

# KILE NEWS

January-March 2015

**Making India into a  
developed nation  
should not be at the  
expenses of the workers**  
– Shibu Baby John



भारतीय श्रम सम्मेलन के  
46 वें  का उद्घाटन

का उद्घ  
एवं  
नेशनल करि  
पोर्टल का  
तथा  
ईएसआईस  
ईएसआईसी  
कार्यक्रम का  
नई दिल्ली : 20  
श्रम एवं रोज  
भारत

Publication in progress

# Njanum Ente Thozhil Niyamangalum

(A handbook on labour legislations in the State)







# Unbreakable Relationship



**Sri. G. Karthikeyan**  
20.01.1949 - 07.03.2015

Sri. G. Karthikeyan, Hon'ble Speaker, Kerala Legislative Assembly was an ardent well wisher of KILE and always keen to provide generous advice in our functioning. He was very much enthusiastic in attending the programmes of KILE even in his busy schedule. We are highly indebted to him for his munificent attitude showered to us as a benefactor in its functioning.

We express our heartfelt condolences on the sad demise of this great personality who had an unbreakable relationship with KILE. May his soul rest in peace.



# KILE NEWS

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## From the Chairman's Desk



# Left in the wilds

07.03.2015 was a black day for us. On this ill- fated day KILE lost a mentor, a patron, a friend, a well wisher and far and above an elder brother of me who have associated in all sense with the activities of KILE have left us. He is none other than our beloved, respected G.Karthikeyan, Hon'ble Speaker, Kerala Legislative Assembly, who was popularly known as 'GK' among the friends and peers.

He was very generous and available always to provide advice on our activities and programmes. He was enthusiastic in participating in the programmes of KILE and share his knowledge and experience to the participants in the programmes and in general in the development of the organization. We recollect a few recent programmes / functions made it memorable with his presence and sharing of experience. The workshop on "Role of Executives in the Legislative Business" organized in August 2013 as part of the Jubilee Celebrations of the Legislative Assembly and the Commemoration organized in memory of the veteran trade unionist and former Chief Minister of Kerala Sri. K. Karunakaran in December 2013.

We feel his absence left us in the wilds.

**Philip Joseph**

## From the Chief Editor's Desk



# One more feather on the crown

The e - governance is the last word in the success story of service delivery in government administration. Though little late, as part of the e - governance initiative of the government, KILE also had taken up the computerization of its administration with the technical assistance from KELTRON with a view to improve its functional effectiveness. The components of it consist of computerization of accounts, file flow management and the development of an interactive website. This was brought to the notice of the stakeholders, readers and our well wishers through this page in the September, 2014 issue. Now, the entire activities connected with the work have been completed and the performance of the software is under trial. With the completion of this initiative KILE became one of the few organizations in Government achieved this status and it placed one more feather on the crown of KILE.

At this moment we express our indebtedness to the Executive Council and the General Body headed by Hon'ble Minister, Labour and Skills Department for having given the consent to go ahead with the computerization activities, otherwise this would not have been materialized in the near future.

**V. Veerakumar**  
Executive Director

# Making India into a developed nation should not be at the expenses of the workers

- Shibuya Baby John



Minister for Labour and Skills Sri. Shibuya Baby John addressing the 46<sup>th</sup> Indian Labour Conference held at Vigyan Bhawan, New Delhi on 20-21 July 2015.



Minister for Labour and Skills Sri. Shibuya Baby John at the press conference in New Delhi after the 46<sup>th</sup> session of the Indian Labour Conference. Sri. Tom Jose, Principal Secretary, Sri. V.K. Balakrishnan, Labour Commissioner, Dr. G.L. Muraleedharan, Additional Labour Commissioner and Sri. Pramod R., Assistant Private Secretary to Minister were also present.

Sri. Shibuya Baby John, Minister for Labour and Skills have stated in the 46<sup>th</sup> Indian Labour Conference held at Vigyan Bhawan, New Delhi on 20-21 July 2015 that Kerala is strongly objecting the anti labour reforms put forward by Central Government. The reforms proposed generally contain the provisions to make the working class and the trade unions insignificant. The labour law reforms suggested in the pretext of the modernisation and consolidation are all anti labour.

The proposed Code on Industrial Relations seems to be taking away the protection granted to the workers and their organisations under the Trade Unions Act, 1926. The conditions including the



prohibition of more than two office bearers from outsiders in a trade union aims to curtailing the functioning of trade unions and reducing their bargaining power. Notice, retrenchment compensation and all other benefits enjoyed by the workers in the establishments employing less than fifty workmen are denied in the new Code. However, it provides there is no need of Government sanction for closing down an establishment employing less than three hundred workmen.

Even after six decades of independence lakhs of children are working in the hazardous employments in the Country. Without stopping this injustice, allowing employment of children in family units and relaxing the inspection system will sabotage the constitutional aim of free and compulsory primary education.

All reforms are aiming to obtain us a status of a developed country. However, developed countries are against the financial development without considering the welfare of the working class. The incident of the Indian Embassy official Devayani Khobragade reminds us how strong the labour laws in the United States of America.

The penalty for non payment of minimum wages under the Minimum Wages Act is fine upto five hundred rupees and an imprisonment upto six months. But in the post independence period no Courts have convicted any employer for the non payment of minimum wages. In this context it is relevant, for what the preference should be given in the labour reforms.

Due to the recent strike by the taxi drivers in France against the



**Minister of State for Labour and Employment Government of India Shri. Bandaru Dattatreya greeting Sri. Shibu Baby John, Minister for Labour and Skills, Government of Kerala at the Indian Labour Conference**



**Minister for Labour and Skills Sri. Shibu Baby John at the 46<sup>th</sup> Indian Labour Conference**

‘Uber Taxi’ French Government have prohibited Uber Taxi in the Country to protect the interests of the taxi drivers. This incident reminds us that the developed countries are giving more importance in protecting the rights of workers.

The relaxation of the health and safety conditions in the Factories Act, 1948 in the proposed Small Factories Act will adversely affect the workers in those factories. Even in small

factories, there should not be any compromise for the health and safety conditions of workers. For making India in to a developed nation, high investment and necessary capital are required. However this should not be at the expenses of the workers. In the days of globalisation a labour law reform protecting the rights of workers and providing better service and safety conditions to them are the need of the hour.



**Ashok S.**

Manager HR & Admn,  
Keltron Equipment Complex,  
Karakulam

# Training the multitude

What it will take to build a nation of skilled people:  
Random thoughts on how to train your population



When it comes to training people, quality, more than quantity, is paramount. And yet it is the biggest hurdle. It is quite surprising to note that the syllabus followed by many Industrial Training Institutes (ITI's) was created in the 1960's. More than 90% of India's labor force lacks formal training. And 365 million people are set to join the workforce over the next decade. Without vocational skills, these masses will be irrelevant to the country's economic growth. As a result, even though nearly 13 million people join the work force every year, India Inc finds that there are very few it can employ. The ugly paradox in the Indian society is that when it is time to select a bridegroom for a daughter, every parent would prefer an unemployed engineer over a skilled artisan! The problem of finding skilled workers is not restricted by

sector or geography; it spans a wide spectrum of industries across India. An analysis by the National Skill Development Corporation (NSDC) shows that 22 high-growth sectors will require a total of 347 million trained workmen by 2022 to sustain growth: another 150 million currently employed will need to upgrade their skills.

Today in India, a mere 2% of our workers are formally skilled. In contrast the share of trained workforce is 96% in Korea and 80% in Japan. This ever-widening chasm between the demand and supply of skilled labor is limiting the growth and productivity of Indian Industry. In fact, the hoary system of training in a particular subject no longer applies. There is a growing need to train students in multiple skills. It is also important to have industry to

play a role in setting the syllabus. Various “sector skill councils” have identified skills they require and mapped it to job functions. These are used as guidelines when private institutes come up with their curriculum.

### Ensuring quality

Ensuring that quality training can be expensive are met so that certificates can be awarded is another challenge. For example, if the Government funds a training institute based on the number of people trained, some institutes may lower the standards for passing examinations, negating any positive. You can avoid these issues by identifying the success metrics and aligning it with financial aid; institutes are now required to use third-party agencies for certification. Test and certificate

providers also work with their sector skills councils on what standards have to be met and what test format—practical, *viva voce* or written exam—must be followed for the award of completion certificates. At present start-ups are using technologies to ensure that ethical practices are adhered to and also make it easy to audit any test conducted in the past. New technological innovations in the conduct of test and evaluation to monitor and record exams like virtual test centers which help to reduce costs and increase scalability in the administration of tests are being used by many Institutes these days.

### Cost of training

Delivering quality training can be expensive. The cost of training a welder runs to between Rs 6000/- to



Samsung India Electronics signed a Memorandum of Agreement (MoA) on 19.05.2015 in Thiruvananthapuram with the Government Industrial Training Institute, Kalamassery, Kerala to set up a Samsung Technical School at ITI, Kalamassery.

The MoA was signed by Smt. A. Shainamol IAS, Director, Industrial Training Department, Government of Kerala and Mr. Rajiv Mishra, Vice President, Samsung India Electronics, in the presence of Shri Shibu Baby John, Minister for Labour & Skills, Government of Kerala. Sri. K. Muraleedharan, MLA was also present in the occasion.





Rs 8000/- per month including equipment, electricity, consumables and teacher salaries. Such high costs are prohibitive for many trainees who tend to be from low-income families. Premier Companies like Ashok Leyland and Saint-Gobbin are partnering with NTTf to train their entrants and foot the cost of training. Some companies are using CSR funds and corporate foundations for skill development. Training providers and industry are also working to create social acceptance for skilled workers. Many are hoping that soon, skills will be considered to be on par with degrees.

**Internship Training - a meaningful means of enhancing employability among educated unemployed**

#### **graduates by ways of industry-institution partnership**

As the global economy becomes more global, the competition for good jobs continues to increase. One no longer has to simply be more qualified than the person next to him; he has to be more qualified than countless others all around the world. Going to a college or university is a critical step, but he/she can greatly enhance his/her classroom learning by gaining real world experience through internship trainings in industries. In addition to gaining great experience to complete the classroom learning, internships allows one to enhance his/her portfolio or resume and make valuable industry contacts that can

be essential to landing the ideal job upon graduation.

Participation in an internship program offers many benefits to any qualified Graduates. First, it allows him to both make and develop professional contacts. Second, both full and part-time employment offers become available. Third, he/she can develop greater understanding of his/her strengths and weaknesses. Fourth, he/she can refine their career goals. In today's competitive job market, it's what you know *and* who knows what that often makes the difference. Internships are a great way to address both of those issues at the same time. As such, the importance of internships to college students demands serious consideration. The importance of internships to college students in terms of networking and gaining new resources cannot be understated. Building a network

of "*who you know*" through internships can pay great dividends upon graduation. By remembering the social aspect of making contacts with people as *people* while working at internships, you can help to ensure that, if good contacts are with other organizations by the time you graduate, you will then have an "in" at those other organizations in addition to the organizations where you performed actual internships.

This is a major challenge facing both industry and Institutes and Colleges who bring out the qualified students and such industry-institute partnership as mentioned above is the only meaningful solution for this issue.



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



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

### SETTLEMENT UNDER PARA 69 - TO MEMBER

Through Form No. 19

Immediate settlement without a waiting period of 2 months	Settlement only after a waiting period of two months
69(1)(a) Retirement after attaining 55 years of age	69(1)(e)(i) transfer of a non retrenched employee from a closed establishment to uncovered establishment
69(1)(b) Retirement on account of total and permanent incapacity due to bodily or mental infirmity	69(1)(e)(ii) Transfer of an employee from a covered establishment to an un- covered establishment under the same employer
69(1)(d) Termination of service on retrenchment	69(2) Other cases viz. Resignation, leaving service, etc
69(1)(dd) Termination on V.R.S	Note: For female members leaving service for the purpose of getting married; (waiting period not applicable)
69(1)(c) Migration from India for permanent settlement abroad or taking employment abroad.	69(1)(e)(iii) Members discharged & retrenchment compensation paid under I. D. Act 1947.

## SETTLEMENT UNDER PARA 70

(Accumulation of deceased member) through Form No.20

70(i) if a nomination exists, payment is made to the nominee in accordance with Form 2(R). (Nomination and Declaration Form)

70(ii) if no nomination subsists, payment is to be made to every member of his family (as defined under para-2(g) of Employees' Provident Fund Scheme 1952) in equal share. For the purpose of this paragraph, a member's posthumous child, if born alive, shall be treated as a surviving child, born before the member's death.

But the following will not be eligible for any share, if other family members are available to receive the accumulations.

- (a) Major sons.
- (b) Major sons of deceased son,
- (c) Married daughters whose husbands are alive,
- (d) Married daughter of a deceased son whose husbands are alive.

70(iii) in cases where Para 70(i), 70(ii) does not apply the payment is to be made to the person who is legally entitled to it, vide Para 70(iii). In case there is no nominee and also there is a person entitled to receive the amount, if the amount to the credit of the fund does not exceed Rs. 10000/-, the Commissioner may pay such amount to the claimant after enquiry and after satisfying the title of the claimant.

**When the payment is to be made to a minor, it is payable to:**

- a) The Guardian appointed under Guardian and Wards Act 1890, failing (a), to
- b) The Guardian appointed by the member as per Para 61(4A), failing(a),(b),
- c) To the natural guardian of the minor, failing (a) (b) (c), to
- d) To the person, considered to be the proper person by the commissioner when the amount not exceeding Rs 20000/- or the person considered to be the proper person, by the Chairman, C. B.T where the amount exceeds Rs 20,000/- Para 72(3)

**When the payment is to be made to a lunatic person, it is payable to:**

- a) The manager appointed for the minor's estate under Indian Lunacy Act, 1912 falling (a)
- b) The natural guardian of the lunatic, falling (a)(b).
- c) To the person considered by the Commissioner as proper person, amount not exceeding Rs. 20,000/- or to person considered by Chairman C.B.T as proper person amount exceeding Rs 20,000/-, Para-72(3A).

Note: Maximum amount payable by money order is Rs 2000/- and beyond that by cheque. If the amount is beyond Rs 500/-, the M O cost will be borne by the claimant.

## SETTLEMENT UNDER Para 70(A)

If a person entitled to receive a share in the Provident Fund accumulations of a deceased member is charged with committing the murder of the member or with abetting the crime, the share payable to such person shall be retained till the case is finalized. If, subsequently he/she is exonerated, the share will be paid to him/her. If such a person is found guilty and convicted, the share will be paid equally to other person(s) entitled to receive the accumulations.

Appropriate form for claiming Provident Fund Pension, withdrawal benefit/Scheme certificate, Employees' Deposit Linked Insurance benefit etc. as given below:-

- a) Form- 19: To claim final settlement of Provident Fund by a member.
- b) Form-20:- To claim Provident Fund by nominee/legal heir on death of the member.
- c) Form-10-D: To claim pension (in duplicate : If within state, in triplicate: If outside state)
- d) Form 10-C: To claim withdrawal benefit/scheme certificate under Employees' Pension Scheme 95
- e) Form 51F: To claim assurance benefit under Employees' Deposit Linked Insurance 76 by nominee/legal heir of a member.
- f) Form-31 : To claim temporary withdrawal/advance under Employees' Provident Fund scheme 52
- g) Form 13: To effect transfer of provident Fund/Pension from one A/C to another.



## EMPLOYEES' PENSION SCHEME, 1995

### ELIGIBILITY

1. Every employee who becomes member of the Employees' Provident Fund Scheme, 1952 on or after 16-11-1995. (Employees who is above age of 58 years on the date of joining of the Employees' Provident Scheme is not eligible for enrolment).

2. Every employee who is a member of the Employees' Provident Fund Scheme 1952 and who has not opted for erstwhile Employees' Family Pension Scheme, 1971 may also eligible to become member if he opts for Employees' Pension Scheme, 1995 by remitting the Pension Fund Contribution with interest @ 8.5%, per annum.

3. Every employee who was a member of the Employees' Provident Fund Scheme and has left service between 1/04/1993 and 15/11/1995 can also join the Employees' Pension Scheme, 1995 by submitting option and refunding the withdrawal benefit, if any, availed by him under the erstwhile Employees' Family Pension Scheme, 1995 with interest @ 8.5% per annum.

Note: - The Employees' Pension Scheme membership will cease from the date on which the member attains 58 years of age. However, he will continue to be a member of E.P.F till he leaves he service and withdraw the P.F. Accumulations.

## DETAILS OF BENEFITS TO MEMBERS OF EMPLOYEES' PENSION SCHEME 1995

### AND THEIR FAMILY MEMBERS

Pension is defined as the Pension payable under the Employees' Pension Scheme, 1995 and include the Family Pension admissible and payable under the ceased Employees' Family Pension Scheme, 1971.

### Pension depends upon 4 factors;

1. Pensionable Salary
2. Pensionable Service
3. Age (Date of Birth)
4. Pension Factor

Pension is classified broadly into 2 categories:-

- (i) Pension to the members;
- (ii) Pension to the family.

### Types of Benefits

#### Benefits of Pension Scheme

1. An Employee is eligible for Pension after 10 years of service.
2. The Pension is payable on attaining the age of 58 years, whether he is in service or superannuated.
3. Early Pension at reduced rate can be availed on leaving the employment, after attaining the age of 50 years.
4. Where an employee is totally disabled and leaving service on account of disablement, Disablement Pension is allowed. No age and service stipulation to claim the pension.
5. Every year, the pension quantum may increase.
6. Wherever the pension claims are received three months

before the date of superannuation, the Regional Provident Fund Commissioner will deliver the Pension Payment Order on the day of superannuation.

7. A part of the Pension Benefit, a member can commute up to one-third of his pension and in lieu of this, he will receive a lump sum amount equivalent to 100 times of the commuted value of pension.
8. A Pensioner may nominate a person to receive a lump sum amount after his death, as Return of Capital.

1. Family pension is payable in case of death of a member

§ After leaving the employment

§ While in employment

§ After drawing the pension

1. Family Pension is payable even where the death occurs before 10 years of service. Thus, the minimum eligible service of 10 years is not applicable.
2. On death of pensioner, the Pension is automatically payable to the spouse (widow/widower).
3. When a member dies as Bachelor or Spinster or where there is no spouse or children below 25 years, the Family Pension is payable to Nominee till his/her death.
4. When there is no valid nomination, the Family Pension is payable to dependent father followed by dependent mother.

5. In addition to Family Pension to Widow/Widower, Children below 25 years are also eligible for pension simultaneously. It is payable to the married daughters also, below the age of 25 years.
6. On death or re-marriage of window/widower, Children will be given enhanced pension treating such children as orphan.
7. On behalf of the minor children the pension is payable to guardian.
8. Any child in the family with total and permanent disablement will receive Children Pension till death.
9. The monthly pension is payable through Indian Overseas Bank, State Bank of India, Indian Bank, HDFC Bank, State Bank of India, State Bank of Travancore, Canara Bank on the first day of every month through the Saving Bank account of the pensioner(single account).
10. The pension can be drawn anywhere in India.
11. The employees with less than 10 years of service on the day of superannuation may avail the benefit of withdrawal from pension fund.
12. Where an employee has not served for 10 years on the date of leaving service, he may obtain a Scheme Certificate so as to continue his membership during un-employment period and the same can be used to count the previous service as and when he joins another establishment covered under the Act.
13. The employees who have not contributed to the Employees, Family Pension Scheme, 1971 can also join the Employees' Pension Scheme before attaining the age of 58, at their option, after paying the contribution and interest, upto-to-date.
14. The contribution to pension Fund can be made beyond the ceiling limit of Rs 6500/- (with effect from 01-09-2014 Rs.15,000/-) on the joint request of the employee and the employer so as to get more benefit.
15. The Pension quantum is determined separately for the period of service from 1.3.1971 to 15.11.1995

as fixed amount. This is known as "Past Service" benefit.

16. The pension for the service rendered after 15.11.1995 is calculated through formula namely.

### **Pensionable Salary X Pensionable Service/70**

An employee on his superannuation is entitled for Pension (through the above formula) up to 60% of the pensionable salary. (Pensionable Salary would mean, the salary drawn by the employee for a period of 12 months/60 months with effect from 01-09-2014) prior to the date of superannuation).

With effect from 01-09-2014, the minimum Pension is Rs.1, 000/-

(Contd-)



Courtesy: The Economic Times



4

## KNOW YOUR AUTHORITIES UNDER VARIOUS ENACTMENTS

CONTRACT LABOUR (REGULATION AND ABOLITION) ACT, 1970 (Act of 1970)

Purposes / Services	Authority
1 Extending the applicability of the Act to establishment or contractor employing less than twenty workers (After giving not less than two months notice of intention so to do , by notification in the official Gazette) (Proviso to clause (b) of sub- section (4) of Section 1)	<b>Appropriate Government</b> (Authority specified under proviso to clause (b) of sub- section (4) of Section 1)
2 Decision regarding the question of nature of employment in an establishment (Intermittent or casual)	<b>Appropriate Government</b> (Authority specified under clause (b) of sub- section (5) of Section 1)
3 Ascertain whether any process or operation or other work is of perennial nature or not (Section 10)	<b>Appropriate Government</b> (Authority specified under Section 10)
4 Constituting of Central Advisory Contract Labour Board (To advise the Central Government on such matters arising out of the administration of this Act and to carry out other functions assigned to it under the Act) (Section 3)	<b>Central Government</b> (Authority specified under sub- section (1) of Section 3)
5 Constituting of State Advisory Contract Labour Board (To advise the State Government on such matters, arising out of the administration of this Act and to carry out other functions assigned to it under the Act) (Pl. see Section 4 and Rule 3 to 16)	<b>State Government</b> (Authority specified under sub – section (1) of Section 4)
6 Constituting Committee for any purpose / purposes (Section 5 and Rule 16)	<b>Appropriate Advisory Contract Labour Board</b> (Authority specified under Section 5)





7	Appointment of Registering Officers / Licensing Officers / Appellate Authorities / Inspectors etc. (Section 6, 11, 15 and rules made thereunder)	<b>Appropriate Government</b> (Pl. see Sections 6, 11, 15 and respective Rules)
8	Registration of establishments where contract labours are employed or proposed to be employed (Section 7, 9 and Rules 17 to 20, 30, 32 etc.)	<b>District Labour Officer (Enforcement)</b> (Registering Officer appointed under sub-section (a) of Section 6)
9	Revocation of Registration (Pl. see S. 8 and rules made thereunder)	<b>District Labour Officer (Enforcement)</b> (Registering Officer appointed under sub-section (a) of Section 6)
10	Licensing of contractors who propose to employ contract labours (Pl. see Section 12, 13, 14 and Rules 21 to 32 etc.)	<b>District Labour Officer (Enforcement)</b> (Licensing Officer appointed under sub-section (a) of S. 11 and authority specified under S.14)
11	Renewal, revocation, suspension and amendment of licenses (Pl. see S. 13, 14, Rule 21 to 32 etc.)	Do
12	Issue of duplicate certificate of registration or licence (In Form VIII and X respectively in triplicate) (Section 7 and Rule 30)	<b>District Labour Officer (Enforcement)</b> (Registering and Licensing Officer appointed under sub-section (a) of Section 6 and sub-section (a) of Section 11 respectively)
13	Grant of temporary certificate of registration and licence (In Form VIII and X respectively in triplicate) (Section 7, 12 and Rule 32)	Do
14	Refund of security amount etc. (Section 12 read with Rule 31)	Do
15	Appeal against the order of the Registering Officer / Licensing Officer issued under section 7, 8, 12 or 14 (Within 30 days from the date on which the order is communicated) (District Labour Officer (E))	<b>Regional Joint Labour Commissioner</b> (Appellate Officer appointed under sub-section (1) of Section 15)
16	Complaint regarding the non- receipt of various benefits under the Act and Rules <ul style="list-style-type: none"> <li>● Non payment of wages</li> <li>● Denial of welfare measures</li> <li>● Non maintenance of registers and records etc.</li> </ul> (Section 28)	<b>Assistant Labour Officer (Grade II)</b> (Inspector appointed under sub-section (1) of Section 28)
17	Prohibition of employment of contract labour in any process, operation or other work in any establishment (Section 10)	<b>Government</b> (Secretary to Govt. Labour and Skills Department (Appropriate Government specified under sub-section (1) of Section 10)



<p>18 Responsibility for payment of wages to contract labour (Section 21)</p>	<p><b>Contractor</b> (Authority specified under sub- section (1) of Section 21) ( In case the contractor fails to make the payment of wages or makes short payment, then the principal employer shall be liable to make payment of wages to the contract labour and recover the amount so paid from the contractor) (Section 21(4))</p>
<p>19 Exemption of establishment or class of establishments or any class of contractors from all or any of the provisions of the Act or the rules (Subject to such conditions and restrictions if any and for such period or periods as may be specified in a notification in the official Gazette )</p>	<p><b>Appropriate Government</b> (Secretary Labour and Skills Department) (Authority specified under Section 31)</p>
<p>20 <b>Maintenance of Registers and Records</b> <b>(i) Principal Employer</b></p> <ul style="list-style-type: none"> <li>● Register of Contractors in Form XII (Rule 74)</li> <li>● Annual return in Form XXV (In duplicate – so as to reach the Registering Officer concerned not later than the 15<sup>th</sup> Feb following the end of the year to which it relates) (Sub- rule (2) of Rule 82)</li> </ul> <p><b>(ii) Contractor</b></p> <ul style="list-style-type: none"> <li>● Register of persons employed in Form XIII (Rule 75)</li> <li>● Issue of Employment Card in Form XIV (Rule 76) (Within 3 days of the employment of the worker)</li> <li>● Issue of Service Certificate to contract labours in Form XV on termination (Rule 77)</li> <li>● Mustor Roll</li> <li>● Register of Wages</li> <li>● Register of Deductions</li> <li>● Register of Overtime</li> <li>● Register of Fines</li> <li>● Register of Advances or</li> </ul> <p>(If Payment of Wages Act 1936 and Minimum Wages Act, 1948 are applicable to the establishment , the above registers maintained under those Acts shall be deemed to be registers and records to be maintained by their contractors under these Rules ) (Rule 78)</p>	<p><b>Principal Employer / Contractor</b> (Authority specified under Section 29)</p>

<p><b>In Other Estts.</b></p> <ul style="list-style-type: none"> <li>● Mustor Roll in Form XVI</li> <li>● Register of Wages in Form XVII (A combined Mustor Roll cum Wages Register in Form XVIII will be enough if the wage period is a fortnight or less) (Pl. see S. 29 and Rule 78)</li> <li>● Issue Wages Slip in Form XIX at least a day prior to the disbursement of wages (Clause(b) of sub-rule (2) of Rule 78) (Where wage period is one week or more)</li> <li>● Register of deductions for damage or loss in Form XX</li> <li>● Register of Fines in Form XXI</li> <li>● Register of Advances in Form XXII</li> <li>● Register of Overtime in Form XXIII</li> <li>● Display an abstract of the Act and Rules in English and in Malayalam and in the language spoken by the majority of the workers in such form as may be approved by the Labour Commissioner (Rule 79)</li> <li>● Send half yearly returns in form XXIV (in duplicate – so as to reach the licensing officer concerned not later than 30 days from the close of the half year) (Section 29 read with Rules 74 to 82)</li> <li>● Display a notice showing the rates of wages, hours of work, wage periods, dates of payment of wages, names and addresses of the Inspector having jurisdiction and date of payment of unpaid wages.</li> </ul>	<p><b>Principal Employer /Contractor</b> (Authority prescribed under sub- rule (1) of Rule 82)</p>
<p>21 Filing of Prosecution (Within three months from the date on which the alleged commission of the offence came to the knowledge of an Inspector) (Section 26 and 27)</p>	<p><b>Inspector/ Any person with the previous sanction of the Inspector</b> (Authority specified under S. 26)</p>
<p>22 Competent Court for filing prosecutions (Section 26)</p>	<p><b>No Court inferior to that of a Presidency Magistrate of the First Class</b> (Authority prescribed under S. 26)</p>
<p>23 Making of rules (Section 35)</p>	<p><b>Appropriate Government</b> (Authority specified under Section 35)</p>

Source: The Law Relating to Shops and Establishments, N&N Publications, Thiruvananthapuram-43



### Seminar

# Safe Driving



Seminar on “Safe Driving’ was one of the flagship programmes organized by KILE during 2014-2015. Three regional programmes were organized. The first programme was conducted at Mascot Hotel, Thiruvananthapuram on 20-05-2014. It was inaugurated by Sri. K. Padmakumar, Additional Director General of Police.

The second programme was organized in Kottayam. It was conducted at Hotel Orchid Residency on 21-06-2014. This programme was inaugurated by Sri. Thiruvanchoor Radhakrishnan, Hon’ble Minister for Transport, Forests, Sports, Cinema and Environment.

The third programme in this series was conducted at Hotel Malabar Palace, Kozhikode on 08.01.2015. It was inaugurated by Sri. Ramesh Chennithala, Hon’ble Minister for Home and Vigilance in a remarkable function presided by Sri. Philip Joseph, Chairman ,KILE. Adv. Murali Madanthacode, Member

Executive Council, KILE, Adv. Rajan, District President, INTUC and KILE General Body member Sri. T. Dasan, District General Secretary, CITU, Sri. K.G. Pankajakshan, Vice President, State Executive Council, AITUC, Sri. O.K. Dharmarajan, District Secretary, BMS, Sri. K.P. Rajan, Member RSP and UTUC Executive Council and District Secretary, UTUC, Sri. Uzhavoor Vijayan, NCP State President, Sri. U. Pokker, State President, STU, Sri. K. Sreeshan, Regional Joint Labour Commissioner, Kozhikode have attended the inaugural function. Sri. V. Veerakumar, Executive Director, KILE and Sri. P.G. Asokakumar,

Fellow (Labour) have delivered the welcome address and the vote of thanks respectively.

Dr. Mohammed Najeeb, Regional Transport Officer (Enforcement), Kozhikode and Sri. V. Anumodkumar, Motor Vehicle Inspector, Malappuram have handled the technical sessions. The participants were the drivers of KSRTC, private buses, schools and colleges, Public Sector Undertakings, Universities, Departments etc. 197 persons have participated in the seminar.



## Workshop

# Schemes implemented by Labour and Skills Department

## for the Presidents of Grama Panchayats and Municipalities

A number of social security schemes are implemented by the Departments, Welfare Fund Boards and other agencies under Labour and Skills Department. Though the benefits provided from the welfare fund boards are familiar to the workers of the respective employments / sectors, the schemes implemented by the Labour Commissionerate, National Employment Service Department and Comprehensive Health Insurance Agency of Kerala (CHIAK) are not so familiar to the public. So

with a view to give wide publicity about these schemes KILE decided to organize workshops on these schemes to the elected representatives of the Grama Panchayats and Municipalities so that they can widely spread out this information to the beneficiaries in their jurisdiction.







The first programme was organized in Kottayam at Hotel Pearl Regency on 07.02.2015. It was inaugurated by Sri. Thiruvanchoor Radhakrishnan, Hon'ble Minister for Transport, Forests, Sports, Cinema and Environment in an august function presided by Sri. Philip Joseph, Chairman, KILE. Sri. K.R. G. Warriar, Chairman, Municipality of Kottayam has delivered the keynote

address. Smt. Nirmala Jimmy, President, District Panchayat, Kottayam, Sri. Salim G. Modayil, Member, Executive Council, KILE, Adv. Biju Punnathanaum, Vice President, District Panchayat, Kottayam, Sri. Belji Emmanuel, District President, Kerala Panchayat Presidents Association and Adv. N.S. Harichandran, Municipal Development Standing Committee

Chairman have spoken in the occasion.

Sri. P. Sukumar, Executive Director, CHIAK, Sri. M.N. Prabhakaran, Sub Regional Employment Officer and Sri. Joseph K Paul, Joint Labour Commissioner (Rtd.) have handled the sessions. 54 persons have attended the workshop.





## Seminar

# Women workers and Legislative protection



This was another flagship programme of the year. The first of it was organized at Govt. Guest House, Thiruvananthapuram on 16.02.2015, which was inaugurated by Sri. C.P. John, Member, State Planning Board in a remarkable function presided by Sri. Philip Joseph, Chairman, KILE. Sri. Salim G Modayil and Adv. Murali Madanthacode, Executive Council

members, KILE have spoken at the inaugural function. Sri. V. Veerakumar, Executive Director, KILE and Sri. Saju. S.S, Senior Fellow (in charge) have delivered the welcome address and vote of thanks respectively.

Sri. A. Alexander, Additional Labour Commissioner (Enforcement) and Adv. Anil Narayanan have handled the classes. 91 women nominated from the trade unions and establishments have attended the programme.



## Ernakulam



The second programme on women workers and legislative protection was organized in Ernakulam on 20.02.2015 at Renewal Centre, Kaloor. It was inaugurated by Sri. V.D. Satheesan, MLA in a colourful function presided by Sri. Philip Joseph, Chairman, KILE. Sri. Salim G Modayil, Member, Executive Council, KILE, Sri. P.J. Joy, Regional Joint Labour Commissioner, Ernakulam and Sri. K.S. Mohammed Siyad, District Labour Officer, Ernakulam have spoken in the occasion. Sri. P.G. Asokakumar, Fellow (Labour) has delivered the welcome address.

Sri. K.V. Mohandas, Additional Labour Commissioner (Rtd.) and Adv. A. Preetha have handled the classes. 63 women from various employments have attended the seminar.





## Kottayam

The third programme in this series was organized in Kottayam at Hotel Orchid Residency on 25-02-2015. It was inaugurated by Sri. K.R. G. Warriar, Chairman, Municipality of Kottayam in a meeting presided by Sri. Salim G Modayil, Member, Executive Council, KILE. Sri. P.G. Asokakumar, Fellow (Labour) has delivered the welcome address.

Sri. A.S. Sasiprakash, Regional Joint Labour Commissioner, Ernakulam (Rtd.) and Adv. A. Preetha have handled the classes.





## Seminar

# Alcoholism and Drug Abuse

Another significant programme organised in this period was a seminar on 'Alcoholism and Drug Abuse'. It was inaugurated by Sri. T.P. Senkumar, IPS, Director General of Police (Jail Department) on 19.02.2015 at Govt. Guest House, Thiruvananthapuram in a remarkable function presided by Sri. Philip Joseph, Chairman, KILE. Sri. Salim G Modayil, Member, Executive Council, KILE



have spoken in the occasion. Sri. V. Veerakumar, Executive Director, KILE and Sri. Saju. S.S. Senior Fellow (in charge) have delivered the welcome address and vote of thanks respectively.



## Workshop

# Art of Letter writing and drafting of notes



Workshop on ‘Art of Letter Writing and Drafting of Notes’ organized for the Assistants, Computer Operators and Typists of the Labour and Skills Department in the government secretariat was another important programme. This programme was conducted on 05.02.2015, 06.02.2015 and 03.03.2015 at Govt. Guest House, Thiruvananthapuram.

The programme was inaugurated on 05.02.2015 by Sri. Tom Jose. IAS,

Principal Secretary, Labour and Skills Department. Sri. Harikumar, Additional Secretary, Labour and Skills Department presided in the function. Sri. V. Veerakumar, Executive Director and Sri. Saju. S. S. Senior Fellow in charge delivered the welcome address and vote of thanks respectively.

Dr. Gopakumar, Head of Department (English), Mahatma Gandhi College, Thiruvananthapuram, Sri. G. Sreekumar, Additional Secretary, Govt. of Kerala (Rtd.) and Sri. R. Muraleedharn Pillai, Faculty, Institute of Management in Govt. (Rtd.) have handled the sessions. Forty officials have attended the workshop.





## Seminar

# Mental stress and health problems in Employment



It is another important programme specially organized on the demands of workers and trade unions. As a pilot programme one was conducted on 17.03.2015 at Renewal Centre, Ernakulam for the employees of shops and establishments in the district. It was inaugurated by Sri. Philip Joseph, Chairman KILE in a meeting presided by Sri. Salim G Modayil,

Member, Executive Council, KILE. Sri. Saju.S.S, Senior Fellow, KILE has delivered the welcome address.



Dr. Dalia, Deputy District Medical Officer, Ernakulam, Smt. Sethulekshmi, Clinical Psychologist, C.M.H.P, Ernakulam and Smt. K.T. Sarala, District Executive Officer, Kerala Shops and Commercial Establishments Welfare Fund Board have handled the sessions on various topics. There were 65 representatives from various trade unions and establishments attended the programme.



## Workshop

# Leadership Skill Development training for Tailoring Workers

Leadership development programme for the representatives of trade unions and workers are one of the regular programmes conducted by KILE every year. Annually 10-15 such programmes for different employments or workers will be organized all over the state. This programme has great demand among trade unions. Separate programmes for women workers are also being organized. It is also one of the widely accepted programmes of KILE.



The leadership skill development programme of this quarter was organised for the tailoring workers of Kollam district. It was organized in Kollam at Bishop Jerome Hall, Chinnakada on 07.03.2015. It was inaugurated by Sri. A. Azhakesan, Chairman, Kerala Toddy Workers Welfare Fund Board in a function presided by Sri. Philip Joseph, Chairman, KILE. Sri. Kanam Rajendran (Ex. MLA). Adv. Murali Madanthacode and Sri. Salim G Modayil,

Members, Executive Council, KILE Sri. A.K. Hafeez, Chairman, Kollam Development Authority, Sri. Nadirsha, State President, Kerala Tailoring Workers Congress, Sri. T.K. Sulphy, State Working Committee Member, UTUC, Sri. K. Bhargavan, State Working Committee Member, AITUC Sri. B. Sasikumar, District Secretary, Artisans Union and Sri. Thankappan Pillai, District Secretary, BMS have spoken in the occasion. Sri. P.G Asokakumar, Fellow (Labour) have delivered the welcome address and Sri P.T. Sreekumar, District Executive Officer, Kerala Tailoring Workers Welfare Fund Board, Kollam have delivered the vote of thanks.



Sri. A. Alexander, Additional Labour Commissioner (Enforcement) and Sri. Ranjith, Chief Executive, Kerala Tailoring Workers Welfare Fund Board have handled the classes. Among the ninety one representatives from various trade unions and establishments, majority of them were women.

**Workshop**

# Sales Representatives and Legislative protection

This programme is the first attempt from KILE to give legal awareness on the rights of the sales promotion employees who are one of the categories of workmen who were denied their legal protection envisaged under various labour legislations. By this reason itself the programme was widely accepted by the trade unions and the workers.

The programme was organized at Renewal Centre, Kaloor, Ernakulam on 18.03.2015. It was inaugurated by Sri. P.J. Joy, Regional Joint Labour Commissioner, Ernakulam in a function presided by Sri. Salim G Modayil, Member, Executive Council, KILE. Adv. Murali Madanthacode, Member, Executive Council, KILE delivered the keynote

address. Sri. Saju.S.S. Senior Fellow (in charge) has welcomed the guests and participants in the programme.

Sri. K.V. Mohandas, Additional Labour Commissioner (Rtd.) and Sri. Mohammed Siyad, District Labour Officer, Ernakulam have handled the sessions in the programme.



Workshop

# Service Rules and Maintenance of Service Books



This was a special programme organized on the request of the Labour Commissioner, to provide adequate knowledge on the Kerala Service Rules and the maintenance of Service Books of the employees to the officers of the department. This programme was conducted at Government Guest House, Thycaud, Thiruvananthapuram on 16.03.2015. It was inaugurated by Sri. V.K. Balakrishnan, IAS, Labour Commissioner in a function presided by Sri. Philip Joseph, Chairman, KILE. Sri. V. Veerakumar, Executive Director,

KILE and Sri. P.G. Asokakumar, Fellow (Labour) have delivered the welcome address and vote of thanks respectively.

Sri. Nadrajan Asary, Additional Secretary Govt. of Kerala (Rtd.) have handled the classes





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

**2011-2012**

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

**2012-2013**

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



**2013-2014**

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

Source: Labour Department

**APPOINTED**


Sri. V.K. Balakrishnan . IAS has been posted as Labour Commissioner w.e.f. 01.01.2015. He is one of the members of the Executive Council, KILE.

**APPOINTED**


Sri. K. Biju IAS has joined as Director Employment and Training. He is one of the Members of the Executive Council, KILE.

# New Arrivals to the Library



## Books

1. A Treatise on the Right to Information Act (PB) (2014), Jain DR. Anshu/ Universal Law Publishing Co. Pvt. Ltd, New Delhi
2. Commentary on the Juvenile Justice Act, (PB), (Reprint) 2014, Nalwa Suman & Kohli Hari Dev/ Universal Law Publishing Co. Pvt. Ltd, New Delhi
3. Commentary on the Protection of Children from Sexual Offences Act, 2012 and Rules (HB) (2013), Narayana Justice .P.S./Universal Law Publishing Co. Pvt. Ltd, New Delhi
4. Dismissal, Discharge, Termination of Service and Punishment, 12th Edn. (HB), Malhotra L.C.
5. English - English Dictionary (Latest Edition), Oxford Publications
6. English - Malayalam Dictionary (Latest Edition), Ramalingam Pillai
7. Hand Book on the Right to Information Act, 4<sup>th</sup> Edn (PB) (2013), Das.P.K./ Universal Law Publishing Co. Pvt. Ltd, New Delhi
8. Introduction to the Principles of Morals and Legislation (Indian Economy Reprint (PB), Bentham/Universal Law Publishing Co. Pvt. Ltd, New Delhi
9. Kerala Service Rules (Full set) (Latest Edition), K.G. Chandramohan, Joint Director, Local Fund Audit (Retd)
10. Law Relating to Disciplinary Proceedings in Industries, 8<sup>th</sup> Edition, (PB) (2013), Kumar. HL/Universal Law Publishing Co. Pvt. Ltd, New Delhi
11. Legally Speaking (Reprint) (HB)(2014), Krishna Iyer justice V.R./ Universal Law Publishing Co. Pvt. Ltd, New Delhi
12. Legislative Drafting (Principles & techniques) 3<sup>rd</sup> Edtn. 2011 (Reprint) (HB) (2013), Atre .B.R./Universal Law Publishing Co. Pvt. Ltd, New Delhi
13. Natural Justice (Sixth Indian Reprint) (HB) (2011), Marshall H.M. / Universal Law Publishing Co. Pvt. Ltd, New Delhi
14. Processual Justice to the People (HB)(2012), Krishna Iyer Justice V.R./ Universal Law Publications, New Delhi
15. The Children's Code, Krishna Iyer Justice V.R
16. The Constitution Corruption- Pathological Casualties and Radical Remedies, Reformatories (HB) (2014), Krishna Iyer justice V.R./ Universal Law Publishing Co. Pvt. Ltd, New Delhi
17. The Summation of 65 years of Jurisprudence on Service Law 1940-2013, Philip J. Vettikkattu and M. Mathew/ Kerala Law Times

18. On Service and Labour Laws (HB), Lakshmanan Justice A.R/Universal Law Publishing Co. Pvt. Ltd, New Delhi

**Bare Acts**

1. Administrative Tribunal Act, 1985 along with CAT (Procedure Rules), 1987 CAT Rules of Practice, 1993 and Contempt of Courts (CAT) Rules, 1992, Universal’s Publications , New Delhi
2. Factories Act, 1948, Universal’s Publications , New Delhi
3. Fatal Accidents Act, 1855, Universal’s Publications, New Delhi
4. Juvenile Justice (Care and Protection of Children) Act, 2000 along with Rules, 2007, Universal’s Publications , New Delhi
5. Mahatma Gandhi National Rural Employment Guarantee Act, 2005, Universal’s Publications , New Delhi

6. Payment of Gratuity Act, 1972 along with Rules, 1972, Universal’s Publications , New Delhi
7. Payment of Wages Act, 1936 along with (Procedure ) Rules 1937, Universal’s Publications , New Delhi
8. Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995 along with Rules, 1996 and National Trust for Welfare of Persons with Disabilities Act, 1996 with Rules, 2000, Universal’s Publications , New Delhi
9. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal ) Act, 2013, Universal’s Publications , New Delhi
10. Unorganised Workers Social Security Act, 2008 along with Rules, 2009, Universal’s Publications , New Delhi
11. Sales Promotion Employees (Conditions of Service) Act, 1976 along with Rules, 1976, Universal’s Publications , New Delhi

**3 golden rules**

Who is helping you,  
Don't forget them

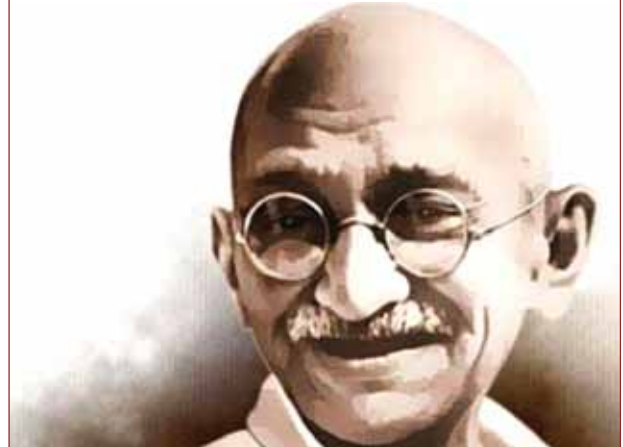
Who is living you,  
Don't HATE them.

Who is trusting you,  
Don't CHEAT them.



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

Mahatma Gandhi





**V. Veerakumar**

Executive Director

# Workplace exploitation of Women

## Gender specific provisions in the Labour enactments—A critical analysis



23<sup>rd</sup> February, 2015, Sunday 8.30 A.M. Sujatha (Name changed for anonymity), 23 years hailing from a middle class rural family employed as a sales girl in a big textile shop in the city waiting in front of the shop where she is employed, for opening it to resume her duty by 9.00 A.M for the day. Though it was a Sunday she had to work as there was no weekly

holiday as required by law. Similarly, she has to work till 8.30 P.M. – 9.00 P.M that is the closing time of her daily working hours. In between these hours she ‘may’ get the so called half an hour ‘lunch interval’ at any time between 1.00 P.M and 3.00 P.M depending on the customers’ presence. She can use the toilet only twice or thrice a day. From her work

spot to the toilet she has to climb up or climb down the staircase even if there is escalator and lift. But some employers have shown a ‘magnanimous attitude’ towards the employees by allowing them to use their service lift for their movement to the toilet. The wages paid to her was far below than the minimum wages fixed by government. Except

casual leave no other leaves were allowed to her since her joining in the establishment. This is not an alien incident but a general situation existing in many of the so called 'shopping paradises' in the state. You would also remember the concerted action of women employees of textile shops in Kozhikode and Thrissur for pressing their demand for using toilet facility and provision for sitting near to their work spot. These and other analogous incidents show that women in their employments are callously exploited by their employers. The critics say though a number of enactments stipulate the conditions for the employment of women, they are totally ignored or widely misused by their masters and the authorities who are responsible to ensure the compliance of these statutory provisions are also least bothered to enforce. In this context, the women specific provisions in the labour enactments applicable in the state are examined and critically reviewed here.

As per Census 2011, the ratio of female workers was 25.51 percent. At All- India level the percentage share of female as cultivators, agricultural labourers, workers in the household industry and other workers stood at 24.92, 18.56, 2.95 and 47.20 respectively.<sup>1</sup> In 2012 there were 2.8 million people directly and 8.9 million indirectly employed in the IT, ITeS industry in the country.<sup>2</sup> In this, a substantial percentage constitute female participation. Average daily employment of women in factories was 15.65 percent during the year 2010.<sup>3</sup> The State of Himachal Pradesh had the highest female work participation rate (44.8%) whereas the lowest was reported in case of Delhi (10.6%).<sup>4</sup> Official statistics regarding



In 2012 there were 2.8 million people directly and 8.9 million indirectly employed in the IT, ITeS industry in the country. In this, a substantial percentage constitute female participation.

the number of women workers engaged in shops and establishments are not available. However the ratio of female workers

all workers irrespective of their gender. However a few of them are specifically intended to stipulate the employment conditions of women. They are Hours of Work (Industry) Convention, 1919 (No.1), Night Work (Women) Convention, 1919 (No. 4), Night Work Convention, 1934 (No. 41), Night Work (Women) Convention (Revised), 1948 (No. 89), Underground Work (Women) Convention, 1935 (No. 45), Maternity Protection No. 3 (1919) and Maternity Protection 103 (1952), Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18), Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No.42), Equal Remuneration Convention, 1951





(No. 100), Discrimination (Employment and Occupation) Convention, 1958 ( No. 111), Maximum Weight Convention, 1967 (No. 127) etc. Besides these Lead Poisoning (Women and Children) Recommendation No. 4 of 1919, Maternity Protection (Agriculture) Recommendation No. 12 of 1921, and Night Work of Women (Agriculture) recommendation No. 13 of 1921 and Migration (Protection of Female at Sea) Recommendation No. 26 of 1926 are also applicable in this field<sup>5</sup>. The Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), 1993 is also equally important.

The Indian Constitution contain provisions for the protection and well being of women. Art. 15 (1) of the

Constitution envisages there should not be any discrimination on the ground of religion, race, caste, sex etc. However 15 (3) is one of the exceptions to the general rule. It says that nothing in Art. 15 (1) shall prevent the State from making any special provision for women and children. The Constitution not only grants equality to women, but also empowers the state to adopt measures of positive discrimination in favour of women. ie. it empowers the State to intervene and formulate special enactments that would uplift the social and legal status of women and children. Art. 42 further direct the State to make provision for securing just and human conditions of work and for maternity relief.

The labour enactments in the country are applicable to men and women unless it is specifically exempted or limited to gender specific. On the other hand a number of labour legislations stipulate gender specific provisions for the protection of women in their employment. The Employee's Compensation Act, 1923, Industrial Employment (Standing Orders) Act, 1946, Factories Act, 1948, Employee's State Insurance Act, 1948, Plantations Labour Act, 1951, Kerala Shops and Commercial Establishments Act, 1960, Maternity Benefit Act, 1961, Motor Transport Workers Act, 1961, Beedi and Cigar Workers (Conditions of Employment) Act, 1966, Contract Labour (Regulation and Abolition) Act, 1970, Kerala Agricultural Workers Act, 1974, Equal Remuneration Act, 1976, Kerala Headload Workers Act, 1978, Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, Building and Other Construction Workers (Regulation of Employment

and Conditions of Service) Act, 1996 etc. are a few of them.

The women specific provisions include the conditions relating to working hours, wages, leave, shift working, rest intervals, health and welfare measures, maternity protection and other facilities to be provided during their employment. In any employment the normal working hours of women as that of men are eight hours per day and forty eight hours per week. The nature and number of leaves varies from employment to employment. The wages are applicable as fixed under the Minimum Wages Act, 1948.

There is some restriction in the employment of women during night. S. 66 of Factories Act says no woman shall be required or allowed to work in any factory except between the hours of 6A.M. and 7.P.M. However, the State Govt. is authorized to relax this provision but no such variation shall authorize the employment of any women between the hours of 10 P.M. and 5.A.M. This restriction is further relaxable subject to such conditions as state government may prescribe as women working in fish – curing or fish - canning factories, where the employment of women beyond the hours specified is necessary to prevent damage to, or deterioration in, any raw material. The Hon' ble High Court of Kerala in *Leela v. State of Kerala* (2004) 2 KLT 220; ILR (2004) 1 Ker 508 has adjudged that it does not suffer from any discrimination, nor is violatiive of articles 14, 15, or 16 of Constitution. But a diverse judgement was given by the High Court of Andhra Pradesh in *K.S. Triveni and Others v. Union of India and Others*, 2002 LAB.I.C. 1714 (AP) that validity of S . 66 (1) (b) of the Factories Act restricting



In addition to the normal leaves applicable under the Shops Act women are entitled to fourteen days special casual leave (six days for male employees) with wages when they undergo sterilization operation.

the year 2009-10.<sup>6</sup> The wages/salaries per manday worked for directly employed women workers were Rs. 328.74, Rs. 293.55 and Rs. 139.61 in public sector, joint sector and private sector respectively, whereas for men workers it was much higher i.e. Rs. 619.86, Rs. 725.47 and Rs. 255.47 respectively during 2009-10.<sup>7</sup> This enactment also restricts the discrimination against women in their recruitment, promotions, training or transfer except where the employment of women in such work is prohibited or restricted by or under any law for the time being in force (S. 5).

In addition to the normal leaves applicable under the Shops Act women are entitled to fourteen days special casual leave (six days for male employees) with wages when they undergo sterilization operation.

In the case of carrying weight by women workers also some restrictions have been prescribed by the Kerala Shops and Commercial Establishments Rules and the Kerala Motor Transport Workers Rules. Rule 6A of the Kerala Shops and Commercial Establishments Rules says no woman, or young person shall unaided by another person, lift, carry or move by hand or on head, any load exceeding the maximum limit viz. Adult female – 30 Kgs, Adolescent female – 20 Kgs and Female child – 13 Kgs. Similarly, Rule 26A of the Kerala Motor Transport Workers Rules stipulates no man, woman or young person shall be unaided by another person lift, carry or move by hand or on head, any load exceeding the maximum limit in weight viz. Adult female – 30 Kgs, and Adolescent female – 20Kgs.

Special provisions for providing health and welfare measures in the

employment of women in factories during night hours, i.e. from 10 P.M. to 5.A.M. is violative of Art. 14, 19(1) (g) of the Constitution when exception was caved out for women working in fish – curing or fish canning factories. The Kerala Shops and Commercial Establishments Act also prohibits the employment of women in any establishment before 6 A.M. or 7.P.M. (S. 20)

The Equal Remuneration Act insists the employers to pay equal remuneration to men and women workers for same work or work of a similar nature. (S.4). But the official data gives a different picture. At All-India level, wages/salaries per manday worked for directly employed women worker was reported as Rs. 145.63 whereas it is almost double for their men counterpart (Rs. 288.14) for



Leave with wages for 12 weeks for delivery, leave with wages for six weeks for miscarriage or medical termination of pregnancy, nursing breaks during working hours for nursing the child until the child attains the age of fifteen months, protection from dismissal during absence during pregnancy, protection from deduction of wages during pregnancy or connected situations etc. are the important benefits under this enactment.

protection of women in their employment include provisions for washing, rest rooms, lunch rooms, drinking water, latrines and urinals, crèches, housing accommodation etc. The Factories Act, Plantations Labour Act, Beedi and Cigar Workers Act, Interstate Migrant Workmen Act, Building and Other Construction Workers Act, Shops and Establishments Act etc. contain provisions in this regard. Provision for providing maternity benefits to women with prenatal and post natal care under the Maternity Benefit Act is far superior in this regard. Kerala had a historical significance in enacting legislation in 1952 for

providing maternity benefits, earlier to the Central legislation in this field.

In various occasions, the Courts have lauded the enactment of the Maternity Benefit Act and its objectives. While deciding the *Municipal Corporation of Delhi v. Female Workers* reported in (2000) 3 SCC 224; (2000) 2 KLT SN 30 the Court held that “the Act aims to provide benefits and facilities to a working woman in a dignified manner to overcome the state of motherhood honourably, peacefully, undeterred by fear of being victimized for forced absence during pre or post natal period”. In *Ram Bahadur Thakur (P)*

*Ltd. V. Chief Inspector of Plantations*, 1989 (1) KLT495 the Court held that “Act is a beneficial piece of legislation intended to achieve the object of doing social justice to woman workers employed in factories, plantations or mines. A beneficent rule of construction which would enable a woman worker to get the benefits under the Act must be adopted”. The factories, plantations, circus, railways etc., are covered under the Act. In view of the notification issued in 1972 by the state government the ambit of this enactment is made applicable to all the shops and establishments in the State irrespective of the number of women employed.

Leave with wages for 12 weeks for delivery, leave with wages for six weeks for miscarriage or medical termination of pregnancy, nursing breaks during working hours for nursing the child until the child attains the age of fifteen months, protection from dismissal during absence during pregnancy, protection from deduction of wages during pregnancy or connected situations etc. are the important benefits under this enactment.

The period of absence due to maternity will be considered for the calculation of continuous service for the payment of gratuity, lay off and retrenchment compensation. In factories 2,046 women and in plantations 29,123 women claimed maternity benefits during the year 2011.<sup>6</sup> But providing maternity benefit to women in shops is an unusual phenomenon. Women’s associations pointed out that for avoiding maternity benefits women are sending out of employment after marriage or not allowed to return to work after delivery or even preferred



### Enforcement status of women specific 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	Kerala Shops and Commercial Establishments Act, 1960	54797	57947	69015	1312	1478	1603	1037	822	941
4	Maternity Benefit Act, 1961	3321	2737	6451	47	26	73	34	38	51
5	Motor Transport Workers Act, 1961	5630	8036	11926	112	84	265	67	81	136
6	Beedi and Cigar Workers (Conditions of Service) Act, 1966	8	7	4	0	0	0	0	0	0
7	Contract Labour (Regulation and Abolition) Act, 1970	1154	840	919	14	2	3	12	5	4
8	Equal Remuneration Act, 1976	141	59	205	2	1	0	1	2	0
9	Kerala Headload Workers Act, 1978	379	279	299	1	1	0	1	0	0
10	Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979	2094	1233	1244	12	0	1	9	4	0

Source: Labour Department

girls or widows for employment. Very recently by quashing a government order denying maternity leave to a woman who had availed it in two spells of service in two different departments, the Kerala Administrative Tribunal (KAT) held that right to avail maternity leave was a basic human right.<sup>7</sup>

On the basis of the landmark decision of the Hon'ble Supreme Court on sexual harassment in *Visaka and Others v. State of Rajasthan and Others*, 1997 LAB.I.C. 2890 (SC) the state government have made amendments to the Kerala Industrial Employment (Standing Orders) Rules, 1958 for inter alia constituting

a complaint committee for the purpose of inquiring complaints on sexual harassment on women in work place. Similar provisions are also incorporated in the Shops Rules, Plantations Labour Rules and in the Kerala Service Rules etc.

Any payment of lump sum as compensation to a woman under the Employees' Compensation Act is not allowed otherwise than by deposit with the Commissioner for Employees' Compensation. For the proper compliance of this provision any lump sum payment made directly by an employer to a woman shall not be deemed to be a payment of compensation under the Act.

The Division Bench of the Hon'ble Supreme Court of India pronounced in *Charu Khurana and Others v. Union of India and Others* reported in 2015 (1) KLT SN 45 (C. No. 62) (SC) and 2015 LAB.I.C. 527 (SC) held that restricting membership only to men offends constitutional mandate against sex discrimination and denies access to employment to women, thereby violating right to livelihood. The percentage of women membership to total membership was reported at 37.5 per cent during the year 2010.<sup>8</sup> Percentage share of women to total membership of central unions and state unions was 35.21 per cent and 37.63 per cent



Any payment of lump sum as compensation to a woman under the Employees' Compensation Act is not allowed otherwise than by deposit with the Commissioner for Employees' Compensation.



respectively for the year 2010 and it was 36.57 per cent and 32.28 per cent respectively for the year 2009.<sup>9</sup>

On perusal of these provisions it is no doubt the lack of statutory protection is not the reason for the exploitation leveled against women in their employment. It is noticed that more than a dozen of factors contribute to this situation. The lack of unionization, lack of awareness on their entitlements, lack of bargaining capacity, economic compulsions, profit motive of the employers, enforcement lapses, delay in government intervention etc. constitute the major reasons behind this situation. One of the serious comments made by women's

associations is the poor performance of the enforcement machinery in the state. The statistics in respect of the enforcement of the provisions of the women specific enactments of the Labour Department speaks further on this. (Pl. see the table)

The National Commission for Women set up by an Act of Parliament in 1990 to safeguard the rights and legal entitlement of women also could not bring out any visible changes to the situation.

After a long period or first time after its enactment the amendments carried out to the Kerala Shops and Commercial Establishments Act is a positive indication towards the

betterment of certain issues. Amendments to other state enactments relevant with time are also in the process.

In conclusion, I also agree with the views of the observation in the National Policy for the Empowerment of Women (2001) that "still exists a wide gap between the goals enunciated in the Constitution, legislation, policies, plans, programmes and related mechanisms on the one hand and the situational reality of the status of women in India, on the other."<sup>10</sup>

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# 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](mailto: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. Nun employed in establishment being run by congregation is employee employed for wages within meaning of S. 2(9) of Employees' State Insurance Act, 1948**

The teachers and other employees including nun employed in schools and colleges run by Congregations are employees within the meaning of S. 2(9) and 1(5) of the Employee's State Insurance Act, 1948 (Act 34 of 1948).

In *Don Bosco Higher Secondary School, Thrissur v. Employee's State Insurance Corporation and others* reported in 2015 LAB I.C. 155 (Ker) the Hon'ble High Court of Kerala among other things examined whether nuns, who are employed in the schools and colleges run by the Congregations can be treated as 'employees' within the meaning of S.2(9) of the

Employee's State insurance Act, 1948. The Court held that "it is evident that the definition of the term 'employee' as contained in S. 2(9) of the ESI Act has a wider amplitude than that of a 'workman' as contained in S. 2(s) of the Industrial Disputes Act, and 'employee' in S. 2(i) of the Minimum Wages Act. Further, in all other respects also, it is evident that the term 'employee' as contained in S. 2(9) of the ESI Act cannot be equated with the definition of the term 'workman' or 'employee' as contained in the other two Acts. In short, the provisions are not *pari materia*.". The court also held that the teachers and other employees including nuns, to whom wages enabling them to be covered under the ESI Act are payable, employed at the Schools or Colleges being run by Congregations, are employees within the meaning of



S.2(9) of the ESI Act read with S. 1(5) of the Act.”

**2. Advocates Act, 1961 does not have any impact on the representation of parties under S.36(4) of the Industrial Disputes Act,1947**

The Advocates Act, 1961 does not have any impact on the representation of parties under S. 36 of the Industrial Disputes Act, 1947.

In *Sathi v. Labour Court* reported in 2015 (2) KLT 602 the High Court of Kerala had considered whether by enforcement of S. 30 of the Advocates Act, 1961, an Advocate engaged by a party in a proceeding, before a Labour Court / Industrial Tribunal under the Industrial Disputes Act, 1947 gets an absolute right to appear for and on behalf of the litigant. Would S. 30 of the Advocates Act override the specific restriction on sub section (4) of S. 36 of the I.D. Act.

In this case it was held that “this Court is of the opinion that the position is identical insofar as sub – section (4) of S. 36 of the I.D. Act is concerned. The introduction and coming into force of S.30 of the Advocates Act does not have any impact on the same. Though the learned Senior Counsel would distinguish the judgement relied on by this Court in O.P.(LC) No. 6 of 2014, in which the decision of the Hon’ble Supreme Court in *Paradip Port Trust* (AIR 1977 SC 36) was followed, the Court is of the definite view that the same is applicable on all fours in considering the aforesaid issue.

In the circumstance, in any proceeding before a Labour Court, Tribunal or National Tribunal , a party to a dispute may be represented by

a legal practitioner with the consent of the other parties to the proceeding and with the leave of the Labour Court, Tribunal or National Tribunal , as the case may be. (Section 36 (4) of I.D. Act)

**3. The management have to provide expert treatment free of cost for the plantation worker or his family member**

If a plantation worker or his family member is required expert treatment which is not available in the hospital maintained by the management, the management have to provide the same free of cost.

While deciding a case relating to the implementation of Sections 10 and 43 of the Plantations Labour Act, 1951 and Rules 32 to 40 of the Kerala Plantations Labour Rules , 1959 the Division Bench of the Hon’ble High Court of Kerala has held that when a plantation worker or his family member is afflicted with an ailment which requires expert treatment , not available in the hospital maintained by the management , necessarily the plantation would have to provide the same free of cost.

In *Kannan Devan Hills Plantations Company (P) Ltd. v. Moorthy*, 2015 (1) KLT SN 112 (C.No. 134) the Court held that the “management is obliged to provide medical facilities to take care of every medical situation; that befalls a plantation worker and his family. Definitely, it would not lead to a situation where the management is required to provide the state of art technology in the hospitals which are established under the Rules. However, when a plantation worker or his family member is afflicted with an ailment which requires expert

treatment , not available in the hospital maintained by the management , necessarily the plantation would have to provide the same free of cost, which takes in reimbursement.”

**4. Acquittal of delinquent in criminal case does not automatically and conclusively impact departmental proceedings.**

The Division Bench of the Hon’ble Supreme Court in *Union of India v. Purushottam* , 2015(1) KLT SN 127 (C.No. 153) (SC) held that acquittal of an employee by a Criminal Court would not automatically and conclusively impact departmental proceedings due to the following reasons.

(i) The disparate degrees of proof in the two proceedings, viz. beyond reasonable doubt in criminal prosecution contrasted by preponderant proof in civil or departmental enquiries.

(ii) Criminal prosecution is not within the control of the concerned department and acquittal could be the consequence of shoddy investigation or slovenly assimilation of evidence, or lackadaisical if not collusive conduct of the Trial etc.

(iii) An acquittal in a criminal prosecution may preclude a contrary conclusion in a departmental enquiry if the former is a positive decision in contradistinction to a passive verdict which may be predicted on technical infirmities. In other words, the Criminal Court must conclude that the accused is innocent and not merely conclude that he has not been proved to be guilty beyond reasonable doubt.





**5. The workmen cannot claim the benefit under S.17B of the Industrial Disputes Act, 1947 on account of attaining the age of superannuation or on account of the closure of the establishment.**

If the workmen lose their right to continue in employment during the pendency of the proceedings before the High Court or Supreme Court on account of attaining the age of superannuation or on account of the closure of the establishment, they cannot claim the benefit of S.17B of the Industrial Disputes Act, 1947.

understood in the background of the purpose for which it was introduced, it can be seen that the wages directed to be paid to the workman is only a portion of the wages that would have been paid to him, had he been reinstated. If what is intended to be given is only a portion of the wages that would have been paid to the workman, had he been reinstated, it cannot be contended that the workman is entitled to those wages, when his right to claim employment is lost. It must be remembered that reinstatement is ordered by the Labour Court only in cases where

**6. Which judgement of the two co-equal benches of a Court will have the binding effect?**

While considering the binding nature of the decisions of two co-equal benches of a Court, two points have to be taken into consideration.

(i) The earlier judgement that will have the binding effect.

(ii) If the latter bench refers to the earlier judgement and distinguishes it, to that extent of distinction, the latter one binds.

A recent decision of the Hon'ble High Court of Kerala in *Bindu v. State of Kerala* reported in 2015 (1) KLTSN 5 (C.N. 8) has clarified this point. In this case the Hon'ble High Court has held that "when the subsequent co-equal bench renders the judgement in ignorance of the earlier pronouncement of co-equal bench, the judgement of the previous bench will have binding effect. On the other hand, if the latter bench refers to the earlier one and distinguishes it, to that extent of distinction, the latter one binds.

**7. Membership in a trade union cannot be denied on the ground of sex?**

**Smt. Sandhipani Rajan, Beautician, Kollam**

Sir, I have been working as a beautician since 2012. So far I have not joined in any trade union. Now, when I approached a prominent trade union in the employment to seek a membership they have denied it to me on the reason that female members are not permitted to enroll in it. In the circumstance let me know whether any trade unions for female beauticians are registered with the

An employee is entitled to gratuity under the Payment of Gratuity Act, 1972 (Act 39 of 1972) for the period when she was under maternity leave provided the total period of such maternity leave does not exceed twelve weeks.

In *Mahalingam & Company v. Santhosh Kumar* reported in 2015(1) KLT 460 (FB) the Full Bench of the Hon'ble High Court of Kerala decided the issue is an employer obliged under S. 17B of the Industrial Disputes Act, 1947, to pay the last drawn wages to the workman even after the closure of the establishment.

The Court held that "it is clear from the objects and reasons of Act 46 of 1982 that S. 17B was introduced in the statute with a view to ameliorate the hardship of the workmen who are ordered to be reinstated, but not reinstated on account of the interdiction of the superior courts. If the provision is

the workmen have the right to continue in employment. If the workmen do not have the right to continue in employment either on account of attaining the age of superannuation or on account of the closure of the establishment, reinstatement would not be ordered in their cases. Therefore, it can be safely concluded that if the workmen lose their right to continue in employment during the pendency of the proceedings before the High Court or Supreme Court on account of attaining the age of superannuation or on account of the closure of the establishment, they cannot claim the benefit of the provision."



Labour Department and functioning in the State.

*Reply:* Information regarding the existence of any registered unions for the female beautician in the state may be sought from the Labour Commissioner, Thozhil Bhaven, Vikas Bhavan .P.O, Thiruvananthapuram – 33 who is the statutory authority under the Trade Unions Act, 1926 (Registrar of Trade Unions having jurisdiction all over the State) to give registration to the trade unions in the state . However, you can approach the trade union who have denied you membership on the ground of gender bias again and request a membership in the union. You can invite the attention of the President/ Secretary of the trade union, the decision of the Division Bench of the Hon'ble Supreme Court of India pronounced in *Charu Khurana and Others v. Union of India and Others* reported in 2015 (1) KLT SN 45 (C. No. 62) (SC) and 2015 LAB.I.C. 527 (SC). In this case the Division Bench of the Hon'ble Supreme Court by referring the Constitutional Articles 15, 19(1)(g) and 21 held that the bye laws of the Cine Costume, Make-up Artists and Hair Dressers Association, restricting membership only to men offends constitutional mandate against sex discrimination and

denies access to employment to women, thereby violating right to livelihood. The Court has further held that “the discrimination done by the Association , a trade union registered under the Act (Trade Unions Act, 1926) , whose rules have been accepted, cannot take the route of the discrimination solely on the basis of sex. It really plays foul of the statutory provisions. It is absolutely violative of constitutional values and norms. If a female artist does not get an opportunity to enter into the arena of being a member of the Association, she cannot work as female artist. It is inconceivable.”

**8. Whether an employee is eligible to receive gratuity for the period when she was under maternity leave?**

*Smt. Rajeev Krishnan, HR Executive, Kozhikode*

**Sir, let me know whether an employee is eligible to get gratuity for the period when she was under maternity leave?**

*Reply:* Yes. An employee is entitled to gratuity under the Payment of Gratuity Act, 1972 (Act 39 of 1972) for the period when she was under maternity leave provided the total period of such maternity leave does not exceed twelve weeks.

Sub section (1) of Section 2A of the Payment of Gratuity Act, 1972 defines continuous service of an employee for the entitlement of gratuity. However where an employee (not being an employee employed in a seasonal establishment) is not in continuous service within the meaning of clause (1) of S. 2A , for any period of one year he /she shall be deemed to be in continuous service under the employer for the said period of one year , if the employee during the period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than two hundred and forty days. (It is one hundred and twenty days in the case of six months)

However Explanation (iv) to Sub section 2 of Section 2A further says for the purpose of this provision , the number of days on which an employee has actually worked under an employer shall include the days on which in the case of a female, she has been on maternity leave; so however , that the total period of such maternity leave does not exceed twelve weeks.

In this circumstance, in the case you referred the employee is entitled to gratuity for the period when she was under maternity leave.



Courtesy: The Economic Times



JOURNAL SECTION

GOVERNMENT OF KERALA  
Law (Legislation- C) Department  
NOTIFICATION

No. 11534/ Leg. C2 /2014/Law

Dated, Thiruvananthapuram, 1<sup>st</sup> January, 2015

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 31<sup>st</sup> day of December, 2014.

By order of the Governor,  
C. REMANI.  
Special Secretary (Law).

Act 3 OF 2015  
THE KERALA SHOPS AND COMMERCIAL ESTABLISHMENTS  
(AMENDMENT) ACT, 2014

An Act further to amend the Kerala Shops and Commercial Establishments Act, 1960.

Preamble. - WHEREAS, it is expedient further to amend the Kerala Shops and Commercial Establishments Act, 1960 for the purposes hereinafter appearing;

Be it enacted in the Sixty – fifth Year of the Republic of India as follows:-

1. Short title and commencement. - (1) This Act may be called the Kerala Shops and Commercial Establishments (Amendment) Act, 2014.

(2) Section 2 to 4, clauses (1) to (3) of section 5 and clause (1) of section 6 of this Act shall be deemed to have come into force on the 29<sup>th</sup> day of August, 2014 and clause (4) of section 5 and clause (2) of section 6 shall come into force at once.

2. Amendment of section 2. - In section 2 of the Kerala Shops and Commercial Establishments Act, 1960 (34 of 1960) (hereinafter referred to as the principal Act),-

(1) after clause (1) the following clause shall be inserted, namely:-

“(1A) “big establishment” means a shop or commercial establishment which employs twenty or more employees.”

(2) for clause (8), the following clause shall be substituted namely:-

“(8) “establishment” means a shop or commercial establishment which may be a small establishment , a medium establishment or a big establishment”.

(3) after clause (10), the following clause shall be inserted , namely;

“(10A) “medium establishment” means a shop or commercial establishment which employs six or more, but less than twenty employees”.

(4) after clause (15) the following clause shall be inserted, namely;

“(15A) “small establishment” means a shop or commercial establishment which employs no employee or not more than five employees”.

3. Insertion of Chapter 1B. - After Chapter 1A of the principal Act, the following Chapter shall be inserted, namely:-





“CHAPTER 1B  
CONDITIONS FOR ENGAGING EMPLOYEES

5D. Issue of appointment letter. - Every employer of a medium or a big establishment shall issue an appointment letter, in such manner as may be prescribed, to the employees at the time of appointment.

5E. Prohibition of retaining education certificate or experience certificate .- No educational certificate or experience certificate in original received from an employee shall be retained by the employer of any establishment at the time of appointment or during the course of employment.

5F. Issue of service certificate.- Every employer shall provide service certificate to the employee engaged by him, in such manner as may be prescribed, at the time of resignation or retrenchment or superannuation of the employee or while applying for another job.”

4. Insertion of section 21A. - In Chapter VI of the principal Act, after section 21, the following section shall be inserted, namely:-

“21A. Hostel facilities.- Every employer of a big establishment employing more than fifty employees shall provide hostel facilities to such employees, in such manner as may be prescribed.”

5. Amendment of section 29.- In Chapter VIII of the principal Act, in section 29,-

(1) in sub section (1), -

(i) in clause (a), -

(a) for the words “two hundred and fifty rupees” the words “five thousand rupees” shall be substituted;

(b) for the words “ten rupees” the words “two hundred and fifty rupees” shall be substituted.

(ii) in clause (b) for the words “ten rupees” the words “two hundred and fifty rupees” shall be substituted.

(2) in sub section (1A), -

(a) before the figure “6” the figures and letters “5D, 5E, 5F” shall be inserted.”

(b) after the figure “21” the figure and letter “21 A” shall be inserted.

(c) for the words “two hundred and fifty rupees” the words “five thousand rupees” shall be substituted.

(d) for the words “five hundred rupees” the words “ten thousand rupees” shall be substituted.

(3) in sub section (2), for the words “fifty rupees” the words “two thousand and five hundred rupees” shall be substituted.

(4) In sub- section (4), the words “Magistrate of a Second class” the words “Magistrate of the First class” shall be substituted.

6. Amendment of section 34. - In section 34, -

(1) In sub- section (2) after the word “health” , the words “hygiene and sanitation”, shall be inserted;

(2) In sub- section (3), for the words “fifty rupees” the words “five thousand rupees” shall be substituted.

7. Repeal and Saving.- (1) The Kerala Shops and Commercial Establishments (Amendment) Ordinance, 2014 (20 of 2014) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.

[Published in Kerala Gazette (Ext) Vol. 4 No. 3 dated, 1<sup>st</sup> January, 2015]

# Research

Among other things research in the field of labour, employment and allied subjects is one of our important objectives. Every year KILE undertakes studies or researches on selected topics with the assistance of scholars from the field of Management and Social Sciences. From its inception KILE conducted more than twenty five studies / researches on various topics identified through various sources including consultative workshops. Besides Government also suggested topics for the studies.

In 2014-2015 six researches including one suggested from Government have been undertaken. A study on “The working of self-employment schemes of the Department of Employment, Government of Kerala with focus on their sustainability” was suggested from Government. KILE entrusted the work with Dr. P.K.B. Nayar, renowned sociologist and former Head of the Department, Department of Sociology, University of Kerala who have completed it and submitted the report. It was forwarded to Government for necessary action.



## The details of other studies

Sl. No.	Topic of study / research	Scholar
1	A study on the marketing effectiveness of selected successful women micro and small enterprises in Kerala	Prof. (Dr.) K.S. Chandrasekhar, Director School of Business Management and Legal Studies, University of Kerala, Thiruvananthapuram
2	Self – employment endeavors of self- help groups of women	Dr. Charles. L, Assistant Professor, Department of Social Work, Loyola College of Social Sciences, Sreekariyam, Thiruvananthapuram
3	Employment generation through entrepreneurship development in tourism sector: An evaluative study in the state of Kerala	Dr. D. Muraleedharan, Co-ordinator, HoD of Commerce, SNG College of Advanced Studies, Punalur
4	Labour Managements in Agriculture Sector: A case study of Kuttanad region	Dr. R. Prakash Pillai Head Department of Personnel Management , Loyola College of Social Sciences, Sreekariyam, Thiruvananthapuram
5	A study on the financial management practices of micro and small enterprises in Kerala	Dr. Raju. G. Assistant Professor Department of Commerce Govt. College for Women, Thiruvananthapuram

The reports in respect of these studies also have been completed and copies of it were submitted to Government. Reports are now available in our library for reference. However, it would be published in our website very shortly for wide public reference.

# CALENDAR OF PROGRAMMES 2015-2016

Sl. No.	Month	Date	No of days	Programme	Participants	Place	Co - ordinator
1	APRIL	07.4.2015 Tuesday to 09.04.2015 Thursday	3	Training Programme on “Skill Ddevelopment Strategies for Emploeymnt Generation”	Vocccasional Guidance Officers of Employment Department	Thiruvananthapuram	Fellow (E)
2		16.04.2015 Thursday	1	C. Kannan Memmorial lecture series	Workers / members of trade unions/ employers/ students/ officials/ accademicians etc.	Kannur	Fellow (L)
3		16.04.2015 Thursday	1	Training on “Leadership Skill Development”	Workers and members of trade unions	Kannur	Fellow (L)/ Fellow (E)
4		18.04.2015 Saturday	1	Awareness programme on safe driving for motor transport workers	Motor transport workers (Drivers of private buses and school vans/ Department drivers )	Kozhikode	Fellow (L)
5		27.04.2015 Monday	2	Training Programme on the concept of National career service.	Officers of Employment Department	Thiruvananthapuram	Fellow (E)
6		29.04.2015 Wednesday	1	Awareness programme on safe driving for motor transport workers	Motor transport workers (Drivers of private buses and school vans/ Department drivers )	Kollam	Fellow (L)
7	MAY	07.05.2015 Thursday and 08.05.2015 Friday	2	Awareness programme on Employees Provident Fund and Miscellaneous Provisions Act, 1952 and Employees State Insurance Act, 1948	Workers/ Representatives from Trade Unions/ Employers/ Official of Labour Department	Thiruvananthapuram	Sr. Fellow \ Fellow (L)
8		11.05.2015 Monday to 20.05.2015 Wednesday	10	Induction training for officials of Labour Department	Assistant Labour Officers (Grade II), Labour Department	Ernakulam/Kumily	Fellow (L)
9		13.05.2015 Wednesday	1	Worksop on “Safe work in electrical and plumbing work”	Workers from the employment/ industry	Kottayam	Fellow (E)



10		14.05.2015 Thursday to 16.05.2015 Saturday	3	State level Leadership training programme for Trade Union leaders	Representative s of Trade Unions	Kumily/Peermade	Fellow (E)
11		23.05.2015 Saturday	1	Seminar on schemes implemented by Labour and Employment Departments	Presidents of Grama Panchayats/ Block Panchayats	Kollam	Fellow (L)
12	<b>JUNE</b>	04.06.2015 Thursday	1	Awareness programme on safe driving for the drivers of school buses and vans	Motor Transport Workers (Drivers of school buses and vans)	Alappuzha	Sr. Fellow
13		13.06.2015 Saturday	1	Sri. J. Chitharanjan Memorial series	Workers / members of trade unions/ employers / students/ officials / accademicians etc.	Kollam	Fellow (E)
14		13.06.2015 Thursday	1	Training on “Leadership Skill Development”	Workers and members of trade unions	Kollam	Fellow (L) / Fellow (E)
15		15.06.2015 Monday	1	Training on Public Administration	Officers under Labour and Skills Departments	Thiruvananthapuram	Fellow (L)
16		18.06.2015 Thursday	1	Awareness programme on “Safe work in construction industry”	Employers/ Contractors/ Officials and Trade Unions	Thiruvananthapuram	Fellow (L)
17		<b>JULY</b>	06.07.2015 Monday	1	Training on “Role of Executives in Legislative Business”	Officers of Labour/ Employment/ Training/ Insurance Medical Service /Factories and Boilers Departments and Welfare Fund Boards under Labour Department	Ernakulam
18	10.07.2015 Friday		1	Career guidance for children in schools	students of 10, +1 and +2	Kattappana	Fellow (E)
19	11.07.2015 Monday		1	Awareness programme and medical camps for migrant workers	Migrant workers	Nedumkandam	Fellow (L)
20	20.07.2015 Monday		1	Sri. N. Sreekantan Nair Memorial lecture series	Trade Union leaders	Kollam	Fellow (E)
21	20.07.2015 Kollam		1	Seminar on schemes implemented by Labour and Skills Departments	Presidents of Panchayats	Kollam	Fellow (L)
22	28.07.2015 Tuesday		1	Training on audit and accounts and preparation of replies to audit paras and reports	Officers of Labour/ Employment/ Training/ Insurance Medical Service / Factories and Boilers Departments and Welfare Fund Boards under Labour Department	Kozhikode	Sr. Fellow

23	AUGUST	06.08.2015 Thursday and 07.08.2015 Friday	2	Seminar on the dispute resolution mechanisms under labour enactments	Workers of various employments/ officers	Thrissur	Sr. Fellow
24		10.08.2015 Monday to 12.08.2015 Wednesday	3	Training Programme on “Skill Ddevelopment Strategies for Employmnt Generation”	Vocccasional Guidance Officers of Employment Department	Ernakulam	Fellow (E)
25		18.08.2015 Tuesday to 20.08.2015 Thursday	3	National seminar on social security initiatives in Kerala	Representatives of employers, trade unions and officials	Thiruvananthapuram/ Ernakulam	Fellow (E)
26		25.08.2015 Tuesday	1	Seminar on occupational hazards of domestic work	Domestic workers	Ernakulam	Sr. Fellow
27	SEPTEMBER	02.09.2015 Wednesday to 04.09.2015 Friday	3	Induction Training	Officers of Employment Department	Thiruvananthapuram	Fellow (E)
28		09.09.2015 Wednesday	1	Training Programme on Cess Assessment	Assistant Labour Officers (Grade I) and Senior Assistant Labour Officers (GradeII)	Thiruvananthapuram	Fellow (L)
29	OCTOBER	12.10.2015 Monday to 15.10.2015 Thursday	4	Seminar on “ Globalised Labour Market - Role of National Employment Services Department”	Officers of Employment Department	Thiruvananthapuram	Fellow (E)
30		16.10.2015 Friday	1	Awareness programme on safe driving and interpersonal relationship	Motor Transport Workers (Drivers of school buses, vans etc. )	Ernakulam	Fellow (E)
31		17.10.2015 Saturday	1	Career guidance for children in schools	students of 10, +1 and +2	Alappuzha	Fellow (E)
32		28.10.2015 Wednesday	1	Seminar on “ Globalised Labour Market - Role of National Employment Services Department”	Officers of National Employment Services Department	Thiruvananthapuram	Fellow (E)
33	NOVEMBER	05.11.2015 Thursday nad 06.11.2015 Friday	2	Concept of National Career Service	Officers of Employment Department	Ernakulam	Fellow (E)
34		11.11.2015 Wednesday	1	Career guidance for the students	students of 10, +1 and +2	Pathanamthitta	Fellow (E)
35		12.11.2015 Thursday	1	Leadership training for Women	Women members of Trade Unions	Kottayam	Fellow (E)

36		17.11.2015 Tuesday to 19.11.2015 Thursday	3	Enhancing Employability Skills: Role of Employability Centres in Kerala	Officers of Employment Department	Thiruvananthapuram	Fellow (E)
37	<b>DECEMBER</b>	08.12.2015 Tuesday 09.12.2015 Wednesday	2	Enhancing Employability Skills: Role of Employability Centres in Kerala	Officers of Employment Department	Kozhikode	Fellow (E)
38		19.12.2015 Saturday	1	Smt. Susheela Gopalan Memorial lectures	Trade Unions	Alappuzha	Fellow (E)
39		19.12.2015 Saturday	1	Leadership training	Members of Trade Unions	Alappuzha	Fellow (L)
40		24.12.2015 Thursday	1	Sri. K. Karunakaran Memorial Lecture series	Trade Unions	Thiruvananthapuram	Fellow (E)
41		24.12.2015 Friday	1	Leadership training for the representatives of trade unions	Members of the trade unions	Thiruvananthapuram	Fellow (L)
42	<b>JANUARY</b>	12.01.2016 Tuesday	1	Awareness programme and medical camp for migrant workers	Migrant workers	Ernakulam	Fellow (E)
43		20.01.2016 Wednesday and 21.01.2016 Thursday	2	Factory Management and Factories Act	Representatives of Factory Managements and Officers of Factories and Boilers Department	Thiruvananthapuram	Fellow (E)
44		26.01.2016 Tuesday	1	Awareness programme and medical camp for migrant workers	Migrant workers	Palakkad	Fellow (E)
45		27.01.2016 Wednesday	1	Sri. Baby John Memorial lecture series	Trade Unions	Kollam	Fellow (E)
46		27.01.2016 Wednesday	1	Leadership training for the representatives of trade unions	Members of the trade unions	Kollam	Fellow (L)
47	<b>FEBRUARY</b>	06.02.2016 Saturday	1	Career guidance for the students	students of 10, +1 and +2	Kollam	Fellow (E)
48		15.02.2016 Monday	1	Sri. R. Sugathan Memorial Lecture series	Trade Unions	Alappuzha	Fellow (L)
49		15.02.2016 Monday	1	Seminar on occupational health hazards of fish peeling and fish curing workers	Workers of fish industry	Alappuzha	Fellow (L)
50	<b>MARCH</b>	16.03.2016 Wednesday	1	Awareness programme and medical camp for the migrant workers	Migrant workers	Thiruvananthapuram	Fellow (L)



CONSUMER PRICE INDEX (COST OF LIVING INDEX) NUMBERS FOR AGRICULTURAL AND INDUSTRIAL WORKERS FOR THE MONTH OF MARCH 2015

Sl.No. Centre	Linking Factor*	Index Numbers for			Estimated indices for	
		January 2015	February 2015	March 2015	February 2015	March 2015
1. Thiruvananthapuram	10.39	274	272	273	2826	2836
2. Kollam	10.28	274	274	274	2817	2817
3. Punalur	9.96	277	277	277	2759	2759
4. Pathanamthitta	-	289	290	291	-	-
5. Alappuzha	10.45	278	277	277	2895	2895
6. Kottayam	10.40	273	274	273	2580	2839
7. Mundakayam	10.12	280	280	278	2834	2813
8. Munnar	10.03	257	255	254	2558	2548
9. Ernakulam	9.92	272	272	272	2698	2698
10. Chalakkudy	10.60	275	274	273	2904	2894
11. Thrissur	10.05	252	251	250	2523	2513
12. Palakkad	10.48	263	262	262	2746	2746
13. Malappuram	10.30	263	262	262	2699	2699
14. Kozhikode	10.08	266	265	266	2671	2681
15. Wayanad	10.64	256	256	257	2724	2734
16. Kannur	10.06	267	267	268	2686	2696
17. Kasargod	-	279	279	280	-	-

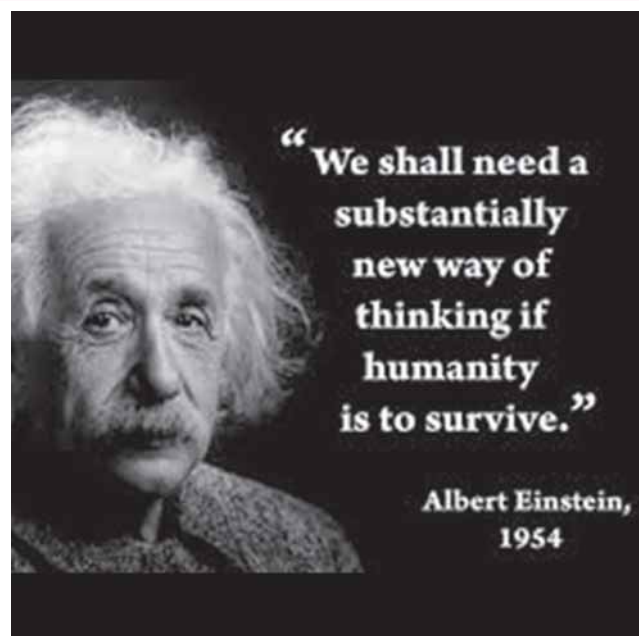
\*Linking factors approved in G.O(MS)No. 34/2015/LBR dated 26.03.2015 have been used with effect from April 2015. Base in old series is 1998-99=100 for all centres.

CONDOLENCE



Sri. Vijayan V.S.  
25.05.1968 – 23.01.2015

KILE expresses heartfelt condolences on the sad demise of our staff Sri. Vijayan V.S. He was in the service of KILE from 23.10.2008 to 22.01.2015.



### കിലെ സെമിനാർ നടത്തി

തിരുവനന്തപുരം : കിലെയുടെ ആഭിമുഖ്യത്തിൽ സ്ത്രീതൊഴിലാളികളും നിയമപരിരക്ഷയും എന്ന വിഷയത്തിൽ സെമിനാർ സംഘടിപ്പിച്ചു. സംസ്ഥാന ആസൂത്രണകമ്മീഷൻ അംഗം സി.പി. ജോൺ ഉഴിലാടനം ചെയ്തു. കിലെ ചെയർമാൻ ഫിലിപ്പ് ജോസഫ് അദ്ധ്യക്ഷത വഹിച്ച് എക്സിക്യൂട്ടീവ് അംഗം മുരളിനാരായണൻ, സലീം ജി. മോടയിൽ അശോക് കുമാർ എന്നിവർ സംഘടിപ്പിച്ചു. എക്സിക്യൂട്ടീവ് റെഗുലേഷൻ വി. വിരകുമാർ സ്വാഗതവും സജ്ജ എസ്.എസ്.നന്ദിയും നടത്തി.

കിലെ ചെയർമാൻ ഫിലിപ്പ് ജോസഫ് അദ്ധ്യക്ഷത വഹിച്ച് എക്സിക്യൂട്ടീവ് അംഗം മുരളിനാരായണൻ, സലീം ജി. മോടയിൽ അശോക് കുമാർ എന്നിവർ സംഘടിപ്പിച്ചു. എക്സിക്യൂട്ടീവ് റെഗുലേഷൻ വി. വിരകുമാർ സ്വാഗതവും സജ്ജ എസ്.എസ്.നന്ദിയും നടത്തി.



കിലെ ചെയർമാൻ ഫിലിപ്പ് ജോസഫ് അദ്ധ്യക്ഷത വഹിച്ച് എക്സിക്യൂട്ടീവ് അംഗം മുരളിനാരായണൻ, സലീം ജി. മോടയിൽ അശോക് കുമാർ എന്നിവർ സംഘടിപ്പിച്ചു. എക്സിക്യൂട്ടീവ് റെഗുലേഷൻ വി. വിരകുമാർ സ്വാഗതവും സജ്ജ എസ്.എസ്.നന്ദിയും നടത്തി.



കിലെയുടെ ആഭിമുഖ്യത്തിൽ 'സ്ത്രീതൊഴിലാളികളും നിയമപരിരക്ഷയും' സെമിനാർ സംസ്ഥാന ആസൂത്രണകമ്മീഷൻ അംഗം സി.പി. ജോൺ ഉഴിലാടനം ചെയ്തു.

### കിലെ സെമിനാർ നടത്തി

തിരുവനന്തപുരം : കിലെയുടെ ആഭിമുഖ്യത്തിൽ സ്ത്രീതൊഴിലാളികളും നിയമപരിരക്ഷയും എന്ന വിഷയത്തിൽ സെമിനാർ നടത്തി. സംസ്ഥാന ആസൂത്രണകമ്മീഷൻ അംഗം സി.പി. ജോൺ ഉഴിലാടനം ചെയ്തു. കിലെ ചെയർമാൻ ഫിലിപ്പ് ജോസഫ് അദ്ധ്യക്ഷത വഹിച്ച് എക്സിക്യൂട്ടീവ് അംഗം മുരളിനാരായണൻ, സലീം ജി. മോടയിൽ അശോക് കുമാർ എന്നിവർ സംഘടിപ്പിച്ചു. എക്സിക്യൂട്ടീവ് റെഗുലേഷൻ വി. വിരകുമാർ സ്വാഗതവും സജ്ജ എസ്.എസ്.നന്ദിയും നടത്തി.

### ശീശിപരമ്പര താളെ

കോട്ടയം : കോള ഇൻസ്റ്റിറ്റ്യൂട്ട് ഓഫ് മേജർ ആൻഡ് എംപ്ലോയ്മെന്റ് (കിലെ) ആഭിമുഖ്യത്തിൽ താളെ 10 ന് മേൾ റിജിസ്ട്രിയിൽ താളെ സമ്പ്രദായം സ്ഥാപന അധ്യക്ഷൻമാർക്കുള്ള ശീശിപരമ്പര നടക്കും. മന്ത്രി തിരുവഞ്ചൂർ രാധാകൃഷ്ണൻ ഉദ്ഘാടനം ചെയ്യും. കിലെ ചെയർമാൻ ഫിലിപ്പ് ജോസഫ് അദ്ധ്യക്ഷത വഹിക്കും. നഗരസഭ അദ്ധ്യക്ഷൻ കെ.ആർ.ജി. വാരിയർ മുഖ്യപ്രഭാകരനും നടത്തും.



കിലെയുടെ ആഭിമുഖ്യത്തിൽ 'സ്ത്രീതൊഴിലാളികളും നിയമപരിരക്ഷയും' സെമിനാർ സംസ്ഥാന ആസൂത്രണകമ്മീഷൻ അംഗം സി.പി. ജോൺ ഉഴിലാടനം ചെയ്തു.

### ലോട്ടറിയെ തിന്ന് ഒഴിവാക്കണം

തിരുവനന്തപുരം : സംസ്ഥാന ലോട്ടറിയിൽ നിയമപരിരക്ഷയും നിയമപരിരക്ഷയും എന്ന വിഷയത്തിൽ സെമിനാർ നടത്തി. സംസ്ഥാന ആസൂത്രണകമ്മീഷൻ അംഗം സി.പി. ജോൺ ഉഴിലാടനം ചെയ്തു. കിലെ ചെയർമാൻ ഫിലിപ്പ് ജോസഫ് അദ്ധ്യക്ഷത വഹിച്ച് എക്സിക്യൂട്ടീവ് അംഗം മുരളിനാരായണൻ, സലീം ജി. മോടയിൽ അശോക് കുമാർ എന്നിവർ സംഘടിപ്പിച്ചു. എക്സിക്യൂട്ടീവ് റെഗുലേഷൻ വി. വിരകുമാർ സ്വാഗതവും സജ്ജ എസ്.എസ്.നന്ദിയും നടത്തി.

### യുവജനങ്ങളുടെ ആവശ്യം മുൻകൂട്ടി കാണണം: മന്ത്രി തിരുവഞ്ചൂർ

കോട്ടയം : യുവജനങ്ങളുടെ ആവശ്യം മുൻകൂട്ടി കാണണം. മന്ത്രി തിരുവഞ്ചൂർ രാധാകൃഷ്ണൻ പറഞ്ഞു. കിലെ ചെയർമാൻ ഫിലിപ്പ് ജോസഫ് അദ്ധ്യക്ഷത വഹിച്ച് എക്സിക്യൂട്ടീവ് അംഗം മുരളിനാരായണൻ, സലീം ജി. മോടയിൽ അശോക് കുമാർ എന്നിവർ സംഘടിപ്പിച്ചു. എക്സിക്യൂട്ടീവ് റെഗുലേഷൻ വി. വിരകുമാർ സ്വാഗതവും സജ്ജ എസ്.എസ്.നന്ദിയും നടത്തി.



കിലെയുടെ ആഭിമുഖ്യത്തിൽ 'സ്ത്രീതൊഴിലാളികളും നിയമപരിരക്ഷയും' സെമിനാർ സംസ്ഥാന ആസൂത്രണകമ്മീഷൻ അംഗം സി.പി. ജോൺ ഉഴിലാടനം ചെയ്തു.



കിലെയുടെ ആഭിമുഖ്യത്തിൽ 'സ്ത്രീതൊഴിലാളികളും നിയമപരിരക്ഷയും' സെമിനാർ സംസ്ഥാന ആസൂത്രണകമ്മീഷൻ അംഗം സി.പി. ജോൺ ഉഴിലാടനം ചെയ്തു.

### സ്ത്രീ തൊഴിലാളികളുടെ സുരക്ഷ: സെമിനാർ നടത്തി

തിരുവനന്തപുരം : കിലെയുടെ ആഭിമുഖ്യത്തിൽ സ്ത്രീതൊഴിലാളികളുടെ സുരക്ഷയെക്കുറിച്ച് സെമിനാർ നടത്തി. സംസ്ഥാന ആസൂത്രണകമ്മീഷൻ അംഗം സി.പി. ജോൺ ഉഴിലാടനം ചെയ്തു. കിലെ ചെയർമാൻ ഫിലിപ്പ് ജോസഫ് അദ്ധ്യക്ഷത വഹിച്ച് എക്സിക്യൂട്ടീവ് അംഗം മുരളിനാരായണൻ, സലീം ജി. മോടയിൽ അശോക് കുമാർ എന്നിവർ സംഘടിപ്പിച്ചു. എക്സിക്യൂട്ടീവ് റെഗുലേഷൻ വി. വിരകുമാർ സ്വാഗതവും സജ്ജ എസ്.എസ്.നന്ദിയും നടത്തി.



# Through History



**Sri. M.K. Raghavan**  
Hon'ble Minister for Labour  
(29.10.1978 to 07.10.1979)

Sri. M.K. Raghavan was the Minister for Labour during the period 29.10.1978 to 07.10.1979. 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 M.K. Raghavan became the President of KILE during this period. He was the second Chairman in the series.

Shri. M.K. Raghavan , successful lawyer and senior Congress leader , was born as the son of Shri M.I. Kuttan on September 20, 1917. Starting life as a lawyer in the Ernakulam District Court in 1942, he joined Trade Union Movement in 1946, and formed the Cochin Turamugha Thozilali Union of Cochin Port and Dock Workers. He subsequently became one of the founder members of All India Port and Dock Workers Federation too, in 1952.

In 1943, Shri. Raghavan got elected to Mattancheri Municipal Council and became its Chairman in 1956. He was also the first Secretary of the Chamber of Municipal Chairmen. Shri Raghavan became elected to the fourth Kerala Legislative Assembly for the first time from Njarakkal constituency as a Congress (R) candidate in 1970. Again, he was elected from Shertalai constituency in 1977 as an INC candidate.

Shri. Raghavan held the portfolio of Labour and Housing from 29.10.1978 to 7.10.1979 in the P.K. Vasudevan Nair Ministry. During his tenure as member, he had served as the Chairman of the Committee on Private Members' Bills and Resolutions from 1973 to 1974, Committee on Government Assurances from 1974 to 1975 and Committee on Public undertakings from 1977 to 1978.

Shri. Raghavan has also held important party positions and was the Chief Whip of Congress Legislature Party and Member of the AICC. As one very much active in the social field as well, he had served for sometime as the President of the S.N.D.P. Yogam. Smt. K. Anandalakshmi is his wife and they have three daughters. Shri. M.K. Raghavan , expired on 20th December 1994.

The Assembly paid its homage to him on March 30, 1995.

*Source: Kerala Legislative Assembly Website*



# Letters



KILE NEWS



Mathew Philip, Irinjalakuda, Thrissur

Among other things “Know Your Authorities under various Labour enactments” is a remarkable column in your journal KILE NEWS. Kindly include similar notes on other labour enactments so that we could understand the authorities and the procedure to be followed under these enactments. The article on “Work-life balance and its impact on the mental well being of employees” by Dr. D. Muraleedharan and Aneesh. ~~B was worth mentioning. More articles on social sciences and HR are expected in the coming issues.~~

Narayana Pai, KINFRA Park, Kozhikode

The journal KILE NEWS is excellent in its design and quality . The legal column *juris consultus* is very useful for the budding management professional like us. Similarly, the notes on the Authorities under labour enactments are also excellent. Similar notes on all the labour enactments are expected in the forthcoming issues. If KILE could organize some training programmes on the authorities under various enactments and the procedure to be adopted for each and every service under labour enactments somewhere in Kozhikode will be beneficial for the HR and Management professional in the industrial establishments.

K. Sadanandan, Kozhikode

We are happy to know that KILE is in the process of publishing a “Manual of Labour Laws” as the employees of the Labour Department were restrained by the authorities of Kerala Public Service Commission from referring private publications on labour enactments during their Department Tests. It is disgraceful that the Government / Labour Department do not have a publication of labour enactments implemented in the State. The Revenue, Police, LSG and Industries Departments have their own publications on the Laws enforced by them. It is definitely a remarkable decision from the side of KILE. Considering the urgency of the matter the work in respect of the Manual may be expedited.

*All letters to the editor may be sent to*

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Thiruvananthapuram-695033  
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# KILE NEWS

A quarterly publication from KILE



- A reference journal
- Articles on divergent topics
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- Activities
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- Data updates
- Special columns etc.etc.

Publication in progress

# **MANUAL OF LABOUR LAWS**

(A compilation of Labour Acts and Rules)  
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