with lesser amount of capital created large number of employment opportunities and helped to create new and innovative use of locally available resources. Besides these, they also have a great role in the development of entrepreneurial skill and for the balanced regional development in the country.

References

1. Anil Kumar and Suresh Sihag, Traits of Entrepreneurs of Small Scale Sector, IUP Journal of Entrepreneurship Development, Vol.9, No.2, June 2012.
2. Ayyanar G, Employment Opportunities and Export performance of SSIs in India, Southern Economist, January 15, 2012.
3. Brian Levy, Obstacles to Developing Indigenous Small and Medium Enterprises: An Empirical Assessment, The World Bank Economic Review, Vol.7, No.1, January 1993, OUP.
4. Government of India, 2006, The Micro, Small and Medium Enterprises Act, 2006.
5. Lal, Anil K and Clement, Ronald W, 2005, Economic Development in India: The Role of Individual Enterprise, Asia-Pacific Development Journal, Vol. 12, No. 2, December 2005.
6. National Knowledge Commission, 2008, Entrepreneurship in India, Government of India, New Delhi.
7. Richard Kitchen, Venture Capital: A New Approach to Financing Small and medium Enterprises in Developing Countries, Savings and Development, Vol.13, No.3, 1989, pp287-313.
8. State Planning Board, 2013, Economic Review, Government of Kerala, Thiruvananthapuram.
9. Susanta Kanrar, Institutional Finance to MSMEs Sector – Issues and Perspectives, The Management Accountant, Vol.47, No.6, June 2012.



Better to remain silent
and be thought a fool,
than to speak out and
remove all doubt

- Abraham Lincoln

The best way to destroy
an enemy is to make
him a friend.

Abraham Lincoln

Watch
this
page

3

KNOW YOUR AUTHORITIES UNDER VARIOUS ENACTMENTS

Industrial Disputes Act, 1947 (Act 14 of 1947)

Sl. No.	Purposes / Services	Authority
1	Declaring of industry / establishments as public utility services (PSU)	Appropriate Government (Secretary, Labour and Skills Department)
2	Constituting Works Committee and its dissolution (Section 3 and Rules 39 to 58)	Conciliation Officers (Appropriate Government) (Authority as per Section 3)
3	Appointment of Authorities (Conciliation officers, Board of Conciliation, Courts of enquiry, Labour Courts, Tribunal and National Tribunal, Arbitrators etc.)	Appropriate Government (Authority specified under Sections 4, 5, 6, 7, 7A, 7B, 10, 10A)
4	Notice of change of service conditions proposed by an employer (Any change in the conditions of service applicable to any workmen in respect of any matter specified in the Fourth Schedule) (Section 9A read with Rule 35)	Secretary of the Trade Union (If any regd. Trade Union of workmen exists in the estt.) (Notice to be displayed conspicuously by the employer on a notice board at the main entrance to the establishment in the Manager's office)
5	Exemption of an establishment from Section 9A (Notice of change) (To effect any change in the conditions of service applicable to any workmen in respect of any matter specified in Fourth Schedule)	Appropriate Government (Secretary Labour and Skills Department) (Authority as per Section 9B)
6	Settlement of industrial disputes regarding <ul style="list-style-type: none"> Dismissal, Discharge, Termination etc. Lay off compensation Retrenchment compensation Compensation during transfer of undertaking Compensation during closure of undertaking Illegal strikes, lockouts etc. 	Conciliation Officer (District Labour Officers / Deputy Labour Officers)

Courtesy: Law relating to Shops and Establishments, N&N Publications, Thiruvananthapuram-43

7	Reference of disputes to Board, Courts or Tribunals	Appropriate Government (Secretary Labour and Skills Department) (Authority specified under sub section (1) of Section 10)
8	Application under sub- section (2) of Section 10 for the reference of industrial disputes in Form A (Voluntary reference of disputes by disputants) (Section 10(2) read with Rule 3)	Secretary, Labour and Skills Department (In triplicate and one copy each to Labour Commissioner, Deputy Labour Commissioner (IR), District Labour Officer / the Deputy Labour Officer concerned)
9	Voluntary reference of disputes to Arbitration under Section 10A (On the basis of the arbitration agreement in Form C signed by the parties of the dispute) (Section 10A and Rules 7 to 8A)	Inspector of Plantations (In the case of plantations) Assistant Labour Officers (In any other case) (Inspectors – Appointed under Section 19)
10	Arbitration agreement for voluntary reference of disputes (Section 10A)	Appropriate Government (Secretary, Labour and Skills Department) (With an agreement in Form C executed by the parties for the purpose, in triplicate and one copy each to the Labour Commissioner and District Labour Officer / Deputy Labour Officer concerned) (Authorities as per sub- section (3) of Section 10A read with Rule 7)
11	Notice of closure in the case of industrial establishments except undertaking in which <ul style="list-style-type: none"> ● Less than fifty workmen are employed or ● Less than fifty workmen were employed on an average per working day in the preceding twelve months ● An undertaking set up for the construction of buildings, bridges, roads, canals, dams or for other construction work or project Section 25FFA read with Rule 76B) (In Form Q – atleast sixty days before the date on which the intended closure is to become effective)	Appropriate Government (Secretary, Labour and Skills Department) (Authority as per sub- section (1) of Section 25 FFA)
12	Issue orders regarding terms and conditions of service pending settlement of disputes (For securing the public safety or convenience or the maintenance of public order or supplies and services essential to the life of the community or for maintaining employment or industrial peace in the estt.) <ul style="list-style-type: none"> ● For requiring employer/workmen or both to observe such terms and conditions of employment 	State Government (Authority specified under sub section (1) of Section 10B)

	<ul style="list-style-type: none"> ● For requiring any public utility services not to close or remain closed and to work or continue to work on such terms and conditions or ● For any incidental or supplementary matter which appears to be necessary or expedient for the purposes of the other. (Section 10B) 	
13	<p>Appropriate relief in case of discharge or dismissal of workmen</p> <ul style="list-style-type: none"> ● Set aside the order of discharge or dismissal and direct reinstatement of the workman or ● Other relief to workman viz. lesser punishment in lieu of discharge or dismissal (Section 11A) 	<p>Labour Court, Industrial Tribunal, National Tribunal (Authorities specified under Section 11A)</p>
14	<p>Decision regarding the nature of industrial establishment for the purpose of Chapter – VA and VB) (Seasonal or work performed intermittently)</p>	<p>Appropriate Government (Secretary, Labour and Skills Department) (Authority as per sub- section (2) of Section 25A and sub- section (2) of Section 25K)</p>
15	<p>Publication of reports and awards</p> <ul style="list-style-type: none"> ● Report of Board or Court ● Arbitration award ● Award of Labour Court/Tribunal/National Tribunal (Within a period of thirty days from the date of its receipt) 	<p>Appropriate Government (Secretary, Labour and Skills Department) (Section 17)</p>
16	<p>Notice of strike by workman in public utility services (In Form L)</p>	<p>Employer (Copy to Labour Commissioner and Conciliation Officer of the area concerned) (Section 22 and Rule 71)</p>
17	<p>Payment of full wages to workmen pending proceeding in higher Courts (Where in any case, Labour Court, Tribunal or National Tribunal by its award directs reinstatement of any workman and the employer prefers any proceeding against such award in a High Court or the Supreme Court)</p>	<p>Employer (Section 17B)</p>
18	<p>Permission for Lay off/ Retrenchment of workmen and Closure/ transfer of undertakings (Sections 25M, 25N, 25 O read with Rule 75BB, 76A, 76C etc.)</p>	<p>Appropriate Government (Secretary, Labour and Skills Department) (Authority as per sub- section (1) of Section 25M, clause (b) of sub- section (1) of Section 25N and sub- section (1) of Section 25O)</p>

19	Notice of lock-out by employer in public utility services (In Form M)	Workmen and a copy to the Secretary of Trade Union , Labour Commissioner and District Labour Officer (Copy of the notice shall be displayed conspicuously by the employer on a notice board at the main entrance to the establishment and the Manager's office)(Section 22 and Rule 72)
20	Permission to lay off or permission to continue lay off under sub- section (1) and (2) of Section 25M respectively (In Form O -3)	Secretary, Labour and Skills Department (Rule 75BB)
21	Recovery of money due from an employer under a settlement or an award or under the provisions of Chapter VA or VB (By workmen himself or any other person authorised by him in writing in this behalf or in the case of the death of the workmen, his assignee or heirs)	Appropriate Government (District Labour Officer) (Authority specified under sub section (1) of Section 33C)
22	Notice of and application for permission for retrenchment in Form PA & PB respectively) (Clause (c) of sub section (1) of S.25N, sub- section (4) of S. 25N and clause (a) of Section 25F)	Secretary, Labour and Skills Department (Authority specified under S. 25N and Rule 76A)
23	Notice of retrenchment in Form P (S.25N and Rule 6 and 76A)	Secretary, Labour and Skills Department Copy to Labour Commissioner , Conciliation Officer (District Labour Officer/ Deputy Labour Officer) and the Employment Exchange concerned (Rule 76)
24	Report of notice of strike or lock- out by employer (In Form N) (To be submitted immediately on the occurrence of a strike or lock out)	Conciliation Officer (District Labour Officer/ Deputy Labour Officer) And copy to Secretary, Labour and Skills Department, Labour Commissioner and District Magistrate concerned (Authorities specified under S. 22 (3) and Rules 73/ 74)
25	Notice of Closure in Form Q (Sections 25FFA, 25O and Rules 76B and 76C)	Secretary, Labour and Skills Department (Copy to Labour Commissioner , Conciliation Officer and the Employment Exchange concerned (Authorities specified under Rule 76B)
26	Notice of commencement and termination of lay off in Form O-1 and O-2 (Within seven days of such commencement or termination as the case may be)	Labour Commissioner and Copy to District Labour Officer (Section 25A read with Rule 75B)
27	Notice of , and application for permission for closure	Government (Secretary Labour and Skills Department)

	(Notice under sub- section (1) of Section 25O of intended closure in Form QA) (Application for permission to close down an undertaking under sub- section (3) of S. 25O in Form QB with attested copy of the notice served by the employer under sub section (1) of S. 25 FFA)	(Authority specified under S. 25O and Rule 76C)
28	Withdrawal / Transfer of proceedings pending before a Labour Court, Tribunal or National Tribunal to another Labour Court, Tribunal or National Tribunal as the case may be (Section 33B)	Appropriate Government Secretary Labour and Skills Department (Authority specified under S. 33B)
29	Maintenance of seniority list of workmen from the list of all workmen in the particular category from which retrenchment is contemplated (Section 25N and Rule 77)	Employer (Authority specified under Rule 77)
30	Maintenance of Register of settlements in Form O (All settlements effected under the Act in respect of disputes in the area within the jurisdiction)	Conciliation Officers (Authority specified under Rule 75)
31	Prosecution for the offences (Section 34)	Appropriate Government/ Under the authority of the appropriate Government. (Regional Joint Labour Commissioner) (Authority specified under sub section (1) of S. 34)
32	Competent Court of jurisdiction for trying the offences under the Act (Section 34)	No Court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the First Class (Authority specified under sub- section (2) of S. 34)
33	Exemption from the provisions of the Act (If adequate provision exists for the investigation and settlement of industrial disputes in respect of workman employed in such establishment or undertaking or class of establishments or undertakings, it may by notification in the official Gazette exempt conditionally or unconditionally such establishment or undertaking or class of establishments or undertakings from all or any of the provisions of the Act) (Section 36B)	Appropriate Government (Authority specified under Section 36B)
34	Amendment of Schedules (Section 40)	Appropriate Government / Central Government (Authority specified under Section 40)
35	Making of Rules (Section 38)	Appropriate Government (Authority specified under Section 38)



S. Mahalingam,
Regional Provident Fund Commissioner (Rtd.)

Part
2

EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS ACT, 1952 AND THE SCHEMES FRAMED THEREUNDER

Recovery of Contribution:

(a) Under E.P.F Scheme, 1952

The Act and Scheme lay down the rate of contribution in Para 29. Para 30 makes it clear that the employer is liable to pay both the Employer's and Employee's share of contributions. The employer is responsible to pay both the employer's and employee's share of contributions from the date the establishment is legally liable to implement the provisions of the Act and Schemes.

The contribution payable by the employees under the Scheme is equal to the contribution payable by the employer in respect of such employees. The employees and the employers are allowed to contribute at a rate higher than the statutory rate, of so, desired by them. However, the employer is not under



obligation to pay any contribution over and above the contribution payable under Section 6 of the Act and Para 29 of the E.P.F. Scheme, 1952.

The contribution is calculated on the basis of the basic wages, dearness allowance (including the cash value of any food concession) and retaining allowances (if any) actually drawn during the whole month, whether paid on daily, weekly, fortnightly or monthly basis. Contribution is to be calculated to

the nearest rupee, 50 paise or more to be counted as the next higher rupee and fraction of a rupee less than 50 paise to be ignored.

(b) Under Employees' Pension Scheme, 1995

From and out of employer's share of P.F. Contributions, 8.33% of the total wages limited to Rs. 6500/- (Rs.15,000/- with effect from 01-09-2014) per month is segregated and credited to the Employee's Pension Fund in E.P.F Account No: 10.

The Central Government also would contribute at the rate of 1.1/6% of total wages.

(c) Employees' Deposit Linked Insurance Scheme, 1976:

No amount is recovered from the wages of employees; Employer has to pay 0.5% of the total wages paid or payable to the employees subject to a ceiling of Rs.6500/-(Rs.15,000/- with effect from 01-09-2014).

TYPES OF ADVANCES AVAILABLE UNDER E.P.F.

Types of Benefit	Eligibility	Eligible Amount	Form	Documentary Support
The purchase of site for construction of house	5 Years of membership of the Fund (Minimum balance in member's a/c should be Rs 1000/-)+ The purchase should be in favour of member or member & spouse	24 months wages (Basic & DA) or member's own share of contribution + Company's share of Contribution with interest thereon	No. 31	A declaration from the member that dwelling site or dwelling house/ flat or the house under construction is free from encumbrances and the same is under the title of the member or the spouse (notification dated 25.2.2000)
The Construction of House	5 Years of membership of the Fund (Minimum balance)	36 month wages (Basic +DA) or Member's own share of contribution + Company's share of contribution with interest thereon	No. 31	A declaration from the member that dwelling house/flat or the house under construction is free from encumbrances and the same is under the title of the member or the spouse (Notification dated 25.2.2000)

The purchase of dwelling flat	5 Years of membership of the Fund (Minimum balance in member's a/c should be Rs 1000/-) The purchase should be in favour member or member & spouse	36 months wages (Basic +DA) or member's own share of contribution + Company's share of contribution with interest thereon	No. 31	A declaration from the member that, dwelling site or dwelling house/flat or the house under construction is free from encumbrances and the same is under the title of the member or the spouse (Notification dated 25.5.2000)
Additions, alterations or improvements to the dwelling house	5 years from the date of completion of dwelling house	12 month basic or members own share of contribution with thereon	No. 31	

68BB: Repayment of Loan

Types of Benefit	Eligibility	Eligibility Amount	Form	Documentary Support
Advance from the fund for repayment of loan	10 years membership of the fund & member should have taken loan from Govt. Body	36 month wages (Basic + DA) Or Member own share of Contribution + Company's share of contribution with interest thereon.	No. 31	A certificate from the lending authority furnishing the details of loan and outstanding amount

68J: Advance from Fund for Illness

Types of Benefit	Eligibility	Eligibility Amount	Form	Documentary Support
Advance from the fund for illness viz. hospitalization for more than a month, major surgical operation or suffering from TB, Leprosy, Paralysis, Cancer, Heart ailment etc.	Stay in Hospital at least for a month	6 month wages (Basic + DA)	No. 31	A certificate from the Medical Practitioner for hospitalization or operation.

68 K: Advance from the fund for marriage

Type of Benefit	Eligibility	Eligible Amount	Form	Documentary Support
Advance from the fund for marriage of self/son/daughter/sister/brother etc. Advance from the fund for education of Son/Daughter	7 years membership of fund & minimum balance in member's account should be Rs. 1000/-	50% of member's own share of contribution	No. 31	Declaration by the member which is attested by the employer.

68L: Advance in Abnormal Conditions

Type of Benefit	Eligibility	Eligible Amount	Form	Documentary Support
Grant of advance in abnormal conditions, Natural calamities etc	Certificate of damage from appropriate authority, State Government declaration	Rs. 5000/- or 50% of member's own share of contribution (To apply within 4 months)	No.31	Certificate from the Appropriate Authority.

68M: Advance to Member affected by cut in the supply of Electricity

Type of Benefit	Eligibility	Eligible Amount	Form	Documentary Support
Grant of advance to members affected by cut in the supply of electricity	The advance may be granted only to a member whose total wages for any one month commencing from the month of January 1973 were 3/4 th or less than 3/4 th of wages for a month	Wages for a month or Rs. 300/-	No. 31	Certificate from State Government regarding cut in the supply of electricity

68N: Grant of Advance to Member who are Physical by handicapped

Type of Benefit	Eligibility	Eligible Amount	Form	Documentary Support
To Physically Handicapped member for purchase of an equipment required to minimize the hardship on account of handicap	Production of medical certificate from a competent medical practitioner to the effect that he is physically handicapped	Basic wages + DA for six months or own share of contribution with interest or cost of equipment whichever is least.	No.31	Certificate from the Medical Practitioner to the effect that the member is physically handicapped.

(Contd-)

NUMBER OF
**STRIKES,
LOCKOUTS,
LAYOFFS AND
MANDAYS LOST**
2012 • 2013 • 2014



NUMBER OF STRIKES, LOCKOUTS, LAYOFFS AND MANDAYS LOST-2012, 2013 & 2014				
S T R I K E		2012	2013	2014
	PENDING	7	8	11
	AROSE	13	10	5
	TOTAL	20	18	16
L O C K O U T	MANDAYS LOST	1,80,709	2,68,947	94,021
	PENDING	13	10	10
	AROSE	6	1	0
	TOTAL	19	11	10
	MANDAYS LOST	3,16,851	3,53,002	2,91,964
L A Y O F F	PENDING	4	2	4
	AROSE	3	2	8
	TOTAL	7	4	12
	MANDAYS LOST	52,574	26,691	68,337

Source: Labour Dept., Govt. of Kerala

CONDOLENCE



Sri. S. Muhammad Najeeb
(12.12.1952 - 20.10.2014)

KILE expresses heartfelt condolences on the sad demise of the former Additional Labour Commissioner and Executive Director, KILE. He held the office of the Executive Director from 11.05.2001 to 27.07.2005.

Blinkers Off ■ Salam



Courtesy: The Economic Times

V.Veerakumar

Executive Director, KILE

Child Labour in Kerala Governmental Initiatives- A retrospective



“I am the child.

All the world waits for my coming.

All the earth watches with interest to see what I shall become.
Civilization hangs in the balance.

For what I am, the world of tomorrow will be.

I am the child.

You hold in your hand my destiny.

You determine, largely, whether I shall succeed or fail.

Give me, I pray you, these things that make for happiness.

Train me, I beg you, that I may be a blessing to the world.”

Mamie Gene Cole

This verse on child by *Mamie Gene Cole* was the opening lines of the landmark judgment of the Hon’ble Supreme Court of India on child labour in *M.C. Mehta v. State of Tamil Nadu* pronounced in 1995. While penning down these lines, I remember a news item, appeared in *The Hindu* daily dated 16th July, 1998 about a complaint received at Kollam East Police Station. A thirteen year boy child was brutally assaulted and tortured by his employer when he had asked for his wages. As per the complaint, when he asked for his wages, his employer, after assaulting him, dragged him to the kitchen and burnt his right palm by placing it over the hot plate. When employing the child he was promised a wage of Rs. 500 per month. However,

for two months he was not paid the same. The alleged incident took place when he asked for his wages.¹ The critics say still similar incidents are not uncommon. But children or their relatives are scared to complain to the authorities due to threat from the strong employment lobbies.

Plenty of incidents of exploitation of children have been brought out by media on many occasions but it was not enough to open the eyes of the authorities and the society about this social evil. Though it is a global issue, in this article the Governmental initiatives undertaken in the behest of the Supreme Court directives on the elimination of child labour in the State are examined.

The term 'child labour' is viewed in different dimensions in view of the definitions considered. The UNICEF defines child labour as "work that exceeds a minimum number of hours, depending on the age of a child and on the type of work." The ILO definition on child labour is "Child labour includes children permanently leading adult lives working long hours for low wages under conditions damaging to their health and to physical and mental development, sometimes separated from their families, frequently deprived of meaningful educational and framing opportunities that could open up for them a better future."² Another widely accepted definition is "A working child is a child in the age range of 5 to 15 who is doing labour, either paid or unpaid, and is kept working at any hour of the day within or outside the family; basically, a child who is deprived of the right to education and child hood".³ But the prime child labour legislation in the



country, the Child Labour (Regulation and Abolition) Act, 1986 (Act 61 of 1986) does not contain a definition what is 'child labour', instead the term 'child' is defined, "means a person who has not completed his fourteenth year of age."⁴

India has the largest No. of children engaged as child labour in the world. As per 2001 Census figures it was 12.66 billion. However, it was 1.07 billion (1971), 1.36 billion (1981)

and 1.12 billion (1991). The corresponding figures in the state were 1.11 million (1971), 92,854 (1981), 34,800 (1991) and 26,156 (2001).

The prime reason for sending a child for employment is the economic factor of the family ie. Poverty. The other reasons include the illiteracy of the parents, low income status, hesitation to break the family tradition of early acceptance of work, lack of faith in the education of children, lack of interest in study,

India has the largest No. of children engaged as child labour in the world. As per 2001 Census figures it was 12.66 billion. The prime reason for sending a child for employment is the economic factor of the family ie. Poverty.

eager to make money etc. Whatever may be the reasons for taking up early employment, the impact of it is unimaginable. Poverty in the adult life of the child, early old age, denial of child hood, denial of education, denial of better living conditions etc. are a few of them.

The Constitution of India has laid down its policies towards securing health, safety and protection of children and the opportunities and facilities for their development etc. in the Directive Principles of State Policy and in the Fundamental Rights. They are Articles 15(3), 21, 21A, 23, 24, 32, 39(f), 45, 47 etc. The National Policy for Children Resolution, adopted in 1974, further developed the idea and set out a policy framework and measures aimed at providing adequate services for children.⁵

The Gurupadaswamy Committee on Child Labour (1979) appointed by the Central Government suggested that a future action plan dealing with child labour should be taken the view that “labour becomes an absolute evil in the case of the child when he is required to work beyond his physical capacity, when hours of an employment interfere with his education, recreation and rest, when his wages are not commensurate with the quantum of work done, and when the occupation he is engaged in endangers his health and safety” when he is exploited.⁵ These policies of the state led to the enactment of the Child Labour (Regulation and Abolition) Act, 1986. Later the National Child Labour Policy (1987) with a multipurpose action plan was formulated; Legislative Action Plan, General development of the child and



a project- based Plan of Action in areas of which concentration of child labour engaged in wage/ quasi-wage employment.

Various International covenants and instruments dealing with child labour is also operative in the Country. They are ILO's Minimum Age Convention, 1973 (No. 138) emphasizing urgent focus on the

worst forms of child labour, United Nations Convention on the Rights of the Child (UNCRC) of 1989 and the ILO's Worst Forms of Child Labour Convention, 1999 (No.182) etc.

A number of labour legislations enacted before and after the Constitution had provisions in respect of the employment of

children. They are Children (Pledging of Labour) Act, 1933, Employment of Children Act, 1938, Factories Act, 1948, Minimum Wages Act, 1948, Plantations Labour Act, 1951, Mines Act, 1952, Merchant Shipping Act, 1958, Kerala Shops and Commercial Establishments Act, 1960, Motor Transport Workers Act, 1961, Apprenticeship Act, 1961, Beedi and Cigar Workers (Conditions of Employment) Act, 1966, Kerala Agricultural Workers Act, 1974, Bonded Labour System (Abolition) Act, 1976, Child Labour (Prohibition and Regulation) Act, 1986 etc. The

Juvenile Justice (Care and Protection of Children) Act, 2000 and the Right of Children to Free and Compulsory Education Act, 2009 (Act 35 of 2009) also support the policy behind the elimination of child labour in the country.

The basic policy of the CL (P&R) Act is to prohibit the employment of children in certain occupations and processes which are contained in Part A and Part B respectively of the Schedule of the Act. The only exemption to this provision is for any workshop

Details of the survey conducted during 1997

Sl. No.	Districts	No. of children employed		Total
		Hazardous	Non - Hazardous	
1	Thiruvananthapuram	129	1762	1891
2	Kollam	145	1724	1869
3	Pathanmthitta	7	9	16
4	Alappuzha	36	202	238
5	Kottayam	60	125	185
6	Idukki	0	4	4
7	Ernakulam	504	3060	3564
8	Thrissur	73	539	612
9	Palakkad	47	67	114
10	Malappuram	0	897	897
11	Kozhikode	16	176	192
12	Kannur	0	7	7
13	Wayanad	15	237	252
14	Kasargode	49	267	316
	Total	1081	8996	10067

Source: Labour Department



wherein any process is carried on by the occupier with the aid of his family or to any school established by, or receiving assistance or recognition from, Govt. (Sn.3). In any other occupations or processes the employment of children is only regulated with certain conditions. The Part A of the Schedule contains 18 occupations and Part B with 57 processes. The 2006 amendment brought the domestic workers or servants and dhabas (roadside eateries), restaurants, hotels, motels, teashops, resorts, spas or other recreational centres to the list of occupations where the employment of children is prohibited. Similarly the rag picking and scavenging also included in the purview of the enactment.



The Labour and Factories and Boilers are the Departments enforcing the Child Labour (Prohibition and Regulation) Act, 1986 in the State. However, for filing complaints the Police Officers are also empowered under the Act.

The *People's Union for Democratic Rights v. Union of India*, AIR 1982 SC 1480 (Asiad case) was considered to be the first intervention made by Judiciary on the employment of children, while considering the mandate of Art. 24 of the Constitution and ILO Convention No. 59. In *Salal Hydro Project v. State of Jammu and Kashmir and others*, AIR 1984 SC 177; 1983 LAB IC 502 the Court reiterated the position of education being essential for children of construction workers living near or

at the work site. In the *Rajangam, Secretary, District Beedi Workers Union v. State of Tamil Nadu and others*, AIR 1993 SC 404; 1993 LAB IC 4 also the Supreme Court took a strong view against the employment of children in the beedi manufacturing process. Over and above the landmark decision on child labour pronounced by Hon'ble Supreme Court in *M.C. Mehta v. State of Tamil Nadu and Others*, 1997 LAB.I.C 563 (SC) in which the Court has given some directions to the employers, inspectors and Government. The important ones are

- Withdraw all the children employed in the hazardous employments.

- Provide compulsory education to children up to the age of 14 years.
- Conduct a comprehensive survey by government within 6 months.
- Offending employers must be asked to pay compensation of Rs. 20,000/- to every child employed in contravention of CL (P&R) Act, 1986.
- Appropriate Govt. shall take the responsibility of providing a job to an adult member of the family of the child who is withdrawn, by way of compensation or contribution or grant.
- The amount collected should be deposited in a Fund separately constituted as Child Labour Rehabilitation Cum Welfare Fund. The Fund so generated should form the corpus and whose income shall be used for the benefit of the concerned child.
- In the case where alternative employment is not provided, the parent/guardian of the concerned child would be paid the income which would be earned from Rs. 25,000/- in the corpus.
- The children withdrawn from the employment should be assured education in a suitable institution at the expenses of the employer.
- The unit of collection is suggested in a district wise. The inspectors under the CL (P&R) Act are made responsible for ensuring this direction.

- To ensure the proper compliance of the direction, the DCs should watch the work of the inspectors.

On the basis of these directives the state Government have taken a number of steps towards the elimination of child labour. These initiatives are primarily dealt within this article. A survey was conducted in the state in March 1997 under the supervision of the District Collectors. As per the survey 1081 children were identified in hazardous occupations and 8986 children were seen employed in non - hazardous occupations.



But the reliability of the survey was doubtful as there were no sufficient time for preparation for the Government, the investigators who were appointed from NGOs, activist groups etc. by the District Collectors were not properly trained, the non – cooperation of the employers, trade unions and workers etc. In 2003 - 2004 another survey through Economics and Statistics Dept. was also conducted by the Labour Department. Unlike from the earlier survey it had some advantages. A

total of 6.26 lakh workers were covered in 2.37 establishments covering factories, plantations, shops, motor transport undertakings etc. in all Panchayats, Municipalities and Corporations. A Census method was adopted for the survey. Only 375 children have been identified in non - hazardous employments. But no child was seen employed in hazardous employments.

A State level Monitoring Committee with Joint Labour

Commissioner (Enforcement) as the Chairman and the Assistant Labour Officer (HQ) as the Convener have been constituted. Subsequently it was replaced by another high level Committee in Government with the Secretary (L&R) as the Chairman, Labour Commissioner as the Convener and the Heads of Departments as members. Now it is either defunct or not functioning.

The Child Labour Rehabilitation Cum Welfare Societies have been constituted in the Districts with District Collector as Chairman and the District Labour Officer as the Convener. These societies also had the same fate as that of the monitoring committee. Special schools with the help of Education Dept. and Assns. of Employers and NGOs have been conducted. But these schools could not be functioned effectively due to various reasons. National Workshops on Child Labour in three regions with the assistance of UNICEF have also been organized.

In 2008, in view of the direction from the Central Government a



special inspection drive was carried out in the State from the Children's Day of that year. Accordingly 3363 estts. have been inspected in the drive. In one or two incidents Rs. 20,000/- was realised from the delinquent employers. Seminars, awareness programmes for the representatives of LSGs, Residents' Associations, discussions, quizzes, rallies, debates in Schools and Colleges, display of slides in theatres, display of posters, flex-boards, stickers, banners etc. have been posted in public places and Estts. Other Departments, NGOs, Organisations of Employers, Trade Unions, Child Line etc. have participated in this drive.

Besides these activities the state government have formulated an Action Plan for the elimination of child labour in the state. The Kottayam and Ernakulam districts have been declared child labour free districts and the action in other districts are in progress. The objectives⁷ stipulated for the Action Plan are

- Stop child labour in any form and make the State a "First Child Labour Free Zone" in the country.
- Protect the right to life of the children and ensure their total personality development
- Protect children against all types of abuses, exploitation and violence
- Provide vocation training in their area of interest etc.

The problem of child labour is not acute in the state. Though it should be viewed as a priority area and be committed to eliminate this social evil from the state. It is totally



disgraceful if a single child happens to be employed in the state which is adjudged as a highly literate and the social indicators are equivalent to developed countries. In this circumstance the Government and Labour Department should consider this problem as a priority one and try to eliminate child labour fully from the state and occupy the status the first child labour free state in the country. With the lines by George Eliot, I conclude this article.

"Children are the world's vulnerable natural resources.

Without them, there would be, no tomorrow. Think about it – Today"

References

1. The Hindu daily dt. 16th July 1998
2. ILO Report of the Director General of ILO, Geneva: International Labour Office, 1983 Edition.
3. Khatu, K.K. et al. "Working Children in India" Baroda, Operations Research Group, 1983
4. S. 2(ii), Child Labour (Prohibition and Regulation) Act, 1986 (Act of 1986)
5. National Policy on Child Labour – 1987, Towards Eliminating Child Labour, A Report of Workshop of District Collectors / District Heads, V.V. Giri National Labour Institute, New Delhi.
6. Ibid.
7. State Action Plan, Govt. of Kerala

PROGRAMMES

Workshop

“Handbook on Labour Laws” (‘Njanum Ente Thozhil Niyamangalum’)



The handbook on Labour Laws (‘Njanum Ente Thozhil Niyamangalum’) is one of the important publications proposed during this year. One workshop was organized earlier with selected officers of the Labour Department for the preparation of the draft. This is the second in this series. It was held at Government Guest House, Kovalam from 2.10.2014 to 29.10.2014 with six selected officers of the Labour Department. It was inaugurated by Sri. V.Veerakumar, Executive Director, KILE. A draft note for the handbook was prepared in the meeting.

Leadership training programme for workers of plantations

This programme was organized on 18th and 19th of November, 2014 at Holiday Home, Kumily. It was inaugurated by Sri. Philip Joseph, Chairman, KILE in a function presided by Sri. Salim. G. Modayil, Executive Member, KILE. Sri. V. Thankappan, INTUC, Sri. D.

1951 and the Employees' Compensation Act, 1923. Prof. Samson Thomas, Dean, Marian International Institute of Management, Kuttikkanam has handled a session on the Leadership and interpersonal relationship. Sri. A.S. Sasipraksh, Regional Joint



Sundararaj, CITU, Sri. P.N. Mohanan, AITUC delivered the felicitation speeches. Sri. P.G. Asokakumar, Fellow (L) delivered the welcome address and Sri. C.S. Nazarudheen, Inspector of Plantations, Peermade delivered the vote of thanks. Sri. Joseph K. Paul, Joint Labour Commissioner (Rtd.) has handled a class on the Plantations Labour Act,

Labour Commissioner, Ernakulam (Rtd.) has handled a class on 'Workers and Labour Laws', and Sri. T.J. Joseph, Additional Tahsildar, Meenachal Taluk has handled a class on "Workers and Right to Information Act. Thirty six participants representing various trade unions have attended the programme.

Seminar

Safety in Construction Industry



It is one of the flagship programmes of the institute. The state level programme on this subject was held at Government Guest House, Ernakulam on 14.05.2014. It was inaugurated by Sri. Hiby Eaden, MLA in a meeting presided by Sri Philip Joseph, Chairman, KILE.

The second programme in this topic was held at government guest house, Thiruvananthapuram on 17.12.2014. Sri. Tom Jose. IAS, Principal Secretary, Labour and Skills Department has inaugurated the programme in a remarkable function presided by Dr. G.L. Muraleedharan, Labour Commissioner. Sri. Salim. G. Modayil, Member, Executive Council, KILE felicitated the programme. Sri. V. Veerakumar, Executive Director, KILE and Sri. S.S. Saju, Fellow (Employment) has delivered the welcome address and vote of thanks respectively.



Sri. K. Muraleeharan Pillai, Director, A to Z Safety Consultancy, Sri. P. Pradeep, Senior Joint Director, Factories and Boilers Department, Sri. A. Alexander, Additional Labour Commissioner (Enforcement) have handled the classes. The representatives of the employers, contractors, officials of the Factories and Boilers and Labour Departments have attended the programme. Sixty eight participants also attended the programme.

Seminar

Workers and Human Right Violations

A seminar on the topic was held on 22.12.2014 at Mascot Hotel, Thiruvananthapuram. It was inaugurated by Justice J.B. Koshy, Hon'ble Chairperson, State Human Rights Commission in an august function presided by Sri. Philip Joseph, Chairman, KILE. Sri. C.P. John, Member, State Planning Board has delivered the keynote address. Dr. G.L. Muraleedharan, Labour Commissioner, Sri. Salim.G. Modayil, Member, Executive Council, KILE Sri. S.S. Potti, State Vice President, CITU, Sri. V.R. Pradhapan, District President, INTUC have felicitated the programme. Sri.V.Veerakumar, Executive Director, KILE and Sri. Saju.S.S. Senior Fellow (in charge) have delivered the welcome address and the vote of thanks respectively.





Among the publications proposed for the year a brochure explaining the employment rights of migrant workmen is a significant one. It is in the stage of completion. It is a handy, folded wallet sized brochure containing the important employment rights of migrant workmen in five languages (Hindi, English, Bengali, Gujarathi and Malayalam). It also contains the telephone numbers of Labour Commissioner, Additional Labour Commissioner (Enforcement) and all District Labour Officers in the state with Helpline numbers of Police, Fire, Health Emergency, Childline, Women Helpline etc. For ensuring its proper use by the beneficiaries the train timings of long distance trains from and towards Kerala are also included in the brochure so that the workers will keep it for further use.

A booklet containing the same information along with the details of the Kerala Migrant Workmen Welfare Scheme, 2010 is also in the final stage of preparation.

KILE in association with the Kerala State Commission for Protection of Child Rights another multi - lingual brochure explaining the health aspects of the migrant workmen is also under preparation.

All these materials will be used for the awareness programmes of the migrant workmen (Avakasha Radham).





No. of industrial disputes arose, handled and settled in the State

2009 - 2014

Year	No. of Industrial disputes					Total
	Pending at the beginning of the year	Arose	Handled	Settled	Pending at the end of the year	
2008 - 2009	2819	3143	5962	3192	2770	17886
2009 - 2010	2770	2352	5122	2357	2765	15366
2010 - 2011	2765	2246	5011	1835	3176	15033
2011 - 2012	3176	3194	6370	2618	3752	19110
2012 - 2013	3752	1865	5617	1727	3890	16851
2013 - 2014	3890	2019	5909	2384	3525	17727
Total	19172	14819	33991	14113	19878	101973

Source: Labour Department

Mode of settlement of disputes in the State

2009 - 2014

Year	No. of Industrial disputes					Total
	Negotiation	Conciliation	Withdrawal	Reference for arbitration	Reference for adjudication	
2008 - 2009	831	1675	426	0	260	3,192
2009 - 2010	626	1008	497	0	226	2,357
2010 - 2011	423	905	366	5	136	1,835
2011 - 2012	607	1211	560	1	239	2,618
2012 - 2013	419	784	355	0	169	1,727
2013 - 2014	539	1158	583	8	96	2,384
Total	3,445	6,741	2,787	14	1,126	14,113

Source: Labour Department

Details of disputes, strikes, lockouts and mandays lost in the state

2009 - 2014

Year	Disputes led to strike	Disputes led to lockout	No. of workers affected due to strike	No. of workers affected due to lockout	Mandays lost due to strike	Mandays lost due to lockout
2008 - 2009	27	15	69114	5150	413037	833535
2009 - 2010	20	21	14108	25239	186897	652891
2010 - 2011	14	20	2165	4452	133098	504804
2011 - 2012	18	20	2200	4556	99298	469787
2012 - 2013	26	14	7028	1728	278965	254156
2013 - 2014	18	11	5261	1422	222448	355506
Total	123	101	99876	42,547	13,33,743	30,70,679

Source: Labour Department

Status of enforcement of Minimum Wages Act, 1948 in the State

2011-2012

Scheduled employment	Inspections conducted	Irregularities detected	Irregularities rectified	Claims			Prosecutions			Amount of fine imposed
				Filed	settled	Amount of compen sation awarded	Pending	Filed	Disposed	
Agriculture	113	195	75	1	0	0	0	1	1	0
Plantations	72	174	40	6	0	0	0	0	0	0
Beedi making	0	0	0	0	0	0	0	0	0	0
Construction	44	94	32	0	0	0	0	0	0	0
Brick kiln	51	192	35	0	0	0	0	2	2	0
Others	31849	65891	20382	961	302	246156	833	1346	1212	1331885
Total	32129	66546	20564	968	302	246156	833	1349	1215	1331885

Source: Labour Department

2012-2013									
Scheduled employment	Inspections conducted	Irregularities detected	Irregularities rectified	Claims			Prosecutions		
				Filed	settled	Amount of compensation awarded	Pending	Filed	Disposed
Agriculture	99	386	240	4	3	0	0	0	0
Plantations	478	1101	458	0	0	0	0	0	0
Beedi making	0	0	0	0	0	0	0	0	0
Construction	76	154	66	0	0	0	0	0	0
Brick kiln	37	67	30	0	0	0	0	0	0
Others	35044	71507	26135	888	272	2258196	967	1219	848
Total	35734	73215	26929	892	275	2258196	967	1219	848
									971950

2013-2014

Scheduled employment	Inspections conducted	Irregularities detected	Irregularities rectified	Claims			Prosecutions		
				Filed	settled	Amount of compensation awarded	Pending	Filed	Disposed
Agriculture	102	386	146	0	0	0	0	0	0
Plantations	423	1056	527	0	0	0	0	0	0
Beedi making	0	0	0	0	0	0	0	0	0
Construction	69	127	43	0	0	0	0	0	0
Brick kiln	28	53	24	0	0	0	0	2	0
Others	39014	86219	29623	567	253	3621344	1338	1422	956
Total	39636	87841	30363	567	253	3621344	1338	1424	958
									1068950

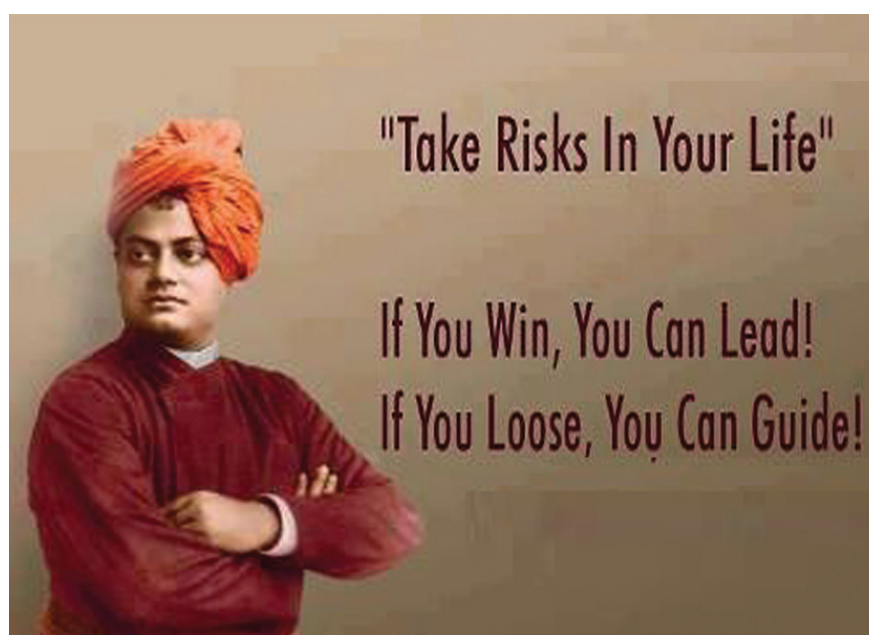
Source: Labour Department

Enforcement status of various labour enactments in the State 2011 - 2014

Sl. No.	Enactments	No. of inspections			No. of Prosecutions			No. of Convictions		
		2011-12	2012-13	2013-14	2011-12	2012-13	2013-14	2011-12	2012-13	2013-14
1	Payment of Wages Act, 1936	397	318	296	1	1	2	2	2	0
2	Minimum Wages Act, 1948	32129	35734	39636	1349	1219	1422	1215	848	956
3	Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955	0	8	0	0	0	1	0	0	0
4	Kerala Industrial Establishments (National and Festival) Holidays Act, 1958	2984	2778	3606	19	18	21	15	11	15
5	Kerala Shops and Commercial Establishments Act, 1960	54797	57947	69015	1312	1478	1603	1037	822	941
6	Maternity Benefit Act, 1961	3321	2737	6451	47	26	73	34	38	51
7	Motor Transport Workers Act, 1961	5630	8036	11926	112	84	265	67	81	136
8	Beedi and Cigar Workers (Conditions of Service) Act, 1966	8	7	4	0	0	0	0	0	0
9	Contract Labour (Regulation and Abolition) Act, 1970	1154	840	919	14	2	3	12	5	4
10	Kerala Motor Transport Workers (Payment of Fair Wages) Act, 1971	81	276	245	0	0	0	0	0	0
11	Equal Remuneration Act, 1976	141	59	205	2	1	0	1	2	0

12	Kerala Headload Workers Act, 1978	379	279	299	1	1	0	1	0	0
13	Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979	2094	1233	1244	12	0	1	9	4	0
14	Child Labour (Prohibition and Regulation) Act, 1986	3843	5488	5886	0	1	4	0	0	0
15	Labour Laws Exemption from furnishing Returns and maintaining Registers by Certain Establishments) Act, 1988	12	4	5	0	0	0	1	0	0
16	Kerala Casual, Temporary and Badli Workers (Wages) Act, 1989	15	24	41	0	0	0	0	0	1
17	Kerala Shops and Commercial Establishments Workers Welfare Fund Act, 2009	8346	7042	8044	3	1	0		0	0
	Total	115331	122810	147822	2872	2832	3395	2394	1813	2104

Source: Labour Department





Juris Consultus

This is a special column through which the answers to the questions on law relating to labour legislations implemented in the State received from the readers if any will be published along with other matters on labour and employment. This include new enactments, rules, schemes, latest case law from Supreme Court and High Courts, notifications, amendments to the existing Acts, rules etc.

Readers may either send the questions to

kiletvm@gmail.com or Executive Director,
Kerala Institute of Labour and Employment (KILE),
Thozhil Bhavan, Thiruvananthapuram - 695033

The column is handled by Sri. **V. Veerakumar**, Executive Director, KILE

1. Employer is liable to pay the Employee's compensation in the case of employees who were not shown in return with ESI Corporation and also in the Employee's Register maintained by employer for being covered under ESI Act, 1948 as required by Ss. 44 and 53 of the Act.

Employer is liable to pay the Employee's compensation in the case of employees who were not shown in return with ESI Corporation and also in the Employee's Register maintained by employer for being covered under ESI Act, 1948 as required by Ss. 44 and 53 of the Act.

Registration with Employees State Insurance Corporation (ESIC) is valid only with respect to such employees who are employees as duty shown in returns with ESIC and also in the Employees Register maintained by the employer for being covered under the Employees State Insurance Act, 1948 (ESIC Act).

The Hon'ble Division Bench of the High Court of Delhi in *Sushil Goyal v. Luckson Siddique & Ors.* 2014 LAB.I.C. (NOC)459 (DEL. D.B.) held that S. 44 of the ESIC Act talks of filing of returns with ESIC, and maintenance of a register of employees by the employer. Contribution are to be made therefore with respect to specified employees existing on the employment register whose total number have to be specified in the returns made as per the register. A mere registration of an employer under ESIC Act cannot and does not mean that such registration applies with respect to





un- specified in as much as registration is applicable only for specific employees and specified number of employees. There cannot be any other interpretation of the liability of ESIC Act under the provision of Act otherwise it will be very easy for an employer to give a lesser number of employees in the employment register. Pay lesser contribution, and the after happening of an accident seek to include employees who have suffered as a result of the accident, by filing returns with ESIC thereafter, and thereby deny its/ employer's liability by seeking to fasten the liability upon ESIC. "Thus where deceased employee was not shown in return with ESIC and also in the register of employees which duty registered with ESIC liability falls upon appellant employer and not upon ESIC".

2. Whether the 'stipend' and 'performance allowance' disbursed by trainer to trainee can be categorized as 'wages' within the meaning of Section 2 (22) of the Employees State Insurance Act, 1948

Even if stipend payable to trainee, it cannot be said that stipend deployed as remuneration for work done by person engaged in practical training cannot be treated as wages within meaning of Section 2(22) of the ESI Act. However, performance allowance is nothing but additional remuneration paid within meaning of third part of Section 2(22) and comes within category of 'wages'.

The ESI Corporation issued orders directing the Appellant hotel to pay contribution on amount of stipend and performance allowance paid to the trainees trained in the Training Centre to become hotel employees. The Appellant challenged

it before the High Court in which the Hon'ble Court held that if practical works entrusted to trainees, it cannot be said that those trainees are employed by trainer. In absence of specific contract for employment of trainees for doing specified works, it cannot be said that such practical training should be treated as employment within meaning of Section 2(9) or 2(22). Legislature to make suitable amendment in section 2(22) in order to make it in tune with Section 2(9). Even if stipend payable to trainees, it cannot be said that stipend deployed as remuneration for work done by person engaged in practical training. Stipend deployed to trainee cannot be treated as wages within meaning of Section 2(22).

Whether amounts disbursed as "Performance Allowance" to employees can be treated as 'wages' within meaning of Section 2(22) of the Act. The Court held that the performance allowance is being made, by assessing the performance and output of the employees. When such an intensive is being paid by expecting better performance on account of the better output by certain employees, it is nothing but an additional remuneration paid within the meaning of the third part of Section 2(22) of the Act. Therefore it comes within the category of 'wages' whether it is being paid through a contract of employment or otherwise. Therefore, the appellant is bound to pay contribution on such performance allowance.

Bharat Hotel, Kochi-16 represented by its Managing Partner v. Regional Director, ESI Corporation, Panchdeep Bhavan, Thrissur- 20 and Anr. 2014-IV-LLJ-616 (Ker).

3. Whether the Industrial Tribunal under the Industrial Disputes Act, 1947 (Act 14 of 1947) is

empowered to restore dispute withdrawn by a workman?

The Industrial Tribunal constituted under the Industrial Disputes Act, 1947 (Act 14 of 1947) do not have the inherent powers of a Civil Court and hence it is not empowered to restore dispute withdrawn by a workman.

While deciding *The Management of M/s. Hewlett Packard Global Soft Pvt. Ltd. , Bangalore v. K.L.J.A Kiran Babu*, 2014 LAB.I.C. (NOC) 425 (KAR - DB) the Hon'ble High Court of Karnataka has held that the Industrial Tribunal under the Industrial Disputes Act, 1947 (Act 14 of 1947) do not possess inherent powers of Civil Court and hence not empowered to restore dispute withdrawn by workman. To come to this conclusion the Court relied on AIR 1957 SC 276.

4. Raising new grounds subsequently by Registrar of Trade Unions when order of cancellation of trade union is challenged would amount to breach of proviso to S. 10 of Trade Unions Act, 1926 (Act 16 of 1926) and breach of principles of natural justice.

The Registrar of Trade Unions under the Trade Unions Act, 1926 cannot raise new grounds subsequently when order of cancellation of trade union is challenged. This would amount to breach of proviso to Section 10 and breach of principles of natural justice.

In a recent judgment the Division Bench of the Hon' ble High Court of Bombay has held that "Section 10 of the Trade Unions Act, 1926 (Act 16 of 1926) provides for not less than two months previous notice in writing specifying the ground on which it is proposed to



withdraw or cancel the certificate shall be given by the Registrar to the Trade Union before the certificate is withdrawn or cancelled. This is a statutory recognition of the principles of natural justice and fair play before drastic action of cancellation of registration is effected. To permit raising of new ground, which found no place in two show - cause notices, would virtually permit authorities to act in breach of the proviso to S. 10 of the Trade Unions Act and consequently, in breach of principles of natural justice and fair play.”

In the judgment the Court has also held that S. 10(b) empowers Registrar to cancel registration upon being satisfied that certificate has been obtained by ‘fraud or mistake’. Such fraud or mistake has to be attributable to the union applying for registration and not some mistake or incorrect assessment on part of Registrar himself.

National Aviators Guild v. The Registrar of Trade Unions Kamgar

Bhavan, Mumbai. 2014 LAB.I.C. (NOC) 423 (BOM - D.B.).

5. Provisions of Limitation Act is not applicable to reference of industrial disputes under Industrial Disputes Act, 1947

If a daily wager is not paid for his rest day, it cannot be counted towards computation of 240 days of continuous service to get benefit under the provisions of S. 25 F of the Act.

The Full Bench of the Hon’ble High Court of Punjab and Haryana while deciding the issue in *Public Health Division No. 1 Panipet v. Sanjay Rana* 2014 (3) KLT SN 37 (C. No. 43) P. & H.(F.B.) has held that “a daily wager may be entitled to a rest day but unless and until he is paid for the said day, it cannot be counted towards computation of 240 days of continuous service to get benefit under the provisions of S. 25 F of the Act.”

6. Whether a question of workman for the purpose of the Industrial

Disputes Act, 1947 is need to be decided as a preliminary issue?

There is no mandatory requirement to compel that the question whether a person is a workman for the purpose of the Industrial Disputes Act, 1947 is need to be decided as a preliminary issue.

In proceedings before a Labour Court the authority refused to determine the question whether a person is a of workman for the purpose of the Industrial Disputes Act as a preliminary issue. It was challenged in a Writ Petition. The learned single Judge on the basis of the law laid in *D.P. Maheshwari v. Delhi Admn.* (AIR 1984 SC 153) affirmed the stand of the Labour Court. This was challenged before the Writ Appeal wherein the Appeal Court held that there is nothing in law to compel that such issue should be decided as a preliminary issue in all cases.

Kunnampetta Ksheera Vyavasaya Sahakarana Sangham v. Madhavan Nair, 2014 (4) KLT SN 51 (C.No.59) (FB).

Thomas Kuruvila, Thiruvalla

Sir,

The application for compensation under the Employees’ Compensation Act, 1923 have been heard and decided by the Deputy Labour Commissioners / Joint Labour Commissioners in the Labour Department. Now, I understand that this jurisdiction has been given to the Industrial Tribunals in the State. Let me have a copy of the notification authorizing the Industrial Tribunals in the State to decide such applications.

Reply: Under Section 20 of the Employees’ Compensation Act, 1923 (Formerly Workmens’ Compensation Act, 1923) the Deputy Labour Commissioners of the Labour Department have been notified as the Commissioner for Employees’ Compensation. Consequent to the amendment brought to Section 20 of the Employees’ Compensation Act, vide Employees’ Compensation (Amendment) Act, 2009 Government have notified the Joint Labour Commissioners as the Commissioners for Employees’ Compensation vide Notification GO(P) No. 60/2012/LBR dated 21 April, 2012 as S.R.O. No. 282/2012. Subsequently, the Industrial Tribunals have been notified as the Commissioners for Employee’s Compensation under the Act vide Notification No. G.O (Ms) No. 8/2014/LBR dated, 18.01.2014 as S.R.O. No. 54/2014, published in Kerala Gazette (Ext) No. 253, Vol.III dt. 24.01.2014 as S.R.O. No. 54/2014. The notification is furnished here.



GOVERNMENT OF KERALA

Labour and Rehabilitation (E) Department

NOTIFICATION

G.O (Ms.) No. 8/2014/LBR.

Dated, Thiruvananthapuram 18th January, 2014

S.R.O. No. 54/2014.- In exercise of the powers conferred by sub - section (1) of Section 20 of the Employees' Compensation Act, 1923 (Central Act VIII of 1923), and in supersession of G.O (P) No. 60/2012/LBR, dated 21st April, 2012 and published as S.R.O No. 282/2012 in the Kerala Gazette Extraordinary No. 842 dated 24th April, 2012 the Government of Kerala hereby appoint the existing Industrial Tribunals mentioned in column (2) of the Schedule below to be the Commissioners for Employees' Compensation for the areas specified against each in column (3) thereof, namely:-

SCHEDULE

Sl. No.	Name of Authority	Area
(1)	(2)	(3)
1.	Industrial Tribunal, Kollam	The Revenue Districts of Kollam and Thiruvananthapuram
2.	Industrial Tribunal, Alleppey	The Revenue Districts of Alappuzha, Pathanamthitta and Ernakulam
3.	Industrial Tribunal, Idukki	The Revenue Districts of Kottayam and Idukki
4.	Industrial Tribunal, Palakkad	The Revenue Districts of Thrissur, Palakkad and Malappuram
5.	Industrial Tribunal, Kozhikode	The Revenue Districts of Kozhikode, Kannur, Kasaragod and Wayanad

By order of the Governor,
DR. NIVEDITA P. HARAN,
Additional Chief Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Sub- section (1) of Section 20 of the Employees' Compensation Act, 1923 stipulates specific qualifications for persons to be appointed as Commissioners for Employees' Compensation. Accordingly Government have decided to appoint the existing Industrial Tribunals of the State as the Commissioners for Employees' Compensation for speedy disposal of the matters referred to them under the Act, in addition to their normal powers and functions.

The notification is intended to achieve the above object.

Girish Panamaram, Kozhikode

Sir,

On the basis of the notification extending the applicability of the Industrial Employment (Standing Orders) Act, 1946 to shops and establishments we have to certify common standing orders for our establishments functioning in five districts in the state. Whom we have to submit the standing orders for certification.

Reply: As your establishments are functioning in five districts, the standing orders in respect of them have to be submitted before the Joint Labour Commissioner (Planning), Office of the Labour Commissioner who is the authority to certify standing orders for the entire State. The notification No. G.O (Ms.) No. 71/7/LBR Dated, Trivandrum, 10th December, 1987 published as S.R.O. No. 323/88 in Kerala Gazette No. 12 dt. 22nd March, 1988 (Part I) is furnished here for information.



GOVERNMENT OF KERALA

Labour and Rehabilitation (E) Department

NOTIFICATION

I

GO (Ms.) No. 71/87/LBR

Dated, Trivandrum, 10th December, 1987

S.R.O. No. 323/88.- In exercise of the powers conferred by clause (c) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (Central Act 20 of 1946), and in supersession of all the previous notifications on the subject, the Government of Kerala hereby appoint the officers mentioned in column(2) of the schedule given below as certifying officers under the said Act for the areas specified in column (3) thereof.

SCHEDULE

Sl.No.	Designation of Officers with Headquarters	Area
(1)	(2)	(3)
1.	Joint Labour Commissioner (P), Office of the Labour Commissioner, Thiruvananthapuram	Whole of Kerala State
2.	Deputy Labour Commissioner,	Revenue Districts of Trivandrum, Quilon, Pathanamthitta and Alleppey
3.	Deputy Labour Commissioner, Kottayam	Revenue Districts of Kottayam and Idukki
4.	Deputy Labour Commissioner, Ernakulam	Revenue District of Ernakulam
5.	Deputy Labour Commissioner, Trichur	Revenue Districts of Trichur and Palghat
6.	Deputy Labour Commissioner, Kozhikode	Revenue Districts of Malappuram, Kozhikode Wynad, Cannanore and Kasargode

By order of the Governor,

C.P. NAIR

Commissioner and Secretary to Government

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

The functioning of the Department has been streamlined, separating the conciliation wing from the enforcement wing, and as such it has become necessary to refix the authorities under the various statutes administered by the Department. Also due to the formation of new districts, creation of new posts, shifting of the headquarters of certain regional officers, it has become necessary to refix the jurisdiction of the officers by statutory notification. Moreover, it has been proposed to issue comprehensive and self contained notifications under each legislation and to compile them as separate booklets for easy reference.

This notification is intended to achieve the above object.



Labourers Should be Ensured Benefits on Time, Says Rights Panel Chief

Express News Service

T'Puram: Kerala Institute of Labour and Employment (KILE) conducted a one-day seminar on 'Labourers and Human Rights Violation' on Monday. Inaugurating the seminar, State Human Rights Commission chairman Justice J B Koshy said that Labour Department Officials should ensure that labourers in the unorganised sector get their benefits on time.

Koshy said that labour rights violations in the unorganised sector are due to the lack of awareness among labourers about their rights and the need for legal action.



SHRC chairman Justice J B Koshy inaugurating a one-day seminar titled 'Labourers and Human Rights Violation' organised by the Kerala Institute of Labour and Employment (KILE).

തൊഴിലാളികൾക്ക് ആനുകൂല്യം യഥാസമയം നൽകാൻ ശ്രദ്ധിക്കണം - ജസ്റ്റിസ് ജെ.ബി.കോശി

തിരുവനന്തപുരം: അസംഘടിത മേഖലയിലെ തൊഴിലാളികൾക്ക് യഥാസമയം ആനുകൂല്യങ്ങൾ ലഭ്യമാക്കാൻ തൊഴിൽ വകുപ്പിലെ ഉദ്യോഗസ്ഥർ ശ്രദ്ധിക്കുകയും അതോടൊത്ത് സംസ്ഥാന തൊഴിലാളികൾക്ക് അതിരുകൾ കടന്നു കയറാൻ ജസ്റ്റിസ് ജെ.ബി. കോശി പറഞ്ഞു. ഇന്ത്യയിലെ ഏറ്റവും വലിയ തൊഴിലാളി കേന്ദ്രമായ കേരള തൊഴിലാളി കേന്ദ്രത്തിൽ നടന്ന ചടങ്ങിൽ അദ്ദേഹം പ്രസംഗിച്ചു. കേരള തൊഴിലാളി കേന്ദ്രം കേരള തൊഴിലാളികളുടെ സംരക്ഷണത്തിനായി പ്രവർത്തിക്കുന്നു. അദ്ദേഹം പറഞ്ഞു, തൊഴിലാളികൾക്ക് അവരുടെ അവകാശങ്ങൾ നൽകാൻ തൊഴിൽ വകുപ്പിന്റെ ഉത്തരവ് വേണ്ട. അദ്ദേഹം പറഞ്ഞു, തൊഴിലാളികൾക്ക് അവരുടെ അവകാശങ്ങൾ നൽകാൻ തൊഴിൽ വകുപ്പിന്റെ ഉത്തരവ് വേണ്ട. അദ്ദേഹം പറഞ്ഞു, തൊഴിലാളികൾക്ക് അവരുടെ അവകാശങ്ങൾ നൽകാൻ തൊഴിൽ വകുപ്പിന്റെ ഉത്തരവ് വേണ്ട.



തൊഴിലാളികൾക്ക് ആനുകൂല്യം യഥാസമയം നൽകണം: ജസ്റ്റിസ് ജെ.ബി. കോശി

തിരുവനന്തപുരം: അസംഘടിത മേഖലയിലെ തൊഴിലാളികൾക്ക് യഥാസമയം ആനുകൂല്യങ്ങൾ ലഭ്യമാക്കാൻ തൊഴിൽ വകുപ്പിലെ ഉദ്യോഗസ്ഥർ ശ്രദ്ധിക്കുകയും അതോടൊത്ത് സംസ്ഥാന തൊഴിലാളികൾക്ക് അതിരുകൾ കടന്നു കയറാൻ ജസ്റ്റിസ് ജെ.ബി. കോശി പറഞ്ഞു. ഇന്ത്യയിലെ ഏറ്റവും വലിയ തൊഴിലാളി കേന്ദ്രമായ കേരള തൊഴിലാളി കേന്ദ്രത്തിൽ നടന്ന ചടങ്ങിൽ അദ്ദേഹം പ്രസംഗിച്ചു. കേരള തൊഴിലാളി കേന്ദ്രം കേരള തൊഴിലാളികളുടെ സംരക്ഷണത്തിനായി പ്രവർത്തിക്കുന്നു. അദ്ദേഹം പറഞ്ഞു, തൊഴിലാളികൾക്ക് അവരുടെ അവകാശങ്ങൾ നൽകാൻ തൊഴിൽ വകുപ്പിന്റെ ഉത്തരവ് വേണ്ട. അദ്ദേഹം പറഞ്ഞു, തൊഴിലാളികൾക്ക് അവരുടെ അവകാശങ്ങൾ നൽകാൻ തൊഴിൽ വകുപ്പിന്റെ ഉത്തരവ് വേണ്ട.

ജസ്റ്റിസ് ജെ.ബി. കോശി ഉദ്ദേശിക്കുന്നത് തൊഴിലാളികൾക്ക് അവരുടെ അവകാശങ്ങൾ നൽകാൻ തൊഴിൽ വകുപ്പിന്റെ ഉത്തരവ് വേണ്ട എന്നാണ്. അദ്ദേഹം പറഞ്ഞു, തൊഴിലാളികൾക്ക് അവരുടെ അവകാശങ്ങൾ നൽകാൻ തൊഴിൽ വകുപ്പിന്റെ ഉത്തരവ് വേണ്ട.



വിദേശ തൊഴിൽ പരിശീലനം

കൊട്ടാരക്കര: ജില്ലയിലെ എസ്.സി.-എസ്.ടി. ഉദ്യോഗസ്ഥർക്ക് വിദേശ തൊഴിൽ പരിശീലനം നൽകാൻ തൊഴിൽ വകുപ്പിന്റെ ഉത്തരവ് വേണ്ട. അദ്ദേഹം പറഞ്ഞു, തൊഴിലാളികൾക്ക് അവരുടെ അവകാശങ്ങൾ നൽകാൻ തൊഴിൽ വകുപ്പിന്റെ ഉത്തരവ് വേണ്ട.

Through History



Sri. Kadavoor Sivadasan

Sri. Kadavoor Sivadasan was the Minister for Labour during the periods 28.12.1981 to 17.03.1982 and 1982 - 1987. As per the Memorandum of Association of KILE, the Minister holding the charge of the Labour and Employment shall be the President of the Institute. Thereby Sri. Kadavoor Sivadasan became the President of KILE for a total period of five years and one month. As such he held the longest period of office as the President of KILE.

Shri. Kadavoor Sivadasan, Advocate and senior Congress leader, was born at Kadavoor on 11th March 1932 as the son of Shri. M. Kesavan and Smt. Lekshmi. He entered politics through students movements and became the

President of Progressive Students Union in 1958. Later, he enrolled as an Advocate in Kollam Bar and was in active practice. Shri. Sivadasan was elected to the KLA for first time in 1980 contesting as an RSP candidate. He became elected in 1982 too as an RSP member. In 1991, 1996 and 2001 he got elected again as a candidate of the INC.

Shri. Sivadasan was the Minister for Labour from 28.12.1981 to 17.3.1982 and Minister for Labour and Excise during 1982 – 87 in the Ministries headed by Shri. K. Karunakaran. Shri. Sivadasan was the Minister for Forest and Rural Development from 20.4.1995 to 9.5.1996 in the Ministry headed by Shri. A.K. Antony. Again he was the Minister for Electricity from 26.5.2001 to 11.2.2004 and held the portfolios of Health and Family Welfare from 11.2.2004 to 29.8.2004 in the Ministry headed by Shri. A.K. Antony.

An active trade unionist, Shri. Sivadasan has served as Secretary of Kerala Provisional United Trade Union Congress in 1977 and participated in the ILO Conference at Geneva representing Central Government in 1985.

Smt. R. Vijayamma is his wife and they have one son and one daughter.

Source: Kerala Legislative Assembly Website



Sri. Kadavoor Sivadasan
Hon'ble Minister for Labour
(28.12.1981 to 17.03.1982
and 24.05.1982 to 25.03.1987)

CONSUMER PRICE INDEX FOR INDUSTRIAL WORKERS IN THE STATE

2014

CENTRES	Linking factor	Jan -14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Average
THIRUVANANTHAPURAM	10.39	257	259	260	262	266	268	273	274	275	273	271	272	167.58
KOLLAM	10.28	257	263	263	266	266	267	271	272	272	273	271	271	169.08
PUNALUR	9.96	262	263	264	267	269	271	275	276	276	277	275	275	165.33
PATHANAMTHITTA	-	273	273	273	278	281	284	288	290	291	289	288	287	170.17
ALAPPUZHA	10.45	258	258	260	265	269	272	276	277	278	277	278	277	163.50
KOTTAYAM	10.40	258	257	257	261	265	269	272	274	275	273	271	271	162.75
MUNDAKKAYAM	10.12	265	265	265	269	273	276	280	282	282	281	280	279	163.92
MUNNAR	10.03	245	244	243	246	249	250	253	254	255	255	256	255	154.58
ERNAKULAM	9.92	246	248	250	255	258	261	265	268	269	268	268	269	161.00
CHALAKKUDI	10.60	255	254	255	259	263	267	270	272	273	271	272	272	164.50
THRISSUR	10.05	240	239	239	242	245	248	251	253	254	252	251	251	156.42
PALAKKADU	10.48	248	247	248	252	256	259	262	263	264	263	261	262	165.67
MALAPPURAM	10.30	247	247	246	251	254	258	261	262	263	261	260	261	162.67
KOZHIKODE	10.08	249	249	251	256	259	263	266	267	267	265	263	263	159.92
MEPPADY	10.64	239	239	238	241	243	247	250	252	252	253	253	254	157.25
KANNUR	10.06	251	250	249	254	257	261	265	268	269	269	267	266	157.00
KASARGOD	-	261	262	263	267	270	274	278	280	279	277	276	276	157.42
STATE AVERAGE		253.59	253.94	254.35	258.29	261.35	264.41	268.00	269.65	270.24	269.24	268.29	268.29	162.28

ALL INDIA CONSUMER PRICE INDEX FOR INDUSTRIAL WORKERS

2006-2014

Base 2001=100

Year	Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec	Average
2006	119	119	119	120	121	123	124	124	125	127	127	127	123
2007	127	128	127	128	129	130	132	133	133	134	134	134	131
2008	134	135	137	138	139	140	143	145	146	148	148	147	141.66
2009	148	148	148	150	151	153	160	162	163	165	168	169	157
2010	172	170	170	170	172	174	178	178	179	181	182	185	175.9
2011	188	185	185	186	187	189	193	194	197	198	199	197	191.5
2012	198	199	201	205	206	208	212	214	215	217	218	219	209.33
2013	221	223	224	226	228	231	235	237	238	241	243	239	232.16
2014	237	238	239	242	244	246	252	253	253	253	253	253	246.9

Source: Economics & Statistics Dept.

KILE NEWS

A quarterly publication from KILE



- A reference journal
- Articles on divergent topics
- Information on schemes, services, authorities
- Activities
- Legal updates
- Data updates
- Special columns etc.etc.

Publication in progress

MANUAL OF LABOUR LAWS

(A compilation of Labour Acts and Rules)
in Two Volumes

