

**GOVERNMENT OF INDIA
RURAL DEVELOPMENT
LOK SABHA**

UNSTARRED QUESTION NO:1002

ANSWERED ON:16.08.2012

WAGES UNDER MGNREGS

Bhagat Shri Sudarshan;Kaswan Shri Ram Singh;Punia Shri P.L.

Will the Minister of RURAL DEVELOPMENT be pleased to state:

- (a) whether the Union Government has filed a Special Leave Petition before the Supreme Court against the judgement of High Court of Karnataka on minimum wages to be paid to workers under Mahatma Gandhi National Rural Employment Guarantee Scheme;
- (b) if so, whether the Supreme Court has delivered its judgement in the matter;
- (c) if so, the details thereof;
- (d) the reaction of the Government thereto;
- (e) whether the Government proposes to make minimum wages under the scheme at par with minimum wages for unskilled agricultural labour under Minimum Wages Act, 1948;
- (f) if so, the details thereof; and
- (g) if not, the reasons therefor?

Answer

MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT (SHRI PRADEEP JAIN 'ADITYA')

(a): Yes sir.

(b): No sir.

(c) to (g): In Writ Petition No. 30619/2009 connected with other Writ Petitions filed before the High Court of Karnataka, the petitioners had challenged the constitutional validity of Section 6(1) of the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), 2005 and issue of notification specifying wage rate, on the ground that it can not be less than the minimum wage rate for unskilled agricultural labourers fixed under the Minimum Wages Act. The High Court of Karnataka vide its Order dated 23.09.2011 accepted their pleas and directed the Central Government to make payment of arrears. A Special Leave Petition (Civil) No. 379-390 of 2012 has been filed before the Supreme Court against the aforesaid judgment of the Karnataka High Court. The Supreme Court has granted interim stay to the orders of the Karnataka High Court. In a Writ Petition on similar issue filed before the High Court of Andhra Pradesh, the Court has reserved its judgement. The matter is thus sub judice.

Section 6 (1) of MGNREGA provides that notwithstanding anything contained in the Minimum Wages Act, the Central Government may notify the wage rate for the purposes of the Act. Section 6(2) provides that until such time as a wage rate is fixed by the Central Government, the Minimum wage fixed by the State Government under Section 3 of the Minimum Wages Act for agricultural labourers shall be considered as the wage rate for MGNREGA. As per information available with the Ministry, under the present MGNREGA wage policy, wage rates are higher than those fixed by States in respect of unskilled agricultural labourers under the Minimum Wages Act, 1948 in majority of States, except 10 States, viz., Andhra Pradesh, Arunachal Pradesh, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Mizoram, Rajasthan, West Bengal and Andaman & Nicobar.