

7202



K

e

GOVERNMENT OF KERALA

No. 35/E1/2015/LBR

Labour & Skills (E) Department,
Thiruvananthapuram Dated, 10.04.2015.

From

The Principal Secretary to Government.

To

~~The Director of Printing,
Thiruvananthapuram.~~



Sir,

Sub:- Amendment in Kerala Minimum Wages Rules, 1958 – Notification
issuing of-reg.

Ref:- Preliminary Notification No. 35/E1/2015/LBR dated 09.04.2015.

I am to forward herewith a copy of the Preliminary Notification cited and request you to print and publish the same in Gazette Extraordinary and to forward 150 copies each of the same to Labour Commissioner, Thiruvananthapuram and the Chairman, Minimum Wages Advisory Board, Kiwi Towers, Tutors Lane, Statue, Thiruvananthapuram and 250 copies to Government in this Department soon after the publication.

Yours faithfully,

Moly John J.S.,

Under Secretary,

For Principal Secretary to Government.

Approved for issue,


Section Officer.

Copy to :- ~~The Labour Commissioner, Thiruvananthapuram
The Chairman, Minimum Wages Advisory Board, Kiwi Towers,
Tutors Lane, Statue, Thiruvananthapuram.
The Director, Information and Public Relations Department
(for wide publicity)
PS to the Hon'ble Minister for Labour and Skills Department
Stock file/Office copy.~~

GOVERNMENT OF KERALA
Labour and Skills (E) Department
NOTIFICATION

No. 35/E1/2015/LBR

Dated, Thiruvananthapuram, 9th April, 2015.
26th Meenam, 1190.

The following draft rules further to amend the Kerala Minimum Wages Rules, 1958, which the Government of Kerala propose to make in exercise of the powers conferred by Clause (d) of sub-section (2) of section 30 of the Kerala Minimum Wages Act, 1948 (Central Act 11 of 1948), is hereby published for general information as required by sub-section (1) of section 30 of the said Act.

Notice is hereby given that the said draft rules will be taken up for consideration on or after thirty days from the date of publication of the notification in the Gazette and that objections or suggestions, if any, that may be received from any person with respect to the draft rules on or before the date specified above will be considered by the Government. Objections or suggestions, if any, shall be addressed to the Principal Secretary to Government, Labour and Skills Department, Government Secretariat, Thiruvananthapuram - 695001.

DRAFT RULES

1. *Short title and commencement.*-(1) These rules may be called the Kerala Minimum Wages (Amendment) Rules, 2015.

(2) They shall come into force at once.

2. *Amendment of the Rules.*-In the Kerala Minimum Wages Rules, 1958,-

(i) in rule 2, after clause (i), the following clause shall be inserted, namely:-

“(ia) “Wage Protection System” means an Information Technology enabled system provided in the Labour Commissionerate to ensure payment of minimum wages to all or any class of employees employed in any scheduled employment as specified in the Appendix .

(ii) after rule 21, the following rule shall be inserted, namely:-

“ 21A. *Payment of wages through I.T. enabled wages payment system.*-

(1) Notwithstanding anything contained in these rules, employers of the scheduled

employment as specified in the Appendix shall, submit electronically or upload an I.T. enabled 'Register of Employment and Wages' in Form XIV through Labour Commissionerate Automation System.

(2) Employers of the scheduled employments specified under Sub-section (1) shall pay and disburse the wages to the employees only through individual bank accounts ”;

(iii) in rule 29,-

(a) in sub-rule (1), after the first proviso, the following proviso shall be inserted, namely:-

“Provided further that the ‘Register of Wages’ to be maintained by the employer in the case of scheduled employments covered by the Wage Protection System shall be in Form XIV ”;

(b) after sub-rule (4), the following sub-rules shall be inserted, namely:-

“(4 A) IT enabled 'Register of employment and wages' in Form XIV shall be authenticated by the employer or any person authorized by in this behalf prior to the submission or the uploading of the same through the Wage Protection System.

(4B) The Inspector authorized by the Labour Commissioner shall electronically authenticate Form XIV submitted or uploaded through the Wage Protection System. Such forms shall be maintained as duly signed hard copies by the employer, or maintained as such in an electronic media, provided that a printout of the Form XIV, duly signed by the employer shall be made available to the Inspector on demand.

(4C) Employers shall ensure that the bank account numbers of his employees are entered in Form XIV for effecting payment of wages through banks.

(4D) Register of employment and wages in Form XIV shall be electronically submitted or uploaded in the Wage Protection System three days prior to crediting of wages in the individual bank accounts of the employees.

(4E) Employers of the scheduled employments covered by the Wage Protection System shall issue electronically generated wage slip to all his employees through Wage Protection System at least a day prior to effecting payment of wages.”;

(c) after sub-rule (7), the following sub-rule shall be inserted, namely:-

“(7A) Notwithstanding anything contained in these rules, ‘the Register of Employment and Wages’ in Form XIV and the wage slip generated through Wage

Protection System shall be considered as records authenticated by the employer, for the purposes of the Act and Rules.”;

● (d) in sub-rule (8), for the words “a visit book” the words “an inspection book” shall be substituted;

(iv) in rule 29 A, after the word, figures and brackets “rule 21(4)” the word, figures and letter “rule 21A” shall be inserted.

(V) after rule 29 B the following rules shall be inserted, namely:-

“29 C. Exemption.:- Notwithstanding anything contained in these Rules the employer submitting IT enabled Register of employment and wages in Form XIV and effecting payment through individual bank account of the employee, shall be exempted from maintaining Register of Fines in Form I, Register of Deduction for Damage or Loss Caused to the Employer in Form II, Over Time Register for Workers in Form V and Register of Wages in Form XI.

29 D. Making entries in the Register.-No employer shall make, cause or allow in any record, register, notice or form in written or electronic format prescribed, an entry which is false to his knowledge in any material particulars, or nor shall willfully omit, cause or allow to be omitted from any such record, register, notice or form, an entry required to be made therein.”;

(vi) before the existing Forms, the following Appendix shall be inserted, namely:-

“ APPENDIX
[See rule 2(ia)]

Name of Scheduled Employments:

- (i) Employment in Shops and Establishments.
- (ii) Employment in Private Hospitals, Dispensaries, Pharmacies, Clinical Labs, Scanning Centres, X-ray Units and other allied institutions.
- (iii) Employment in Star Hotels.
- (iv) Employment in Security Services.
- (v) Employment in Computer Software.
- (vi) Employment in Private Educational Institutions(Non- teaching).”.

(vii) after Form XIII the following Form shall be inserted, namely:-

FORM XIV
REGISTER OF EMPLOYMENT AND WAGES
Kerala Minimum Wages Rules 1958
(See rule 21 A)

Name of District _____ Name and Address of Establishment _____ Month & Year
(Wage Period)
Name of owner _____ Name of Employer _____ e-mail ID of Employer
Type of employment _____ Type of Ownership _____ Mobile number of Employer

Employee code	Employee Name	Name of father / husband	Sex	Date of Birth	Designation	Designation code / grade as in Government Order	Date of Joining	Mobile Number	e-mail ID	Bank Name	IFSC Code	Bank Account Number	Days of attendance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)

Loss of pay days of weekly granted	Number of granted	Number of Leave granted	Basic	DA	HRA	City Compensation Allowances	Gross Monthly Wages	Overtime wages	Leave wages	National & Festival Holidays wages	Arrear paid	Bonus	Maternity Benefit	Other Allowances
(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)	(28)	(29)

Advance Amount	Total	Employees Provident Fund	Employees State Insurance	Advances	Welfare Fund	Professional Tax	Tax Deducted at Source	Deduction of Fine	Deduction for Loss & Damages	Other Deduction	Total Deduction	Net wages paid	Date of payment	Remarks
(30)	(31)	(32)	(33)	(34)	(35)	(36)	(37)	(38)	(39)	(40)	(41)	(42)	(43)	(44)

By order of the Governor,
Tom Jose IAS,
Principal Secretary to Government