

# KILE NEWS

July - September 2015



Kerala Institute of Labour and Employment

Publication in progress

# Njanum Ente Thozhil Niyamangalum

(A handbook on labour legislations in the State)





# Kerala Shows the Way

## International Skill Summit & Skill Fiesta 2016



Chief Minister Oommen Chandy greeting the audience after inaugurating the Skill Fiesta 2016. K.Biju, Director Employment and Training, Prof. Abraham Koshy, IIM, Ahemadabad, Jiji Thomson, Chief Secretary, Kerala, Shibu Baby John, Minister for Labour and Skills, ManjuWarrier, Cine Artist and Skill Development Goodwill Ambassador, Mazel Ampareen Lyngdoh, Minister for Labour and Urban Affairs, Meghalaya, Tom Jose, Additional Chief Secretary, Labour and Skills Department, Kerala are also seen.

Department of Labour and Skills , Kerala is on an ambitious and visionary initiative to transform Kerala in to a Global Skills Destination through various skill development initiatives. **Nypunyam – International Summit and Skill Fiesta 2016** was one of such initiative. It is first-of-its-kind initiative in the country. The three day event was jointly organized by the Directorate of Employment and Training and Kerala Academy of Skills Excellence (KASE) in association with the Union Ministry of Skill Development and Entrepreneurship, National Skill Development Corporation, World Skills India and Skill India.

The International Summit was inaugurated by Governor P. Sadasivam and Skill Fiesta 2016 was inaugurated by Chief Minister Oommen Chandy, on 5<sup>th</sup> February 2016 in Thiruvananthapuram.



## KILE NEWS

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

Vol-II  
Issue - 7  
July- September 2015

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Printed at  
**C-apt**  
Thiruvananthapuram-13

N.B. Responsibility of the views in the  
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## From the Chairman's Desk



# Acknowledged

The 37<sup>th</sup> anniversary of KILE was celebrated with variety of programmes including the literary and cultural competitions, photo exhibition, seminar, trade fare etc. The celebration was memorable on the way it was organized and also with the presence of the Hon'ble Ministers of Home and Vigilance Ramesh Chennithala and Labour and Skills Shibu Baby John. I take this opportunity to express our sincere gratitude to the Hon'ble Ministers for having spent some time with us and made the celebration historical.

I recall the request I made in this column last time seeking the cooperation of the organisations of employers, trade unions, officials of the Departments, welfare fund boards and well-wishers to make the anniversary celebrations a grand success. We are happy to say that our request for cooperation has been conceded by all and literally made our celebrations a grand success. We sincerely believe that the celebrations would not have been success unless these cooperation and support was received from all quarters.

Hence, at this moment we proudly acknowledge the cooperation and support extended from the Departments, welfare fund boards, organisations of employers, trade unions and well-wishers.

**Philip Joseph**



## From the Chief Editor's Desk



# Labour Law reforms: An imminent threat

Reforms are always an indication of progress in any sphere of development. If it is not in the right direction, no doubt it is a threat to the group that may be affected due to the change. This is the situation the trade unions in the country are anticipating on the proposed labour reforms of the Central government. The recent all India strike conducted by the trade unions was the outcome of this fear. There are reasons for this fear as many states have already made some amendments to the existing labour legislations which have either taken away or restrained certain rights the workers have been enjoying for the last so many decades. Though the picture is not clear, they are expecting certain threat on the proposed draft Codes replacing the existing Central legislations. They are expecting certain sweeping changes in the current Industrial Disputes Act, Factories Act, Provident Funds Act, Employees State Insurance Act etc. Though a clear picture is yet to come the workers and trade unions are skeptical about the outcome. Whatever may be the proposed changes, any further relaxation from the existing conditions of the labour enactments will certainly weaken the social security of the workers. However, any changes which may be required for meeting the interest of the nation need to be welcomed wholeheartedly. But it should not be by curtailing the interests of the working population.

At this instance the opinion expressed by the Hon'ble Minister for Labour and Skills, Govt. of Kerala in the 46<sup>th</sup> Indian Labour Conference held at Vigyan Bhawan, New Delhi on 20-21 July, 2015 was remarkable and bold enough that "making India into a developed nation should not be at the expense of the workers". However in the words of the Union Minister of State with independent charge of labour and employment "this is being done with the sole purpose of facilitating small and medium entrepreneurs, especially young entrepreneurs, to set up enterprises in every nook and corner of the country without any hassles."

Moreover the adamant attitude of the united Trade Unions including the Bharathiya Mazdoor Sangh (BMS), the trade union wing of the Bharathiya Janatha Party was very significant, have persuaded the Government to at least say that any changes proposed would be finalized only after considering the opinion of the tripartite set up to be constituted for the purpose. So while considering this the Union Government should see that the so called developed countries are now giving more priority to the interests of the working class. than in the ester years.

In view of the ILO "labour market flexibility is as high as 93 per cent in India. This means that 93 per cent of India's workforce anyway do not enjoy the protection of India's 144 labour laws. But industry's solution to the labour problem is a dilution of these laws so that the mass of informal workers can be employed formally, but without legal protections." (Labour in the twenty – first century by G. Sampath, The Hindu dt.20.02.2016). If this is the situation, the fear of the trade unions and workers is right enough.

**V. Veerakumar**  
Executive Director



**Ms. Chandra Vadhana R.\***



## Quantifying the Intangibles

# What's in it for HR professionals?

Mankind has been trying to discover and explore the outer space world in the past few decades. The next few decades may be a journey of expedition to man's inner world. The human mind is still the most exciting and unraveled mysteries that we are trying to conquer.

The field of psychology has been evolving ever since Ancient Greeks, Chinese and Indians were trying to study the mind and its philosophies. However, Psychology which was a branch of philosophy until the 1870s, then developed as an

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\*Skill Development Specialist, HR Trainer and Research Fellow, CUSAT, Kochi



independent scientific discipline in Germany and the United States initially.

Today, the field of psychology is fast growing and is becoming a well researched scientific discipline with highly acclaimed research institutes studying the nuances of human brain and the concept of mind. Add to it, the advances in technology, internet and the social media, the science of gauging the human mind is growing leaps and bounds. The field of Applied Psychology and Psychometrics are soon becoming a fashionable thing as well among the corporate. So, what's this all about? Read on for an overview of the field and how it can help HR Professionals and organizations as such.

### What is Psycho Profiling and Psychometrics?

Psychometrics is the measurement (Metric) of mental attributes (Psycho). It is a scientific method of assessment of human mental attributes towards better self understanding and performance prediction.

### What can we measure?

Most of the intangible attributes of mind can be assessed using specifically developed tests. Some of the areas include,

- Personality
- Behaviour
- Skills
- Attitude
- Aptitude and
- many other psychological attributes.

### How do we measure?

Advanced psychological testing like eye tracker, sweat analyser, brain analyser and other instruments are used in well known psychological labs and research institutions for understanding human behaviour and mental attributes. However, we are yet to have such sophisticated methods in India. Hence, most of our Psychological

assessment methods include paper and pencil tests (or online version of the same). However, it's very important that we measure psychological aspects only with Standardized Instruments.

Standardized instruments are reliable and valid and culturally calibrated. For eg: How do we know that we have fever? The easy method is to place our hand on forehead and know it. Yes, we realize that we have fever. We may then decide to take a medicine or decide to go to a doctor. But when you go to the Doctor, he places the thermometer to measure the fever and then only prescribes the medicine accordingly. And the measure gives the temperature in units like degree Celsius or Fahrenheit. So that when the score is high, the medicine and dosage is different than when the temperature is low. Now, Will you trust your doctor if he also places his hands on forehead and prescribes medicine? No, right? Hence, using a proper diagnostic tool that is calibrated and scientifically tested and norms created is very important for proper diagnosis.



### How do we know whether the test is standardized?

Check if Standardization documents are published by the test provider. The standards and norms should be ideally published in credible academic journals as well. The reliability coefficients and validity results are included in the statistical analysis of these documents. The rule is simple - higher the reliability coefficient, the better the test. Higher the validity, the better the test! But, in some cases, the most popular tests may not have these coefficients need not be high as well.

### Why and When should we measure?

- *Organisational Restructuring* : Psycho profiling helps in understanding individual differences and also in re aligning the workforce towards better performance
- *Recruitment & Training*: Psycho profiling also helps in identifying suitable talents for each position based on the required personality / behaviour/ attitudes for each position

- *Career Management*: Career selection is one of the most important outcome of personality and other psychological assessment . Helps in eliminating career profiles which are not matching for the person.
- *Marriage and Life partner selection*: In the near future, we can envisage psychological matching getting preference over traditional matching methods like astrology or other matrimonial matching. There are already certain websites providing dating services and matching services based on personality types .
- *Self development* : One of the most important uses of psychological assessments would be self awareness , which is the first step towards personality development

Organizations worldwide are progressively using psychometric instruments to address behavioural changes for recruitment & selection, leadership development, succession planning, high performance identification, team allocations etc.

### Dos & Don'ts

- Always use locally standardized tools. Many of the highly popular as well as costly psychological tests need not standardized in the Indian context. Most of the tests are designed by American psychologists considering the American population and psyche. It needs to be modified to suit the local culture and interpretation style of each test item. This involves further statistical analysis and an academic acceptance as well. Alternately, tests developed by Indian author could be statistically validated in the Indian context and could be a better option.

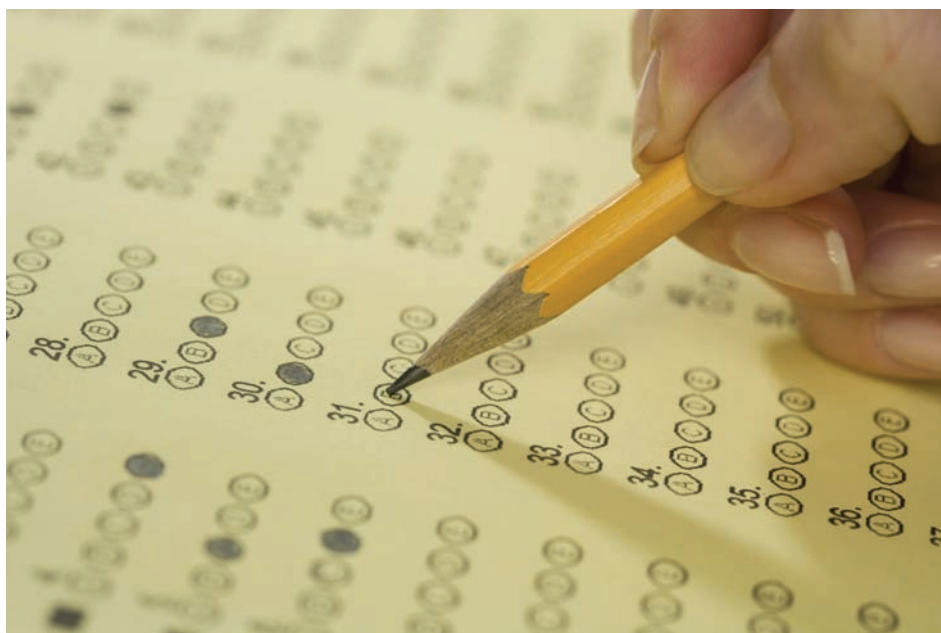
- Always get expert consultation. A minimum Post Graduation qualification in Psychology is a must to become a Psycho profiling Expert. Psychometricians are still a rare breed in India and they are experts who have designed their own tests or worked on standardization studies of tests previously validated in other cultures.

- Psycho profiling should be done with a purpose Outcome should be positive and help in decision making like recruitment, training or performance appraisal and not as a tool for reprimand or employee lay off.

- Psychometric instruments can't be force fitted into an organisation's context. Market trends and individuals comfort in using certain instruments dominate the selection of instruments today. The focus must be to evaluate what is relevant to the organisation's context as well as relevant







Corporation) or state level initiatives like the KASE (Kerala Academy of Skills Excellence) or the ASAP (Additional Skills Acquisition Program). With great dreams and large scale implementation methods, the mammoth challenge of skill development of the youth exists. But even greater challenge is the right assessment methods for training and certification. India definitely needs more and more skill development and assessment experts. As an HR professional, you too can become an assessment specialist, by undergoing higher qualifications in Psychology and Psychometrics and applying the immense possibilities of the same in your work place. ■

across levels. Hence, the purpose and behaviour that can drive the purpose within the organisation needs to be identified before selecting an instrument. There is no one size that fits all.

### **The future of Psychometrics in India**

As told in the beginning the coming decades will be activities dwelling into human mind. The purposes could be many – trying to understand how the human mind functions to developing artificial intelligence or in the field of robotics, the science of assessment has immense possibilities. Just like each space exploration gives new insights, each attempt to study human nature gives newer perspectives. In Personal and Organisational context, the application of psychometric properties in designing newer assessment methods will yield objective and measurable results.

A survey conducted by Tata Strategic Management Group suggested that adoption rate of psychometrics could increase to 87 percent by 2016 in the Indian organisations.

About 52 percent of organizations are currently using psychometric instruments, which facilitate objective people decisions and reduces subjectivity for all levels, it said.

Similarly, Skill development is being discussed with great zest by everyone these days. Thanks to the huge impetus that is being given by nationwide skill development initiative like NSDC (National Skills Development



*Courtesy: The Economic Times*



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## KNOW YOUR AUTHORITIES UNDER VARIOUS ENACTMENTS

### The Maternity Benefit Act, 1961 (Act 53 of 1961)

	Purposes / Services	Authority
1	Appointment of Authorities (Inspectors/Competent Authority etc.) (Section 12, Rule 2(b), 7 etc.)	<b>Appropriate Government</b> (Pl. see Section 14 and Rule 2(b) and 7)
2	Extending the applicability of the Act to any other establishment or class of establishments, industrial, commercial agricultural or otherwise (Other than the estts. specified in Section 2(1) (a) and (b))	<b>State Government</b> (Authority specified under proviso to Clause (b) of sub-section (1) of Section 2)
3	Complaints under the Act and rules <ul style="list-style-type: none"> <li>Non receipt of Maternity Benefits (Complaint under Section 17 in Form H or I)</li> <li>Claims under the Act</li> </ul>	<b>Assistant Labour Officer</b> (In respect of shops, Newspaper estts. etc.) <b>Inspector of Plantations</b> (in respect of plantations) <b>District Labour Officer (HQ)</b> (In respect of Newspaper Estts.) (Inspectors – Authority specified under Section 17(2) of the Act)
4	Notice of claim for maternity benefit (Any woman employed in an establishment and entitled to maternity benefit may give notice of claim in Form E) (See Section 6 and Rule 5)	<b>Employer</b> (Authority specified under S. 6 and Rule 5)
5	Certificate of proof of pregnancy, delivery miscarriage, suffering from illness, arising out of pregnancy, premature birth of child, death of a woman or a child etc. (In Form B/Form C) (Rule 4)	<b>Medical Officer of a Govt. Hospital or a Dispensary or a Regd. Medical Practitioner</b> (Authority prescribed under Rule 5)
6	Appeal against the order/ decision of the Inspector (Appeal under Section 17) (Decision against denial of maternity benefit or medical bonus, or both, or discharge or dismissal of a woman during pregnancy etc.)	<b>Deputy Labour Commissioner</b> (Against the order of the Assistant Labour Officers) <b>Chief Inspector of Plantations</b> (Against the order of Inspector of Plantations)



	(In Form J- Within thirty days from the date on which such decision is communicated to such person ) (Pl. see sub- section (3) of S.17 and Rule 11)	<b>Labour Commissioner</b> in other cases (Competent Authorities specified under Rule 9)
7	Exemption of establishments or class of establishments from the purview of the Act (If an establishment providing benefits which are not less favourable than those provided in the Act) (Section 26)	<b>Appropriate Government</b> (Secretary, Labour and Skills Department) (Authority specified under Section 26)
8	Appeal under Section 12 (Against denial of maternity benefit or medical bonus, or both, or discharge or dismissal during pregnancy) (In Form G – within sixty days from the date on which order of such deprivation or discharge or dismissal is communicated) (Clause (b) of sub- section (2) of Section 12)	<b>Deputy Labour Commissioner</b> <b>Chief Inspector of Plantations</b> (Competent Authorities specified under Rule 9) (Against the order/ decision of the employer) (Also pl. see rule 2(b))
9	Decision regarding any doubt as to the legal representatives of a deceased woman (Employer – Rule 5(2))	<b>Competent Authority</b> (Authority specified under rule 5(2))
10	Competent persons for filing prosecution (Within one year from the date on which the offence is alleged to have been committed) (Section 23)	<b>Aggrieved woman, An office bearer of a registered Trade Union</b> in which the woman is a member <b>A voluntary organisation regd. under the Societies Registration Act, 1860, Inspector</b> (Authorities specified under sub – section (1) of Section 23)
11	Submission of annual returns <ul style="list-style-type: none"> <li>● In Form L regarding Employment , dismissal, payment of bonus etc. of woman for the year ending on 31<sup>st</sup> December (Sub- section ( 1) of Section 16)</li> <li>● In Form M regarding details of payment made by the year ending (On or before the 31<sup>st</sup> day of January in each year) (Section 20 read with Rule 16)</li> </ul>	<b>Competent Authority</b> (Chief Inspector of Plantations in the case of plantations and Deputy Labour Commissioner in the case of shops and commercial establishments) (Authority specified under Rule 16 read with Rule 2(b))
12	Competent Court of Jurisdiction for trying offences (Section 23)	<b>No Court inferior to that of a Metropolitan Magistrate of the First Class</b> (Authority specified under sub- section (2) of Section 23)
13	Maintenance of registers and records <ul style="list-style-type: none"> <li>● Muster roll in Form A (Rule 3)</li> <li>● Supply of Forms B,C,D,E,G,H and I on free of cost (Rule 12)</li> <li>● Display of abstract of the Act in Form K (Rule 15)</li> <li>● Annual return in Form L/M (Section 20 read with Rule 3, 12, 15, 16 etc)</li> </ul>	<b>Employer</b> (Authority specified under Section 20 and Rules 3, 12, 15, 16 etc.)
14	Making of Rules (Section 28)	<b>Appropriate Government</b> (Authority specified under Section 28)

Courtesy: Law Relating to Kerala Shops and Commercial Establishments, N&N Publications, Thiruvananthapuram - 43

**V. Veerakumar**

Executive Director

# In Tune with the Times

## Wage Protection System (WPS)



A letter published in a leading daily, narrating the painful situation being faced by a woman teacher in an unaided school in the state was a heart-breaking incident to an employed person and a shameful instance for the state. Among other things it explained that the management as her remuneration paid Rs. 12000/- every month through bank and collected Rs. 6000/- back in cash from her subsequently within two-three days of her salary

payment. This is an instance of a common practice adopted by the managements of many of the unaided private schools and other establishments in the state. It is a clear incident of manipulation to misguide the authorities on the payment of remuneration to an employee in her work.

The remuneration is the basic right and a necessity of a person employed and thereby imposes the

responsibility on the individual who employs him to pay remuneration to the employee. Further, the legal provision enforceable in the situation also mandates the requirement of payment of wages to the employee. The failure of it invite punishments including imprisonment to the employer or the person responsible for the payment of wages to his employees. When profit becomes the ultimate goal in any business, naturally the persons responsible for the payment of remuneration to an employee try to cut short his expenses in every item including the provision for the payment of wages. Certain others keep registers with false entries regarding the wages paid and thereby circumvent the statutory obligations regarding payment of eligible wages to the employees. Due to the fear of termination employees are forced to sign these registers which give a different picture of the incident. The cooked up registers are being kept ready for inspection of the authorities. In these circumstances the authorities also cannot do anything effectively.

The monetary compensation is ordinarily the prime motivational factor in the case of an employee in his employment. This is the reason why such importance has been given to compensation, one of the management functions. It stands apart among the management functions like procurement, development, integration, maintenance, separation etc. However, while considering the profit many of the employers take a different approach in the payment of wages to their employees. This persuaded the Labour Department to find out a feasible solution to tackle the situation in tune with the times and thereby regulate the payment of wages to the employees in the state. The fixing of minimum wages to the employees is the primary step in this direction but the mere fixing of wages is not enough to curtailing the practices followed by the managements. In this context the significance of the newly taken up initiative, the Wage Protection System (WPS) in the state stands apart. As in many other areas, Kerala became the first state in the country that successfully launched the state of the art initiative the WPS.

The Wage Protection System (WPS) is an electronic wages / salary transfer system which allows industrial / commercial establishments to disburse wages via banks and other financial institutions through specially developed software.

The countries like Qatar and UAE have already implemented this system successfully. The United Arab

Emirates has made significant efforts towards ensuring the rights of workers through the implementation of the Wage Protection System (WPS). It ensures the payment of wages of employees is properly regulated. The persons responsible for the payment of wages have to effect the payment of wages by direct electronic transfer in local bank accounts or through other approved financial institutions authorised to provide the service. The WPS covers all institutions registered with the Ministry of Labour across all sectors and industries in the UAE and compliance with the system is mandatory. However government entities are exempted and it is not applicable in selected or notified areas. The employers must submit employee salaries via the WPS in advance. The failure to transfer payments on time will lead to the suspension of work permits until wage payments are made in full. Repeated violations will lead to suspension of work permits for a month or more.



In India a similar initiative was attempted by the States of Maharashtra and Haryana but it was not taken up in Haryana and went to a considerable extent in the former case. This initiative was named 'Mahashram' but dropped in the midst of the process of implementation due to technical reasons. Though ILO has helped in the implementation of the projects, these States could not bring it to a success level.

Now, the Government of Kerala have taken up WPS as a flagship programme for ensuring the payment of minimum wages to the employees in certain employments



or establishments through specially developed software. As a pilot step it is now made operational only to selected establishments or employments in the district of Thiruvananthapuram. This prestigious project of the Labour and Skills Department was inaugurated by Oommen Chandy, Chief Minister of Kerala in the presence of Shibu Baby John, Minister for Labour and Skills and other dignitaries. It is understood that hundreds of employers have assured their willingness to join hands with the Department in its effort to ensure the payment of minimum wages to the employees in the state. Official data of the labour department shows that more than thirty thousand employees are brought under the scheme.

In the initial stages of the proposal there was some confusion about the amendments to be made in the existing labour legislations like Minimum Wages Act, Payment of Wages Act etc. that delayed the launching of the scheme. But it was sorted out and necessary amendments have been made in the Kerala Minimum Wages Rules, 1958. In the explanatory note the notification, prescribing the amendments to the Kerala Minimum Wages Rules reads "Government have decided to implement "e-payment of wages" scheme which aims at providing wages to employees working in small scale banks, textile shops, jewellerys, private hospitals, IT sector, Self Financing Educational Institutions, construction sector etc. through banks by which Labour Department officials can effectively monitor the salary payments to the employees periodically as and when required and take punitive measures for non-payment of minimum wages against the defaulters."

The WPS is defined in the rules as "an Information Technology enabled system provided in the Labour Commissionerate to ensure payment of minimum wages to all or any class of employees employed in any scheduled employment as specified in the Appendix." The scheduled employments appended to the rules are

- Employment in shops and establishments
- Employment in private hospitals, dispensaries, pharmacies, clinical labs, scanning centres, X-ray units and other allied institutions
- Employment in star hotels
- Employment in security services
- Employment in computer software
- Employment in private educational institutions (Non-teaching)



The amended rules also contain certain directives to be complied by the employers of the scheduled employments. It inter alia says they have to

- Submit electronically or upload an IT enabled Register of Employment and Wages in Form XIV through Labour Commissionerate Automation System.
- Pay and disburse the wages to the employees only through individual bank accounts.
- Maintain the Register of Employment in Form XIV.
- Employer or any person authorised by him in this behalf authenticate it prior to the submission or the uploading of the same through the Wage Protection System.
- Ensure that the bank account numbers of the employees are entered in Form XIV for effecting payment of wages through banks.
- Submit or upload the Register of Employment and Wages in Form XIV three days prior to crediting of wages in the individual bank accounts of the employees.
- Issue electronically generated wage slip to all his employees through WPS atleast a day prior to effecting payment of wages.



The Register of Employment and Wages in Form XIV and wage slip generated through WPS will be considered as records authenticated by the employer, for the purpose of the Minimum Wages Act and Rules. The inspector authorised by the Labour Commissioner will electronically authenticate Form XIV

submitted or uploaded through the Wage Protection System. This should be maintained as duly signed hard copies by the employer or to be maintained as such in an electronic media and a print out of the Form XIV, duly signed by the employer should be made available to the inspector on demand.

The employers so complied with the above directions will be exempted from maintaining Register of Fines in Form I, Register of Deduction for Damage or Loss Caused to the Employer in Form II, Overtime Register of Workers in Form V and Register of Wages in Form XI.

While preparing the registers and records for the purpose of the WPS no employer shall make, cause or allow in any record, register, notice or form in written or in electronic format prescribed, an entry which is false to his knowledge in any material particulars, or not shall wilfully omit, cause or allow to be omitted from any such record, register, notice or form, any entry required to be made therein.

The establishment of the Kerala Academy of Skills Excellence (KASE), initiatives of Niyukthi, Nypunyam International Summit, Job fiesta, online registration of establishments in the Labour Department, development of Industrial Training Institutes to World Class Institutions, establishment of Medical College under the ESI Department, the WPS is a significant achievement of the Labour and Skills Department of Government of Kerala.

But the objection raised by the opposition in the floor of the assembly and the strong resistance raised by some of the organisations of employers especially the employers of the IT/ITeS industries are serious concern in the implementation of the project. Also the present server capacity is not sufficient to host the massive data relating to the establishments covered under the

scheme. Lack of proper awareness about the project among the stakeholders, non-cooperation of some of the trade unions, lack of training to the employers, officers etc. are other important apprehensions about the successful implementation of the initiative. Far and above in the fag end of the government whether it can push the project in spite of these constrains is another worry to the employees who are the ultimate beneficiaries of the project. ■





# New Additions to the Library 2015-2016



## NAME OF THE BOOKS / AUTHOR/ PUBLICATION

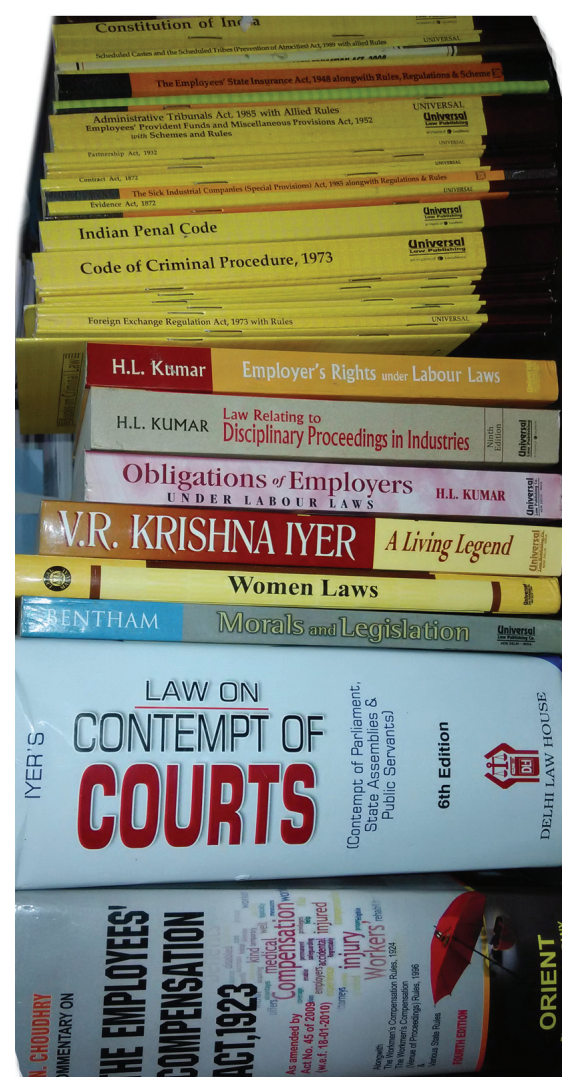
- 1 **Law of Contempt of Court** , Kapoor Justice J.D (3rd Edition), Universal Publications
- 2 **Human Values and Human Rights**, Justice Dharmadhikari , Edition 2010 (Reprint 2014) , Universal Publications
- 3 **Interpretation of Statutes**, Kafaltiya . Dr. A.B, Edition 2008 (Reprint 2014) , Universal Publications
- 4 **Public Interest Litigation with Model PIL Formats**, Wadehra Dr. B.L. 4th Edition 2014 , Universal Publications
- 5 **Juvenile Justice System ( Along with Juvenile justice ( Care & Protection of Children) Act, 2000 & Rules)**, Hansaria Vijay , 2nd Edition 2012 (Reprint 2014) , Universal Publications
- 6 **V.R. Krishna Iyer, A Living Legend**, Krishnaswamy.P, Edition 2015, Universal Publications
- 7 **Criminal Major Acts ( With Exclusive Case Law)**, Lekshmanan Justice A.R, 2nd Edition 2014 , Universal Publications
- 8 **Lectures on the Indian Evidence Act**, Bhat Justice U.L, Edition 2015
- 9 **Introduction to the Principles of Morals and Legislation**, Beuthans, Edition 2014
- 10 **Golden Legal Maxims with Glittering Illustrations and Quotations from Indian and Foreign Judgements, Statutory Interpretations in Latin, Roman, English and Indian Phraseology**, Aiyar S. Krishnamurthi, 3rd Edition , 2014
- 11 **LLJ's Labour Law Digest 2014-15 (Oct 14 to Sep 15)**, Edition 2016 (HB)
- 12 **LLJ's Labour Law Digest 2013** , Edition 2013, (HB)
- 13 **LLJ's Labour Law Digest 2013-14** , Edition 2015, (HB)
- 14 **Commentary on the Employees Compensation Act, 1923**, R.N. Choudhry, 4th Edition, 2015 Reprint , Orient Publishing Company
- 15 **Law Relating to LOK ADALATS ( Legal Services Act, 1987 with Rules)**, R.N. Choudhry, 4th Edition, 2015 Reprint , Oerient Publishing Company
- 16 **Consumer Protection Act & Rules**, O.P.Rai, 2nd Edition , Reprint 2015
- 17 **On Service & Labour Laws**, Lakshmanan Justice. A.R , Latest Edition



- 18 **Legislative Drafting (Principles & Techniques) 3rd Edition. 2011 (Reprint) (2013),** Atre.B.R., Universal Law Publishing Co.Pvt.Ltd, New Delhi
- 19 **Obligations of Employers Under Labour Laws, 7th Edition.** Kumar H.L
- 20 **Employers Rights under Labour Laws, 5th Edn.**
- 21 **Labour Problems and Remedies** (A Ready Referencer to handle day-to-day Labour Problems based on decided cases), 12<sup>th</sup> Edition.
- 22 **Law Relating to Disciplinary Proceedings in Industries, 9<sup>th</sup> Edition.**

## **BARE ACTS**

- 23 The Constitution of India , 2015
- 24 The Code of Criminal Procedure , 1973
- 25 The Indian Contract Act, 1872
- 26 The Indian Penal Code 1860
- 27 Administrative Tribunal Act, 1985 along with CAT (Procedure) Rules, 1987, CAT Rules of Practice, 1993 and Contempt of Courts CAT) Rules, 1992
- 28 Arbitration and Conciliation Act, 1996 along with Scheme, 1996
- 29 Bonded Labour System Abolition) Act, 1976 along with rules 1976
- 30 Commission for Protection of Child Rights Act, 2005 along with Rules
- 31 Employees Provident Funds and Miscellaneous Provisions Act, 1952 with rules and Schemes
- 32 Employees State Insurance Act, 1948 along with Rules and Regulations
- 33 Foreign Exchange Regulation Act, 1973 along with rules , 1974
- 34 Fatal Accidents Act, 1855
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- 36 Lokpal and Lokayuktas Act, 2013
- 37 Official Languages Act, 1963
- 38 Partnership Act, 1932
- 39 Prevention of Corruption Act, 1988
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- 41 Protection of Civil Rights Act, 1955 along with Rules, 1977
- 42 Women Laws
- 43 Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- 44 Sick Industrial Companies (Special Provisions) Act, 1985 along with BIFR and other allied Rules
- 45 Protection of Human Rights Act, 1993 along with Regulations and Rules
- 46 Public Servants (Inquiries) Act, 1850
- 47 Protection of Women from Domestic Violence Act, 2005 along with Rules, 2006
- 48 Right to Information Act, 2005 along with allied Rules and Regulations
- 49 Right to Children to Free and Compulsory Education Act, 2009
- 50 Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities ) Act, 1989 along with rules
- 51 Unorganised Workers Social Security Act, 2008 along with Rules, 2009
- 52 Sales Promotion Employees (Conditions of Service) Act, 1976 along with Rules, 1976





Ramesh Chennithala , Minister for Home and Vigilance inaugurating the 37<sup>th</sup> Anniversary Celebrations of KILE .

## 37<sup>th</sup> Anniversary Celebrations

The Kerala Institute of Labour and Employment (KILE) started functioning on 28<sup>th</sup> February 1978 as a Society registered under the Travancore Cochin Literary and Scientific Societies Registration Act, 1955 under Labour Department. The idea of it was conceived and implemented by Oommen Chandy who was then Labour

Minister. The 37<sup>th</sup> anniversary of KILE was celebrated on 20.01.2016 and 21.01.2016 at Kerala State Jawahar Balabhavan, Thiruvananthapuram with various programmes including literary and cultural competitions of the children of the members of the welfare fund boards and Officers of the Departments, Seminar, Photo exhibition, trade fare etc.



Venue: Kerala State Jawahar Balabhavan, Thiruvananthapuram





Ramesh Chennithala, Minister for Home and Vigilance delivering the inaugural address.

The Anniversary celebrations were inaugurated by Minister for Home and Vigilance Ramesh Chennithala on 20.01.2016 in a remarkable function chaired by Philip Joseph, Chairman, KILE. Anathalavattom Anandan, State President, CITU, R. Chandrasekharan, State President, INTUC, Thomas Joseph, State General Secretary, UTUC, P. Vijayamma, State Vice President, AITUC, G. Maheen Aboobaker, State Vice

President, STU, Adv. Murali Madanthacode and Salim G Modayil, Executive Council Members, KILE have delivered the felicitation speeches. V. Veerakumar, Executive Director, KILE and T.S. Jayalal, Senior Fellow have delivered the welcome address and vote of thanks respectively.



Shibu Baby John, Minister for Labour and Skills inaugurating the closing ceremony of the 37<sup>th</sup> Anniversary Celebrations.

The closing ceremony of the 37<sup>th</sup> Anniversary Celebrations was inaugurated by Shibu Baby John, Minister for Labour and Skills in a memorable function presided by

Philip Joseph, Chairman KILE. Adv. Murali Madanthacode and Salim G Modayil, Executive Council members KILE have felicitated the meeting. V. Veerakumar, Executive Director,

KILE and K. Dileepkumar, Fellow (Labour) have delivered the welcome address and vote of thanks respectively.



## Felicitation addresses



Anathalavattom Anandan, State President , CITU,



R. Chandrasekharan,  
State President , INTUC



Thomas Joseph,  
General Secretary, UTUC,



P. Vijayamma,  
State Vice President, AITUC



G. Maheen Aboobaker,  
State Vice President,  
STU



Adv. Murali Madanthacode,  
Member,  
Executive Council, KILE



Salim G Modayil,  
Member,  
Executive Council, KILE



C.K. Rajan,  
Chairman, Kerala Abkari  
Workers Welfare Fund Board



Ramesh Chennithala , Minister for Home and Vigilance releasing the KILE NEWS Anniversary Edition by giving a copy to G. Maheen Aboobaker, State Vice President, STU.



Ramesh Chennithala , Minister for Home and Vigilance releasing the Handbook on the Kerala Headload Workers Act, 1978 by giving a copy to Adv. Murali Madanthacode, Member, Executive Council, KILE .





Ramesh Chennithala , Minister for Home and Vigilance inaugurating the renovated KILE Website. Adv. Murali Madanthacode, K.Dileepkumar, G.Maheen Aboobaker, Philip Joseph, Thomas Joeeph, Salim G Modayil, S. Thulaseedharan, V.D. Joseph, T.S. Jayalal, P.Vijayamma are also seen.



KILE 37<sup>th</sup> Anniversary Celebrations - Entrance to the Venue



## PHOTO EXHIBITION

KILE organised a photo exhibition portraying various stages of its development including the Administrative Committees and its Chairmen, Executive Directors, important programmes conducted etc. The separate session set up on the veteran trade union leaders of various political parties was a different experience to all especially to the members of the trade unions. For them, it was really a tribute to the contributions, their leaders have made in the trade union history of the country. The display of the photos of the leaders of the trade unions affiliated to different political parties in a single venue was a rare instance in the political history of the state.

The Photo exhibition was inaugurated by the Minister for Home and Vigilance Ramesh Chennithala on 20.01.2016. Representatives of various trade unions were also present in the occasion.



Minister for Home and Vigilance Ramesh Chennithala inaugurating the photo exhibition organised as part of the KILE's 37<sup>th</sup> Anniversary Celebrations. Philip Joseph, Chairman, KILE, V.D. Joseph, Chairman, Kerala Bamboo Workers Welfare Fund Board, Salim G Modayil, Member, Executive Council, KILE and G. Maheen Aboobaker, State Vice President, STU are also seen.

# An Assessment



Minister for Labour and Skills Shibu Baby John viewing the photo exhibition organised as part of the 37<sup>th</sup> Anniversary Celebrations of KILE. Philip Joseph, Chairman, KILE, V. Veerakumar, Executive Director, KILE, Salim G Modayil, Member Executive Council, KILE are also seen.



# Trade Fare

The Trade fare organised as part of the anniversary celebrations was very attractive and informative. Labour Commissionerate, Employment and Training Department, National Transportation Planning and Research Centre (NATPAC), Aids Control Society, Hanveev, Bamboo Workers Welfare Fund Board, Artisans and Skilled Workers Welfare Board etc. have participated and set up their pavilions.

From these pavilions information regarding Wage Protection System, Online registration of establishments, social security schemes of the Labour Department, Self-employment schemes of the Employment Department, functioning of employability centres, conduct of job fare, safety guidelines for driving, aids control measures etc. were provided to the public.

The demonstration of the manufacture of bamboo products, clay utensils, handicrafts and their sales were also available in the pavilions. The manufacture of bamboo products, clay utensils were a rare experience to the children.





# Competitions

Literary and cultural competitions were conducted for the children of the members of the welfare fund Boards and officers of the Departments and agencies. More than thirty persons have participated in the competitions.

The winners were given cash awards, trophies and gifts. The awards were distributed by Minister for Labour and Skills Shibu Baby John.



**SANDEEPA SANTHOSH**

Essay Writing - I<sup>st</sup> Prize  
Speech - I<sup>st</sup> Prize  
Recitation - II<sup>nd</sup> Prize  
(Daughter of Santhosh Kumar, Member, Kerala Handloom Workers Welfare Fund Board)



**NEERAJA UNNI**

Recitation - I<sup>st</sup> Prize  
Essay Writing - II<sup>nd</sup> Prize  
(Daughter of Uma S., Member, Kerala Handloom Workers Welfare Fund Board)



**EID ABDUL VAHAB**

Pencil Drawing - I<sup>st</sup> Prize  
(Son of Shyla Beegom, Member, Kerala Artisans and Skilled Workers Welfare Fund Board)



**ABHIJITH VLIJAYAN**

Pencil Drawing - II<sup>nd</sup> Prize  
(Son of Vijayan, Member, Kerala Headload Workers Welfare Fund Board)



**HONEYMON.W**

Recitation - I<sup>st</sup> Prize  
Computer Programmer, Kerala Building and Other Construction Workers Welfare Board



**JOLLY CHACKO**

Recitation - II<sup>nd</sup> Prize  
Junior Superintendent, Kerala Headload Workers Welfare Board



**K. JAYAKUMAR**

Recitation - III<sup>rd</sup> Prize  
Office Attendant - H.G Factories & Boilers Department

# Seminar on Wage and Productivity



As part of the 37th Anniversary celebrations a seminar on 'Wage and Productivity' was organised on 21.01.2016 at Kerala State Jawahar Balabhavan, Thiruvananthapuram. It was inaugurated by Philip Joseph, Chairman, KILE in a meeting presided by K. Jayakumar, State Committee member, U.T.U.C. V. Veerakumar, Executive Director, KILE and T.S. Jayalal, Senior Fellow delivered the welcome address and vote of thanks respectively. Members of the Executive Council, KILE and representatives of various trade unions have felicitated the programme.



Dr. J. Rajan



Dr. Angelo Mathew

Dr. J. Rajan, Professor & Director, IMK, Dean, Faculty of Management Studies, Head and Dean, Institute of Management, Kerala University and Dr. Angelo Mathew, Assistant Professor, Department of Personnel Management, Loyola College of Social Sciences have presented papers on the subject.



## A cross section of the competitions





## A cross section of the audience



## A cross section of the various moments



# PUBLICATIONS

Publications are one of the major activities of KILE. Some of the earlier publications were well appreciated by the stakeholders and still demands are coming in for the few earlier publications. It persuaded the institute to think of its revised editions. The publication of the selected research studies are also in the agenda of the institute.

The KILE NEWS, a quarterly publication is a well-designed, informative magazine which has already gained a place in the academic as well as the legal community. Some of the regular columns in the publication are well appreciated by the readers. The scholarly articles from the experts from various fields are an asset to the readers. Due to continuous demand from the trade unions and workers the institute is in the process of publishing it in Malayalam also with more information sought by them.

Two Anniversary issues of the KILE NEWS were published in Malayalam with a view to provide more information to the public regarding the institute from its inception to the current status. The first issue was released at the time of anniversary celebrations by Ramesh Chennithala, Minister for Home and Vigilance by handing over a copy to G. Maheen Aboobaker, State Vice President, STU. It contained a panoramic view of the variety of programmes and activities undertaken by the institute during the last one year.



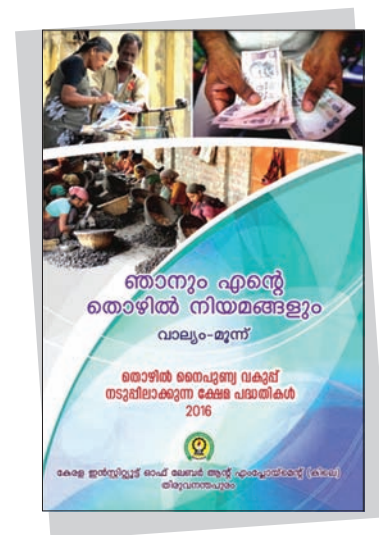


The second issue of the Anniversary edition of the KILE NEWS was also well accepted by the stakeholders and public in general. It was a self-contained publication carried the entire details regarding the 37<sup>th</sup> Anniversary celebrations.

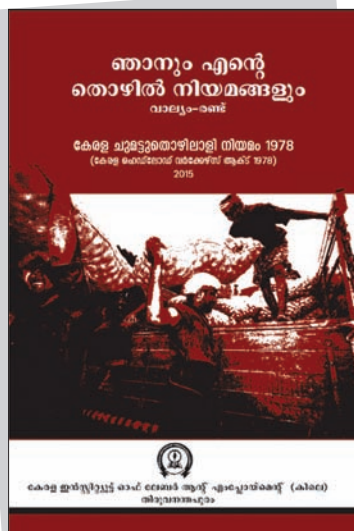


The other publications issued during this year are the hand books on the Social Security Schemes implemented by the Labour and Skills Department, the Kerala Headload Workers Act, 1978 and a handbook on the Provident Fund Acts and Schemes.

Among the hundreds of social security schemes implemented in the State, majority of them are the social security schemes envisaged for the workers. Hence all these are implemented through the Labour and Skills department. However only the schemes implemented through the welfare fund boards are very popular and the public are aware about these schemes implemented for the workers in different employment sectors. The other schemes which are also equally important but directly implemented through the Labour and Employment departments are yet to get that much popularity as that of the schemes implemented through the welfare fund boards. So with a view to popularize the schemes implemented through the Departments and thereby extend the benefits to more persons KILE has published this handbook.

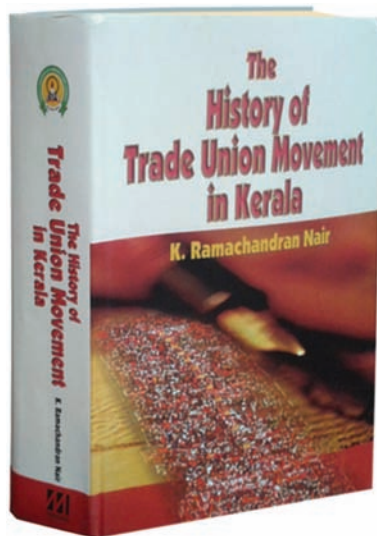


The KILE is highly indebted to our readers and well wishers for their wholehearted support to our publications and activities in general.





# Supplied Free of Cost



"The History of Trade Union Movement in Kerala" (2006), by Dr. K.Ramachandran Nair, Eminent Economist and former member, Kerala State Planning Board published by KILE in association with MANAK Publications (Pvt.) Ltd. (Bound Dummy ¼ size, 611 pages ,Rs. 2000/- ) was a very informative and state of the art publication. The book among other things contain the information regarding

- Formation of Travancore State Congress
- Founding of the Communist Party in Kerala
- Preparation for the working class struggle
- Assessment of Punnappra Vayalar Revolt
- Agitation against E.M.S. Ministry
- Unique features of TU Movement in 1960s
- Trade Union Movement in Kollam/Cochin/ Malabar/Thiruvananthapuram
- Trade Union movement in plantations
- Politics and independence in TUs etc.

Considering the importance of the book KILE supplied it free of cost to the important libraries, Central Trade Unions and the Members of the Executive Council, KILE.

## Bell Curves ■ R Prasad



My favourite office god, always keeps his eyes shut and minds his own business!

Courtesy: The Economic Times

*I call myself a labourer because  
I take pride in calling myself a spinner,  
weaver, farmer and scavenger.*

M.K. Gandhi





# 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 **V. Veerakumar**, Executive Director, KILE

## 1. Whether Contract Labour Advisory Board has authority to prohibit contract labour in an industrial establishment. If so what is the procedure to be followed for the prohibition of contract labour in any employment?

This reply is for the clarification sought by *Ramesh Kakkad, Kannur*.

No. The Central and State Advisory Contract Labour Boards are statutory bodies constituted under Section 3 and 4 respectively of the Contract Labour (Regulation and Abolition) Act, 1970 to advise the Central or State government as the case may be on such matters arising out of the administration of the Contract Labour Act and to carry out other functions assigned to it under the Act.

The appropriate government is the authority to prohibit employment of contract labour in any process, operation or other work in any establishment. [Please see Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970]. If you are so particular about the prohibition of any contract work you may write to the

appropriate government (Additional Chief Secretary, Labour & Skills Department, Kerala in the State Government) with all details regarding the conditions of work and benefits provided to contract labour in the concerned work or process or operation in the establishment. The appropriate government may after consultation with the respective Advisory Contract Labour Board will decide the matter whether it should be prohibited or not as demanded.

Since it is mandatory that prior to the prohibition of contract labour government should make necessary enquiry with regard to the conditions of work, benefits provided for the contract labour and other relevant factors such as

(i) Whether the process, operation or other work is incidental to or necessary for the industry, trade, business, manufacture or occupation that is carried on in that establishment;

(ii) Whether it is of perennial nature, that is to say, it is of sufficient duration having regard to the nature of industry, trade business, manufacture or occupation that is carried on in that establishment;

(iii) Whether it is done ordinarily through regular workmen in that establishment or an establishment similar thereto;

(iv) Whether it is sufficient to employ considerable number of whole-time workmen etc.

If you include these details also in the representation, it would be easy for government to take an appropriate decision on the matter. If the decision of the government is not acceptable, you can challenge the matter in the High Court by way of a writ petition. For more details on this matter you can also contact the local office of the Labour Department.

**2. Workmen has worked for 240 days without break. Retrenchment without notice, without compensation and without following last come first go rule -ab initio void.**

If a workmen worked continuously for 240 days in an establishment is retrenched without notice and paying compensation and without following last come first go rule as per the provisions of the Industrial Disputes Act, 1947 it is ab initio void and workmen entitled to be reinstated with full back wages.

The division bench of the Hon'ble Supreme Court has held in *Jasmer Singh v. State of Haryana and another* (2015 LAB.I.C. 4217 (SC)) that workmen worked for 240 days without break was retrenched without notice and without paying compensation. The interference with finding of fact recorded by Labour Court and setting aside of award by High Court was improper. The Court also held that workmen retrenched without notice, without compensation and without following last come first go rule is ab initio void and workmen entitled to be reinstated with full back wages.

**3. Cess under the Building and Other Construction Workers Welfare Cess Act, 1996 can be collected prior to the period of the establishment of the Building and Other Construction Workers Welfare Board.**

The demand for Cess under the Building and Other Construction Workers Welfare Cess Act, 1996 for the period prior to the constitution of the Building and Other Construction Workers Welfare Board was

challenged in the High Court through a writ petition and was dismissed by the Division Bench of the High Court. Aggrieved by the decision appellant preferred appeal in the Supreme Court (*Prabhakara Reddy & Co v. State of Madhya Pradesh & Ors, The GIC Employees' Union (NZ) and Ors.* (2015 LLR 1233) (SC)) inter alia on the ground that Assistant Labour Commissioner had communicated that Cess is to be paid prior to the date of commencement of the Board. The Division bench of the Supreme Court held that Cess is for service and not tax. Its calculation, as per settled law, is not to be strictly in accordance with quid pro quo rule and does not require any mathematical exactitude. The provisions of law and the Rules warrant that the lawfully impossible Cess should be imposed, collected and put in the statutory welfare fund without delay so that the benefits may flow to the eligible workers at the earliest. Cess Act does not warrant that unless the workers are already registered or the welfare fund is duly credited or the welfare measures are made available, no Cess can be levied. Service to the workers is not required to be a condition precedent for the levy of the Cess. Rendering of welfare services can reasonably be undertaken only after the Cess is levied, collected and credited to the welfare fund. Such beneficial measures for the welfare of workers are applicable even to the construction activity which may have commenced before coming into force of the Act. Consequently appeals were dismissed.

**4. Sir, let me know whether Section 4A of the Payment of Gratuity Act has been made applicable in the State. If so please send me the details regarding the date from which it is made applicable in the State.**

*Mohammed Ibrahim, Thrissur*

*Reply:* Section 4A, Compulsory Insurance by the employers of establishments for meeting the liability for payment of gratuity to their employees under the Payment of Gratuity Act was incorporated vide amendment Act 22 of 1987. But no notification had been issued by the appropriate government (State of Kerala) till 2013 for making it applicable in the state. However, vide Notification No. G.O (P) No.111/2013/LBR dt. Thiruvananthapuram 13.09.2013 as S.R.O No. 755/2013 published in the K.G (Ext.) No. 2730 Vol. II dated, 19<sup>th</sup> September, 2013 issued the required notification under the Section and made it applicable in the State. The relevant notification is included in the journal section of this column.



**5. Sir, Whether any services of the Labour Department have been notified under the Kerala Right to Service Act and if so please let me know the services, the Designated officers and Appellate authorities for the purpose of the Act.**

*Kurien Joseph, Infopark , Kochi,*

Reply: Under Section 3 and 6 of the Kerala Right to Service Act, 2012 Labour Commissioner has already specified 12 services, designated officers and appellate authorities for the purpose of the Act. The relevant notification issued by Government for the purpose of the Act is included in the journal section of this column.

## **JOURNAL SECTION**

GOVERNMENT OF KERALA

Labour and Rehabilitation (D) Department

NOTIFICATION

GO (P) No.111/2013/LBR

Dated, Thiruvananthapuram 13th September, 2013

S.R.O No. - 755/2013. In exercise of the powers conferred by Section 4A of the Payment of Gratuity Act, 1972 (Central Act 39 of 1972), the Government of Kerala hereby notify that Section 4A of the said Act shall come into force on the date of publication of this notification in the Gazette.

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 intended to indicate its general purport.)

As per Section 4A of the Payment of Gratuity Act, 1972 (Central Act 39 of 1972), Government shall notify a date with effect from which the provisions of Section 4A shall come into force. Therefore Government have decided to notify the date of publication of this notification as the date from which the said section shall come into force.

This notification is intended to achieve the above purpose.

*[Published in Kerala Gazette (Ext.) No. 2730 Vol. II dated, 19<sup>th</sup> September, 2013]*

## Labour Department

## NOTIFICATION

No. G1/20225/2012		31 <sup>st</sup> July 2013				
In exercise of the powers conferred by Sections 3 and 6 of the Kerala Right to Service Act, 2012, I the Labour Commissioner Kerala hereby appoint Designated Officers, Appellate Authorities as mentioned in Column No.(5), (6),(7)and notified services, details of documents required, stipulated time limit as specified in Column No.(2), (3) and(4) in the schedule shown below.						
SCHEDULE						
Sl.No.	Name of Service/s	Documents to be attached with the application form	Time limit	Designated Officer	Ist Appellate Authority	II ndAppellate Authority
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	Registration under Kerala Shops and Commercial Establishments Act, 1960	Treasury Chalan/ TR5 Receipt, Copy of License from local body, lease agreement	30 days	Assistant Labour Officer, Grade II	District Labour Officer (E)	Regional Joint Labour Commissioner of the concerned region
2	Renewal of Registration under Kerala Shops and Commercial Establishments Act, 1960	Original Certificate, List of Employees, TR5Receipt/ Treasury Chalan	15 days	Assistant Labour Officer, Grade II	District Labour Officer (E)	Regional Joint Labour Commissioner of the concerned region
3	Registration of Principal Employer under the Contract Labour (Regulation and Abolition) Act, 1970	Treasury Chalan/ TR5 Receipt, List of Contractors	15 days	District Labour Officer (E)	Regional Joint Labour Commissioner of the concerned region	Labour Commissioner
4	License to the Contractor under the Contract Labour (Regulation and Abolition) Act, 1970	Treasury Chalan/ TR5 Receipt for fees and Security Deposit, Certificate in Form V from the Principal Employer	15 days	District Labour Officer (E)	Regional Joint Labour Commissioner of the concerned region	Labour Commissioner
5	Renewal of License under the Contract Labour (Regulation and Abolition) Act, 1970	Original Licence, Treasury Chalan /TR5 Receipt for fees, certificate in Form V from the Principal Employer	15 days	District Labour Officer (E)	Regional Joint Labour Commissioner of the concerned region	Labour Commissioner
6	Registration under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996	Chalan Receipt / TR5Receipt	15 days	District Labour Officer (E)	Regional Joint Labour Commissioner	Labour Commissioner



7	Registration under the Trade Unions Act, 1926	Bye Law, Treasury Chalan, Attested copies of Resolutions, Schedule I, II&III, Membership Register, Identity proof of applicants	60 days	District Labour Officer	Regional Joint Labour Commissioner	Labour Commissioner
8	Registration under Motor Transport Workers Act, 1961	Treasury Chalan, TR5 Receipt, Copy of RC book	15 days	Assistant Labour Officer, Grade II	District Labour Officer (E)	Regional Joint Labour Commissioner of the concerned region
9	Renewal of Registration under Motor Transport Workers Act, 1961	Treasury Chalan/ TR 5 Receipt, Original Certificate, copy of RC book	15 days	Assistant Labour Officer, Grade II	District Labour Officer (E)	Regional Joint Labour Commissioner of the concerned region
10	Registration under the Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979	Treasury Chalan/ TR5 Receipt, List of Contractors	15 days	District Labour Officer (E), District Labour Officer (HQ) (in respect of whole State)	Regional Joint Labour Commissioner of the concerned region, Labour Commissioner	Labour Commissioner, Labour Secretary
11	Licence to the Contractor under the Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979	Treasury Chalan/ TR5 Receipt for fees, Certificate in Form IV from the Principal Employer, Copy of the Agreement	15 days	District Labour Officer (E), District Labour Officer (HQ) (in respect of whole State)	Regional Joint Labour Commissioner of the concerned region, Labour Commissioner	Labour Commissioner, Labour Secretary
12	Renewal of Licence under the Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979	Original Licence, Treasury Chalan/ TR5 Receipt for fees, Certificate in Form V from the Principal Employer	15 days	District Labour Officer (E), District Labour Officer (HQ) (in respect of whole State)	Regional Joint Labour Commissioner of the concerned region, Labour Commissioner	Labour Commissioner, Labour Secretary

(Sd/-)

Thiruvananthapuram.

Labour Commissioner

#### Explanatory Note

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

Government have decided to appoint designated officers, appellate authorities and to notify services, applicable and prescribe items of documents to be attached with application for different services, time limit to be adhered to by officers of Labour Department under the Right to Services Act, 2012.

This notification is intended to achieve the above object.

[Published in K.G. Vol.2 No. 35 dt. 27<sup>th</sup> August, 2013.]



**Numbers of Strikes, Lockouts, Layoffs and Mandays lost  
July to September 2015**

	Pending	Arose	Total	Mandays Lost
Strikes	2	4	6	27261
Lockouts	8	0	8	76514
Layoffs	5	1	6	12134
<b>Total</b>	<b>15</b>	<b>5</b>	<b>20</b>	<b>115909</b>

Source: Labour Department

**Number of Industrial disputes arose, handled and settled  
April – September 2015**

Month	Number of Industrial disputes				
	Pending at the beginning of the month	Arose	Handled	Settled	Pending at the end of the month
April	3124	182	3306	181	3125
May	3125	170	3295	182	3113
June	3113	203	3316	139	3177
July	3177	171	3348	142	3206
August	3206	160	3366	119	3247
September	3247	186	3433	126	3307
<b>Total</b>	<b>18992</b>	<b>1072</b>	<b>20064</b>	<b>889</b>	<b>19175</b>

Source: Labour Department



**Number of Disputes handled  
April – September , 2015**

Month	Number of Industrial disputes settled/handled						
	Voluntary negotiation	Conciliation	Withdrawal	Referred for arbitration	Referred for adjudication	Higher level intervention	Total
April	82	55	36	0	8	0	181
May	62	68	40	0	12	0	182
June	45	53	19	1	16	5	139
July	22	66	39	0	15	0	142
August	31	60	23	0	3	2	119
September	43	56	8	0	19	0	126
<b>Total</b>	<b>285</b>	<b>358</b>	<b>165</b>	<b>1</b>	<b>73</b>	<b>7</b>	<b>889</b>

**Details of Strikes, Lockouts  
July – September, 2015**

Month	Disputes led to strike	Disputes led to lockout	Number of workers involved in strike	Number of workers affected due to lockout	Mandays lost due to strike	Mandays lost due to lockout
July	2	8	30	1142	750	28550
August	2	8	30	1142	600	22840
September	6	8	7267	1142	25911	25124
<b>Total</b>	<b>10</b>	<b>24</b>	<b>7327</b>	<b>3426</b>	<b>27261</b>	<b>76514</b>

**Details of strikes, lockouts Jan – June 2015**

Month	Disputes led to strike	Disputes led to lockout	Number of workers involved in strike	Number of workers affected due to lockout	Mandays lost due to strike	Mandays lost due to lockout
January	3	8	2030	992	20690	25066
February	4	8	905	992	22160	25124
March	3	8	905	992	22625	28550
April	4	9	905	992	13725	26640
May	3	9	5730	1342	40620	29008
June	2	8	30	1142	750	28550
<b>Total</b>	<b>19</b>	<b>50</b>	<b>10505</b>	<b>6452</b>	<b>101970</b>	<b>162938</b>

Source: Labour Department

## Enforcement status of various labour enactments in the State

Report for the quarter ended on 31.03.2015

Sl.No.	Enactments	No. of Inspections	No. of Prosecutions	No. of Convictions
1.	Kerala Shops & Commercial Establishments Act 1960	13,577	358	274
2.	Minimum Wages Act 1948	10,756	357	314
3.	Kerala Industrial Establishments (N&F) Holidays Act 1958	1,586	11	9
4.	Contract Labour (Regulation and Abolition) Act 1970	422	0	4
5.	Maternity Benefit Act 1961	1,292	34	18
6.	Child Labour (Prohibition & Regulation) Act 1986	1,020	0	0
7.	Equal Remuneration Act 1976	61	0	0
8.	Motor Transport Workers Act 1961	1,590	26	43
9.	Kerala Casual, Temporary & Badli Workers (Wages) Act 1989	23	0	0
10.	Beedi & Cigar Workers Act 1966	0	0	0
11.	Inter State Migrant Workmen (Regulation of Employment & Conditions of Service) Act 1979	287	0	0
12.	Labour Laws (Exemption from furnishing Returns and maintaining Registers by certain Establishments) Act 1988	0	0	0
13.	Payment of Wages Act 1936	167	3	0
14.	Working Journalists & Other Newspaper Employees (Condition of Service and Miscellaneous Provisions) Act 1958	1	0	0
15.	Kerala Motor Transport Workers Payment of (Fair Wages) Act 1971	3	1	0
16.	Kerala Headload Workers Act 1978	101	0	0
17.	Kerala Shops & Commercial Establishments Workers Welfare Fund Scheme	3,076	16	7
18.	Others	77	0	0
	<b>TOTAL</b>	<b>34,039</b>	<b>806</b>	<b>669</b>

Source: Labour Department



**APPOINTED**



Kiran . J.N  
has been appointed as  
Senior Fellow

**JOINED**



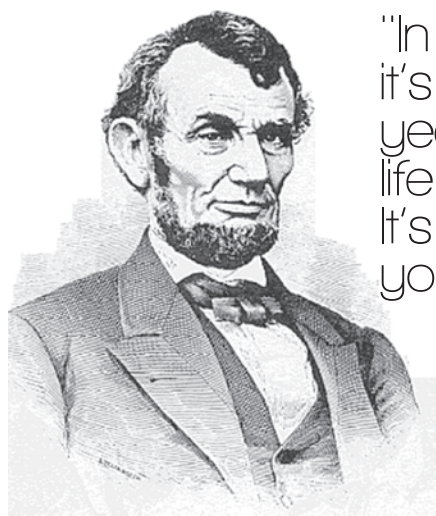
Vijay Wills,  
Junior Employment Officer,  
National Employment  
Service, Kerala has joined as  
Fellow (Employment) on  
deputation.

**Bell Curves** ■ R Prasad



**Either improve your  
product or shift me out  
of customer feedback!**

*Courtesy: The Economic Times*



"In the end,  
it's not the  
years in your  
life that count.  
It's the life in  
your years"

**Abraham Lincoln**  
Politician

## CALENDAR OF PROGRAMMES

2016-2017

Sl. No.	Month	Date	No of days	Programme	Participants	Place	Co-ordinator
1	<b>APRIL</b>	07.04.2016 Thursday	1	Seminar on schemes implemented by Labour and Skills Departments	Presidents of Panchayats	Kollam	Fellow (L)
2		15.04.2016 Friday	1	Training on "Leadership Skill Development"	Workers and members of trade unions	Alappuzha	Fellow (L) / Fellow (E)
3		16.04.2016 Saturday	1	Right to Information Act	Workers and representatives of trade unions	Kannur	Fellow (L)
4		16.04.2016 Saturday	1	C. Kannan Memorial lecture series	Workers / members of trade unions/ employers / students/ officials / academicians etc.	Kannur	Fellow (E)
5		26.04.2016 Monday	1	Awareness programme and medical camp for migrant workers	Migrant workers	Emakulam	Fellow (E)
6		27.04.2016 Wednesday	1	Awareness programme on "Safe work in construction industry"	Employers/ Contractors/ Officials and Trade Unions	Emakulam	Fellow (L)
7	<b>MAY</b>	05.05.2016 Thursday	1	Awareness programme on Employees Provident Fund and Miscellaneous Provisions Act, 1952 and Employees State Insurance Act, 1948	Workers/ Representatives from Trade Unions/ Employers/ Officials of Labour Department	Thiruvananthapuram	Sr. Fellow \ Fellow (L)
8		09.05.2016 Monday to 11.05.2016 Friday	3	Leadership training programme for women workers	Women workers and representatives of trade unions	Thiruvananthapuram	Fellow (L)
9		18.05.2016 Wednesday to 20.05.2016 Friday	3	Leadership training programme for workers and representatives of trade unions from plantations	Workers and representatives of trade unions from plantations	Kumily/ Peermade	Fellow (E)
10		23.05.2016 Monday to 25.05.2016 Wednesday	3	Leadership training programme for workers and representatives of trade unions from plantations	Workers and representatives of trade unions from plantations	Munnar/ Devikulam	Fellow (L)
11		27.05.2016 Saturday	1	Seminar on schemes implemented by Labour and Skills Departments	Presidents of Grama Panchayats/ Block Panchayats	Kollam	Fellow (L)

[illegible]



27	SEPT EMBER	05.09.2016 Wednesday and 06.09.2016 Thursday	2	Workshop on Kerala Service Rules and Kerala Subordinate Service Rules	Officers of the Labour and Skills Department	Thiruvanan thapuram	Fellow (E)
28		12.09.2016 Monday and 13.09.2016 Tuesday	2	Training Programme on Cess Assessment	Assistant Labour Officers (Grade I) and Senior Assistant Labour Officers (Grade II)	Ernakulam	Fellow (L)
29		26.09.2016 Monday	1	Awareness programme on “Safe work in construction industry”	Employers/ Contractors/ Officials and Trade Unions	Kozhikode	Fellow (L)
30		27.09.2016 Tuesday	3	Leadership training for Plantation Workers	Workers and members of trade unions	Wayanadu	Fellow (L)
31	OCTO BER	10.10.2016 Monday	1	Workshop on labour and employment relations	Representatives of employees/ employers and officers of Departments	Thiruvanan thapuram	Fellow (E)
32		18.10.2016 Tuesday	1	Training on “Leadership Skill Development”	Workers and members of trade unions	Palakkad	Fellow (L) / Fellow (E)
33		19.10.2016 Wednesday	1	Career guidance for children in schools	students of 10, +1 and +2 students	Palakkad	Fellow (E)
34		26.10.2016 Wednesday	1	Awareness programme on “Safe work in construction industry”	Employers/ Contractors/ Officials and Trade Unions	Malappuram	Fellow (L)
35		27.10.2016 Thursday	1	Awareness programme and medical camp for migrant workers	Migrant workers	Malappuram	Fellow (L)
36	NOVE MBER	08.11.2016 Tuesday and 09.11.2016 Wednesday	2	Training on Skill Development and Employment Generataion	Officers of Employment Department	Ernakulam	Fellow (E)
37		10.11.2016 Thursday	1	Career guidance for the students	students of 10, +1 and +2 students	Alappuzha	Fellow (E)
38		14.11.2016 Monday	1	Leadership training for the women representatives of trade unions	Women members of Trade Unions	Kottayam	Fellow (L)
39		15.11.2016 Tuesday to 16.11.2016 Wednesday	2	Skill Development Training for Employability	Officers of Employment Department	Kozhikode	Fellow (E)
40		17.11.2016 Tuesday	1	Awareness programme and medical camp for migrant workers	Migrant workers	Kozhikode	Fellow (E)

41	<b>DECEMBER</b>	07.12.2016 Wednesday	1	Career guidance for the students	students of 10, +1 and +2 students	Thiruvananthapuram	Fellow (E)
42		19.12.2016 Saturday	1	Smt. Susheela Gopalan Memorial lectures	Trade Unions	Alappuzha	Fellow (E)
43		19.12.2016 Saturday	1	Leadership training for the representatives of trade unions	Members of Trade Unions	Alappuzha	Fellow (L)
44		24.12.2016 Thursday	1	Sri. K. Karunakaran Memorial Lecture series	Trade Unions	Thiruvananthapuram	Fellow (E)
45		24.12.2016 Friday	1	Leadership training for the women representatives of trade unions	Women members of trade unions	Thiruvananthapuram	Fellow (L)
46	<b>JANUARY</b>	09.01.2017 Monday	1	Awareness programme and medical camp for migrant workers	Migrant workers	Kozhikode	Fellow (E)
47		10.01.2017 Tuesday	1	Seminar on labour and employment relations	Workers, employers and officers of Employment and Labour Department	Kozhikode	Fellow (L)
48		26.01.2017 Thursday	1	Awareness programme and medical camp for migrant workers	Migrant workers	Thiruvananthapuram	Fellow (E)
49		27.01.2017 Friday	1	Sri. Baby John Memorial lecture series	Trade Unions	Kollam	Fellow (E)
50		27.01.2017 Friday	1	Leadership training for the representatives of trade unions	Members of the trade unions	Kollam	Fellow (L)
51	<b>FEBRUARY</b>	06.02.2017 Monday	1	Career guidance for the students	students of 10, +1 and +2 students	Kollam	Fellow (E)
52		07.02.2017 Tuesday	1	Awareness programme and medical camp for migrant workers	Migrant workers	Thiruvananthapuram	Fellow (L)
53		15.02.2017 Wednesday	1	Sri. R. Sugathan Memorial Lecture series	Trade Unions	Alappuzha	Fellow (L)
54		15.02.2017 Wednesday	1	Leadership training for the representatives of trade unions	Members of the trade unions	Alappuzha	Fellow (L)
55		16.02.2017 Thursday	1	Seminar on "Safe Driving"	Workers of motor transport undertakings	Alappuzha	Fellow (E)
56	<b>MARCH</b>	15.03.2017 Wednesday	1	Leadership training for the women representatives of trade unions	Women members of Trade Unions	Kollam	Fellow (E)
57		16.03.2017 Thursday	1	Career guidance for the students	students of 10, +1 and +2 students	Kasargode	Fellow (E)
58		16.03.2017 Thursday	1	Awareness programme and medical camp for the migrant workers	Migrant workers	Kasargode	Fellow (L)

Thiruvananthapuram  
16.05.2015

Executive Director





തിരുവനന്തപുരം, കൊല്ലം ജില്ലകളിലെ ത്രിതല പ്രസിഡന്റ് മന്ത്രി ഷിബു ബേബി ജോൺ ഉദ്ഘാടനം ചെയ്യുന്നു. കില വെയർമാൻ ഫിലിപ്പ് ജോസഫ് സമീപം.



കില വാർഷിക, മുതിർന്ന ചെറുപ്പം ഉദ്ഘാടനം ചെയ്യുന്നു. ചെറുപ്പം ഫിലിപ്പ് ജോസഫ്, മുതിർന്ന മടന്തകോട്, സലി. ജി. മോയിൽ, വി.ജി. ജോസഫ്, വി. വിരക്തമാർ, തോമസ് ജോസഫ്, എന്നിവർ സമീപം.

# **പഞ്ചായത്ത് അധ്യക്ഷനായ ഇൻസ്പെക്ടറായി 'കില' നെർത്തും: രമേശ് ചെന്നിത്തല**



തൊഴിലും നൈപുണ്യവും വകുപ്പ് സംസ്ഥാനത്തു നടപ്പിലാക്കുന്ന ക്ഷേമപദ്ധതികളെപ്പറ്റി ഗ്രാമ, ബ്ലോക്ക് പഞ്ചായത്ത് അധ്യക്ഷന്മാർക്കായി കേരള ഇൻസ്പെക്ടർ ഓഫ് ലേബർ എംപ്ലോയീസ് (കില) നടത്തുന്ന ശിരീഷാലയിൽ ക്ഷേമപദ്ധതി ലഘുലേഖ മന്ത്രി എം.കെ. മുനീർ കൈമാറുന്നു. കില വെയർമാൻ ഫിലിപ്പ് ജോസഫ് സമീപം.

ഈ ഇൻസ്പെക്ടർ ഓഫ് ലേബർ എംപ്ലോയീസ് (കില) നെർത്തും. രമേശ് ചെന്നിത്തല മുതിർന്ന ചെറുപ്പം ഉദ്ഘാടനം ചെയ്യുന്നു. ചെറുപ്പം ഫിലിപ്പ് ജോസഫ്, മുതിർന്ന മടന്തകോട്, സലി. ജി. മോയിൽ, വി.ജി. ജോസഫ്, വി. വിരക്തമാർ, തോമസ് ജോസഫ്, എന്നിവർ സമീപം.

## **കില വാർഷികം: കലാസാഹിത്യമത്സരങ്ങൾ**

തിരുവനന്തപുരം > കേരള ഇൻസ്പെക്ടർ ഓഫ് ലേബർ ആൻഡ് എംപ്ലോയ്മെന്റിന്റെ (കില) 37-ാം വാർഷികാഘോഷത്തിനോടനുബന്ധിച്ച് തൊഴിലും നൈപുണ്യവും വകുപ്പിന്റെ കീഴിൽ പ്രവർത്തിക്കുന്ന ക്ഷേമനിധി ബോർഡുകളിലെ /പദ്ധതികളിൽ രജിസ്റ്റർ ചെയ്തിട്ടുള്ള അംഗങ്ങളുടെ ഹൈസ്കൂൾ (8-10), പൂസ് വൺ, പൂസ് ടു ക്ലാസുകളിൽ പഠിക്കുന്ന കുട്ടികൾക്കായി ചിത്രരചന, ഉപന്യാസം, കവിതാപാരായണം, പ്രസംഗം എന്നീ മത്സരങ്ങൾ തിരുവനന്തപുരം ജവഹർ ബാലഭവനം 20നും 21നും സംഘടിപ്പിക്കുന്നു. രണ്ടും മൂന്നും നാൾക്ക് യഥാക്രമം 3000, 1000 രൂപയുടെ ക്യാഷ് പ്രൈമും സർട്ടിഫിക്കറ്റും ട്രോഫിയും നൽകും. താൽപ്പര്യമുള്ളവർ നാമനിർദ്ദേശം അഭ്യർത്ഥിക്കിച്ച് അഭിനയിക്കുന്നവർക്ക് ക്ഷേമനിധി ബോർഡ് അതികൾ മുഖേന നൽകുന്ന വിവരങ്ങൾക്ക് 0471-230902307742, 2308947, 974423829447128585 ഫോൺ നമ്പറുകളിൽ ബന്ധപ്പെടാം.



കില വാർഷിക സമാപന സമ്മേളനം മന്ത്രി ഷിബു ബേബിജോൺ ഉദ്ഘാടനം ചെയ്യുന്നു. കില വെയർമാൻ ഫിലിപ്പ് ജോസഫ്, വി. വിരക്തമാർ, സലി. ജി. മോയിൽ, മുതിർന്ന മടന്തകോട്, പ്രദീപ്കുമാർ തുടങ്ങിയവർ സമീപം.

മുതിർന്ന മടന്തകോട്



## Through History



Aryadan Muhammed, the veteran Congress leader, was born on 15th May 1935 as the son of Unneen and Kadiyamunni. Entering politics as a Congress member in 1952, Aryadan Muhammed, a member of KPCC since 1958, later served as Secretary, Calicut DCC, President, Malappuram DCC and as General Secretary, KPCC. An active member of INTUC in the fifties, he has been the President of various labour unions as well. He became elected to the Kerala Legislative Assembly for the first time in 1977. He got elected to the KLA again in 1980 through a bye-election held on 28.5.1980. And since then, from 8th KLA to the 11th KLA he has been representing the same Nilambur Constituency as a Congress member. From 25.1.1980 to 16.10.1981, Aryadan was the Minister for Labour and Forests in the Ministry headed by E.K.Nayanar. Later, from 20.4.1995 to 9.5.1996 he was the Minister for Labour and Tourism in the Ministry headed by A.K.Antony. In the present Ministry headed by Oommen Chandy he is holding the portfolio of Electricity.

During his long legislative career, he had also served as the Chairman of the Public Accounts Committee from 1998 to 2001 and Chairman of Public Undertakings Committee from 2001 to 2004. In addition, he has held important positions in the State Marketing Federation as its President and was the Director of NCDC and NAFED. During the 10<sup>th</sup> KLA, Aryadan had also a remarkable stint as the Secretary of the Congress Parliamentary Party. Mariam is his wife and they have two sons and two daughters. ■

*Courtesy: Kerala Legislative Assembly Website*

# Letters



**KILE NEWS**

**Dr. Ratheesh Rajan**, Calicut University, Kozhikode

I had a glance to the KILE NEWS June 2015 issue in our library. I was impressed with the layout, design and content. I congratulate the Kerala Institute of Labour and Employment for publishing a journal, professionally on par with any similar magazine. This issue with special emphasis on the contributions of former President of India was relevant to the time. The articles of eminent persons in the field are of great value to the students and researchers. The speech of Dr. Kalam was very appropriate at this time and certainly we should inspire on his views. The attitude unveiled by him is the real curse of our nation especially in the conduct of the Keralites. Hope the institute will try to improve its quality further.

**Anitha George**, Head (Administration)  
AG Consultants in HR and Labour, Kochi

Let me first convey our blessings on the 37<sup>th</sup> anniversary of the Kerala Institute of Labour and Employment. It is heard that as part of the 37<sup>th</sup> anniversary celebrations KILE organised a seminar on 'Wage and Productivity'. We congratulate KILE for having considered a subject relevant to the time but a subject conveniently ignored by the trade unions in the country. Hope the recent incidents of Munnar will at least persuade the trade unions to have a feedback on their attitude towards problems.

**Abraham Mathew**,  
Management Student, Ernakulam

I read it in the newspapers that the Hon'ble Minister for Labour in his inaugural address at the anniversary celebrations of KILE has stated unless productivity is enhanced there will not be industrial development. It is a courageous statement and the need of the hour. It might be the reason that he is an employer turned politician. We should be proud of having a Labour Minister who was not scared to express his opinion notwithstanding that the trade unions have a different opinion towards industrial productivity.

**Dr. Saju Philip**, Academic Consultant, Trivandrum

I understand that the Kerala Institute of Labour and Employment (KILE) is the only similarly placed organisation functioning in the state to provide various opportunities to acquaint with the situations pertaining to labour and employment to the tripartite constituents of the industry. Even then, it is not properly considered by the Department, Government or even the so called beneficiaries; partners in the tripartite relationship. Though the institute was started in seventies, there is no significant development in its growth. The stakeholders should take up the matter with the government and workout a feasible project for its total revamping and restructuring. This institute has an immense scope for development as the similar institutes in Tamilnadu, Maharashtra, Gujarat and the National Labour Institute in Noida. The only option for its development is to consider an academician as its Executive Director instead of department officials who are not acquainted with the administration of academic institutions. Otherwise the mere retaining of the institute is a liability to the state's exchequer.

**Mohammed Ilyas**, Advocate Trainee, Kochi

I take this opportunity to congratulate KILE and its officials who are involved in the publication of the KILE NEWS for including the recent developments in labour laws and other connected laws in it. The information regarding various authorities under labour laws is rare information available to public easily. It is very useful for the novices in law like me. I enjoyed the reading of it and would like to subscribe. One request is that please allot more pages to the column juris Consultus. The important notification on labour matters included in this column is also rare information can be available to us.

*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

# KILE NEWS

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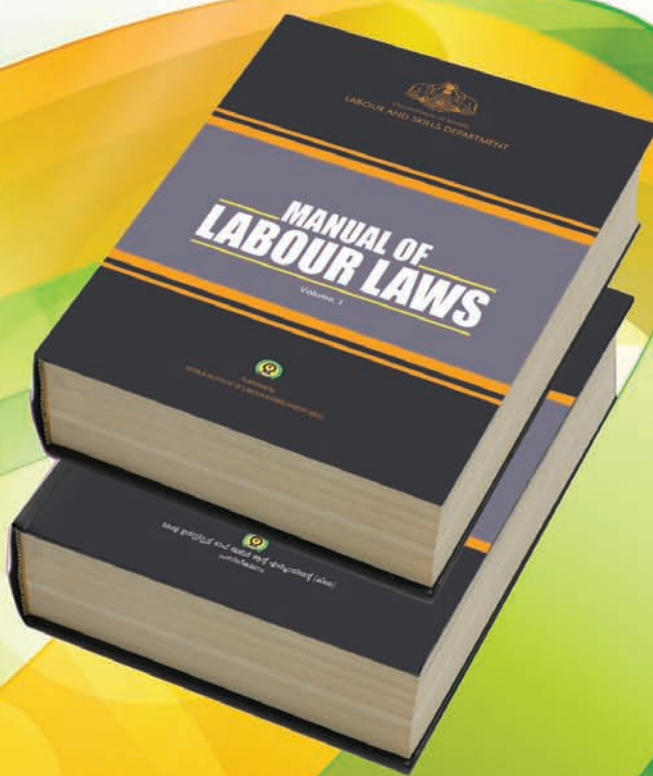
Legal updates | Data updates | Special columns etc.etc.



Publication in progress

# **MANUAL OF LABOUR LAWS**

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



Published by

Executive Director, Kerala Institute of Labour and Employment (KILE), Thozhil Bhavan, Vikas Bhavan P.O., Thiruvananthapuram-695 033,  
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Printed at C-apt, Vattiyoorkkavu, Thiruvananthapuram- 13