

**GOVERNMENT OF INDIA
RURAL DEVELOPMENT
LOK SABHA**

UNSTARRED QUESTION NO:754
ANSWERED ON:08.08.2013
WAGES UNDER MGNREGS
Punia Shri P.L.

Will the Minister of RURAL DEVELOPMENT be pleased to state:

- (a) the number of States/UTs where the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) notified wages are lower than the wages of unskilled manual labourers under the Minimum Wages Act;
- (b) whether the Government plans to bring in uniformity in the Minimum Wages and wages under MGNREGS;
- (c) if so, the details thereof; and
- (d) if not, the reasons therefor?

Answer

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

(a): Under Section 6(1) of MGNREG Act, 2005, the unskilled wage rates are notified by the Central Government State/UT-wise and are periodically revised. The Minimum wage rates for unskilled agricultural labour under the Minimum Wages Act, 1948 are notified by the State Governments/UT Administrations. The Minimum Wages Act, 1948 is administered by Ministry of Labour. As per information available with the Ministry, MGNREGA wage rates are higher than those notified by States in respect of unskilled agricultural labourers under the Minimum Wages Act, 1948 in all States/UTs, except Andhra Pradesh, Arunachal Pradesh, Bihar, Jharkhand, Kerala, Madhya Pradesh, Mizoram, Rajasthan, West Bengal and Andaman & Nicobar Islands.

(b) to (d): Wages Rates for workers under MGNREGS are fixed by the Central Government under Section 6(1) of the MGNREG Act, which states that notwithstanding anything contained in the Minimum Wages Act 1948, the Central Government may by notification specify the wage rate for the purposes of this Act. Section 28 of MGNREGA states that 'the provisions of this Act or the Schemes made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of such law'. Section 28, thus, clearly states that MGNREGA has overriding effect over preceding legislations. Both Sections 6(1) and Section 28, thus, give the Central Government the power to determine its wage rates independent of the Minimum Wages Act, 1948. In WP No. 30619/2009 connected with other Writ Petitions filed before the Hon'ble High Court of Karnataka, the petitioners had challenged the constitution validity of Section 6(1) of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 to issue notification specifying wage rate on the ground that it cannot be less than the minimum wage rate for unskilled agricultural labourers fixed under the Minimum Wages Act. The Hon'ble 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 Hon'ble Supreme Court against the aforesaid judgement of Hon'ble Karnataka High Court. The Supreme Court has granted interim stay to the orders of the Karnataka High Court. On a Writ Petition on similar issue filed in the High Court of Andhra Pradesh, the Hon'ble court has reserved its judgement. The matter is, thus, sub-judice.