

**GOVERNMENT OF INDIA
RURAL DEVELOPMENT
LOK SABHA**

UNSTARRED QUESTION NO:4543

ANSWERED ON:20.12.2012

WAGES UNDER MGNREGS

Das Shri Ram Sundar;Karwariya Shri Kapil Muni;Mahato Shri Narahari

Will the Minister of RURAL DEVELOPMENT be pleased to state:

- (a) whether the wages in some States under Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) are less than the wages fixed for unskilled agricultural wages under the Minimum Wages Act, 1948;
- (b) if so, the details thereof and the reasons therefor;
- (c) whether the Government has received requests from various quarters in this regard;
- (d) if so, the details thereof; and
- (e) the reaction of the Government thereto and the present status of the matter?

Answer

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

(a)&(b): Section 6 (1) of Mahatma Gandhi National Rural Employment Guarantee Act (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. The revised notified wage rates under MGNREGA effective from 1.4.2012 are given in Annexure. 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.

(c)to(e): In a 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 in 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 judgment. The matter is thus sub judice.