



GOPAL SUBRAMANIAM

महा-सॉलिसिटर भारत
SOLICITOR-GENERAL OF INDIA

OPINION

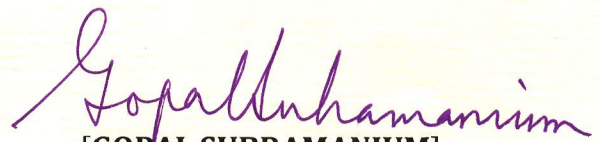
My views have been sought on the aspect of "wage rate" to be fixed under Section 6 of the National Rural Employment Guarantee Act, 2005.

On considering the matter, I am of the opinion that:-

1. Sub-section (2) of Section 6 prescribes minimum wage notified under the Minimum Wages Act, 1948 as an interim measure.
2. Sub-section (1) of Section 6 empowers the Central Government to fix wage different from the rate notified under the Minimum Wages Act.
3. Generally, the threshold of wage prescribed under the Minimum Wages Act must be borne in mind while fixing the wage rate under Section 6(1).
4. The minimum wage rate must be split into identifiable and verifiable components.
5. Any fixation under Section 6(1) must be verifiable with reference to components determined in point (4) above.
6. Any fixation of minimum wage must be non-arbitrary and verifiable with reference to parameters mentioned in point (4) above.
7. If any State Government arbitrarily fixes a minimum wage in excess of the amount arrived at by employing the indicators mentioned above, then the wage under Section 6(1) can be different from Section 6(2).
8. The power of the Central Government should be effectively exercised under Section 27 to achieve the above objectives.

I have nothing further to add.

New Delhi
9.12.2010


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