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KARNATAKA EMPLOYERS' ASSOCIATION

NO.74, 2nd FLOOR, SHANKARA ARCADE, VANIVILAS ROAD, BASAVANAGUDI
BENGALURU - 560 004
Reg. No. TU 507 / 20-3-1962

Date : 12-10-2017

CIRCULAR No.110/2017

To
All Members of the Association

Sub: Representation submitted by KEA
to the Commissioner of Labour

The Government of Karnataka vide letter Dated 17-9-2017 has issued the Notice regarding the re-constitution of the Committee on Minimum Wages.

The Association has observed that the constitution of the committee is not in accordance with the Section 9 of the Minimum Wages Act and has therefore suggested them to review and ensure that the committee constituted is in full conformity with the provisions of the Act and a copy of the letter dated 09-10-2017 submitted to the Commissioner of labour Govt of Karnataka is enclosed for information.

for KARNATAKA EMPLOYERS' ASSOCIATION

sd/-
(B.C. PRABHAKAR)
PRESIDENT



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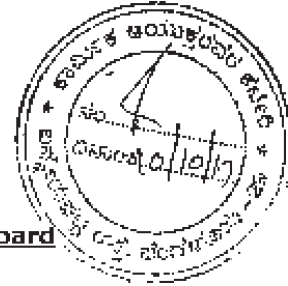
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B.C. Prabhakar, B.A. B.L.
President

09-10-2017

Sri.R R Jennu, I.A.S.,
Commissioner of Labour
Government of Karnataka
Karmika Bhavana
Bannerghatta Road
BENGALURU - 560 029



Dear Sir,

**Sub: Re-constitution of the Advisory Board
under the Minimum Wages Act**

1. The Association is In receipt of your Notice dated 17.9.2017 with regard to re-constitution of the Committee on Minimum Wages.
2. The Association is grateful to the Government, for having provided opportunity to the Association to be the Members of the Advisory Board, on behalf of the Employers.
3. It is found that the Re-Constituted Committee consists of 15 Members under the Heading 'Officials and Experts'. 12 Members have been nominated to the Committee, on behalf of the Management and equal number have been nominated to represent the Workers. By another corrigendum dated 29.8.2017, Mr.Raja Mohammed Fakrusabha Bhagawan has been shifted from Workers' Representative to Employers' Representatives. Consequently, the number of Employers' Representatives would go up to 13. Two Additional Nominations have been made under the category of 'Workers/Employees' Representatives'. Thus, the total representatives on behalf of the workers would also stand increased to 13.



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President

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4. The Notification does not say whether Mr.Raja Mohammed Fakrusabha Bhagawan is an Employer or Employer Representing Employer's Organisation from Gadag. Unless he falls under the either of the category, he cannot be treated as an Employer's Representative. An individual cannot be an employer unless he is owner / partner of an establishment and employing workers.
5. If the Advisory Committee constituted, is not in accordance with the provisions of Section 9 of the Minimum Wages Act, all the deliberations of the Committee will not be legal. Further, if the Committee is not in accordance with the Act, it would give a ready-made ground for challenging the Minimum Wages fixed on the recommendation of the Advisory Committee. Thus, the constitution of Committee itself would lead to an avoidable litigation.
6. The Notification should, therefore, specify the capacity under which Mr.Raja Mohammed Fakrusabha Bhagawan is on the Advisory Committee representing Employers.
7. The Association, therefore, suggests that, the Department may review the Constitution of the Committee and take appropriate measures to ensure that the Committee constituted is in full conformity with the provisions of the Act.

Thanking you,

Yours faithfully,

For **KARNATAKA EMPLOYERS' ASSOCIATION**

B. C. Prabhakar

B.C. PRABHAKAR
President