
REPORT OF THE SUBJECT COMMITTEE
ON
THE MINIMUM WAGES (KERALA AMENDMENT)
BILL, 2016
AND
THE BILL AS REPORTED BY THE SUBJECT COMMITTEE

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SUBJECT COMMITTEE VII
(ELECTRICITY, LABOUR AND LABOUR WELFARE)
(2016-2018)

Composition

Chairman:

Shri T. P. Ramakrishnan,
Minister for Labour and Excise.

Ex-officio Member :

Shri M. M. Mani,
Minister for Electricity.

Members:

Smt. E. S. Bijimol
Shri K. Dasan
Shri T. V. Ibrahim
Shri M. Rajagopalan
Shri V. P. Sajeendran
Shri Thomas Chandy
Shri P. Unni
Smt. Veena George.

Legislature Secretariat:

Shri V. K. Babu Prakash, Secretary
Shri S. Prasannakumar, Joint Secretary
Smt. S. Jayasree, Deputy Secretary
Smt. Jayasree M., Under Secretary.

**THE MINIMUM WAGES (KERALA AMENDMENT)
BILL, 2016**

(Report of the Subject Committee)

Subject Committee VII (Electricity, Labour and Labour Welfare) to which "The Minimum Wages (Kerala Amendment) Bill, 2016" was referred, considered the Bill (Bill No.33) clause by clause and now submits its report with the Bill as reported by the Committee annexed thereto.

2. The Minimum Wages (Kerala Amendment) Bill, 2016 was published as a Gazette Extraordinary dated November 21, 2016. The Bill was introduced in the Assembly on March 13, 2017 and was referred to the Subject Committee on the same day.

3. The Committee held its meeting on March 13, 2017 and in the absence of the Chairman Shri T. P. Ramakrishnan, Minister for Labour and Excise, the Committee selected Shri M. M. Mani, Ex-Officio Member and Minister for Electricity to preside over the meeting. The Committee considered the Bill clause by clause and recommends to adopt the bill with the following modifications:

1. In sub-section (b) of clause 2 of the Bill, for the words "one thousand rupees", the words "one hundred rupees" shall be substituted.

2. In clause 3 of the Bill, for the words "five thousand rupees", the words "one lakh rupees" shall be substituted.

3. For Clause (4), the following shall be substituted namely:—

Substitution of Section 22A.— For section 22 A of the Principal Act, the following section shall be substituted,—

"Section 22A. General Provision for punishment of other offences.—(1) Whoever contravenes the provisions of this Act or the rules made thereunder shall be punishable with fine which may extend to two lakh rupees and in the case of a continuing contravention, with an additional fine which may extend to two thousand rupees for every day during which such contravention continues:

Provided that the total amount of fine shall not exceed two thousand rupees per worker employed.

(2) If any person who has been convicted of any offence punishable under sub-section (1) is again guilty of an offence involving a contravention or failure of compliance of the same provision, he shall be punishable on a subsequent conviction with fine which shall not be less than one lakh rupees but which may extend to five lakh rupees”.

4. The minutes of dissent is appended.

Thiruvananthapuram,
13th March, 2017.

M. M. MANI,
For *Chairman*,
Subject Committee VII.

ആനുമന്ദിരം

വിയോജനകെട്ടിപ്പി

20-ാം വകുപ്പിന്റെ കീഴിൽ ഏതെങ്കിലും അപേക്ഷ കേൾക്കുന്ന അധികാരസ്ഥാനത്തിന്, ആ അപേക്ഷ ദുരുപദേശപരമായതോ, ശല്യമുണ്ടാക്കുന്നതോ ആണെന്ന് ബോധ്യപ്പെടുന്നുവെങ്കിൽ, അപേക്ഷ ബോധിപ്പിക്കുന്ന ആൾ നിയോജകന് കൊടുക്കേണ്ട ബേനനുക 50 രൂപ എന്നത് ആയിരം രൂപയായിട്ടാണ് ഭേദഗതി നിയമത്തിൽ വർദ്ധിപ്പിക്കുവാൻ നിർദ്ദേശിച്ചിട്ടുള്ളത്. ഇത് വളരെ ഉയർന്ന ഒരു വർദ്ധനവും, തൊഴിലാളികളെ പരാതി നൽകുന്നതിൽ നിന്നും പിൻതിരിപ്പിക്കുന്ന ഒന്നും ആകയാൽ ഈ നിർദ്ദേശത്തോട് വിയോജിപ്പ് രേഖപ്പെടുത്തുന്നു.

ടി. വി. ഇബ്രാഹിം, എം. എൽ. എ. (ഒപ്പ്)

വി. പി. സജീന്ദ്രൻ, എം. എൽ. എ. (ഒപ്പ്)

THE MINIMUM WAGES (KERALA AMENDMENT) BILL, 2016

(As reported by the Subject Committee)

[The words underlined or sidelined indicates the modifications suggested by the Committee]

A

BILL

further to amend the Minimum Wages Act, 1948

Preamble.—WHEREAS, it is expedient further to amend the Minimum Wages Act, 1948 (Central Act 11 of 1948) in its application to the State of Kerala for the purposes hereinafter appearing;

BE it enacted in the Sixty-seventh Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Minimum Wages (Kerala Amendment) Act, 2016.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.

2. *Amendment of Section 20.*—In section 20 of the Minimum Wages Act, 1948 (Central Act 11 of 1948) (hereinafter referred to as the principal Act),—

(a) in sub-section (1), for the words “or any officer of the State Government not below the rank of a Labour Commissioner” the words “or any officer of the State Government not below the rank of a Deputy Labour Commissioner” shall be substituted;

(b) in sub-section (4), for the words “fifty rupees” the words “one hundred rupees” shall be substituted;

(c) in sub section (5) , for clause (b), the following clause shall be substituted, namely:—

“(b) if the Authority is not a Magistrate, by the Authority, as if it were arrears of revenue due on land, without prejudice to any other mode of recovery.”

3. *Amendment of Section 22.*—In section 22, for the words “five hundred rupees” the words “one lakh rupees” shall substituted.

4. *Substitution of Section 22A.*—For section 22 A of the Principal Act, the following section shall be substituted namely, —

“*Section 22A. General Provision for punishment of other offences.*—(1) Whoever contravenes the provisions of this Act or the rules made thereunder shall be punishable with fine which may extend to two lakh rupees and in the case of a continuing contravention, with an additional fine which may extend to two thousand rupees for every day during which such contravention continues:

Provided that the total amount of fine shall not exceed two thousand rupees per worker employed.

(2) If any person who has been convicted of any offence punishable under sub-section (1) is again guilty of an offence involving a contravention or failure of compliance of the same provision, he shall be punishable on a subsequent conviction with fine which shall not be less than one lakh rupees but which may extend to five lakh rupees”.

Secretariat of the Kerala Legislature,
Thiruvananthapuram,
13th March, 2017.

V. K. BABU PRAKASHI,
Secretary.