



A critical study on equal pay for equal work

Ramki S

Department of Labour law and Administrative law, School of excellence in law, The Tamil Nadu Dr. Ambedkar law University, Chennai, Tamil Nadu, India

Abstract

The principle of “Equal Pay for Equal Work” forms a cornerstone of social and economic justice within India’s labour jurisprudence. It emphasizes that employees performing the same or similar work should receive identical remuneration, regardless of gender or status. Rooted in Articles 14, 16, and 39(d) of the Constitution of India, this doctrine transcends the boundaries of a mere moral aspiration and has evolved into a judicially enforceable right. Through landmark judgments such as *Randhir Singh v. Union of India* and *State of Punjab v. Jagjit Singh*, the judiciary has affirmed that wage discrimination violates the fundamental right to equality. Legislatively, India has institutionalized this principle through the Equal Remuneration Act, 1976, which explicitly prohibits wage discrimination and promotes gender equality in employment. The subsequent Code on Wages, 2019 consolidated this framework, reaffirming non-discrimination in wages and extending protection across both organized and unorganized sectors. Complementary statutes such as the Minimum Wages Act, 1948 and the Payment of Wages Act, 1936 further strengthen the foundation of fair wage practices by ensuring minimum wage standards and timely payments.

Despite this robust legal architecture, challenges persist in enforcement, particularly in informal sectors where awareness and compliance remain low. The effectiveness of the “Equal Pay for Equal Work” principle thus depends not only on legislative mandates but also on administrative vigilance and societal change. In essence, this doctrine embodies the constitutional vision of equality and dignity at the workplace, advancing India’s commitment to labour justice and inclusive economic development.

Keywords: Equal pay, equal work, labour jurisprudence, remuneration, wage discrimination, payment of wages

Introduction

The concept of “Equal Pay for Equal Work” is a fundamental principle of labour justice that seeks to eliminate discrimination in remuneration based on gender, caste, or any other social distinction. It embodies the constitutional vision of equality, fairness, and social justice, ensuring that individuals performing the same or similar work receive equal wages. In a developing economy like India, where socio-economic disparities and gender-based wage gaps persist, the implementation of this principle becomes crucial for achieving equitable growth and inclusive governance. The idea of equal pay traces its origin to the international labour movement and has been reinforced through several conventions of the International Labour Organization (ILO), particularly Convention No. 100 (1951) on Equal Remuneration^[1]. India, as a member of the ILO, has taken legislative and policy measures to align with these global standards, emphasizing equality at the workplace. Within the Indian constitutional framework, the doctrine finds its moral foundation in the Preamble, which guarantees justice—social, economic, and political, and its legal roots in the Fundamental Rights and Directive Principles of State Policy (DPSPs). While Article 14 ensures equality before the law, Article 16 secures equality of opportunity in matters of public employment, and Article 39(d) under the DPSPs directs the State to ensure equal pay for equal work for both men and women^[2]. Together, they establish the basis for fairness in wage structures. To translate these constitutional ideals into practical application, Parliament enacted the Equal Remuneration Act, 1976, which explicitly prohibits discrimination in wages and employment on the grounds of gender. Over

time, this legislative framework evolved with the introduction of the Code on Wages, 2019, which consolidated multiple wage-related statutes into a single comprehensive law^[3]. The Code strengthens the protection of workers by ensuring non-discrimination and setting universal wage standards applicable across sectors.

Judicial interpretation has played a significant role in transforming this principle from a mere directive policy into an enforceable right. In cases such as *Randhir Singh v. Union of India* (1982) and *State of Punjab v. Jagjit Singh* (2017), the Supreme Court of India recognized “Equal Pay for Equal Work” as part of the constitutional guarantee of equality under Articles 14 and 16. These judgments have served as guiding precedents in ensuring wage parity and fair labour practices in both public and private employment. Despite these progressive developments, the implementation of the principle continues to face practical challenges. Wage disparities remain prevalent in unorganized sectors, and the determination of what constitutes “same or similar work” often invites complex legal interpretation^[4]. Nonetheless, the pursuit of equal pay remains a vital component of India’s broader commitment to labour welfare, gender equality, and economic justice. Thus, the principle of “Equal Pay for Equal Work” stands as both a constitutional mandate and a social necessity, reflecting India’s ongoing journey toward a fair and balanced employment system that respects the dignity and worth of every worker.

Historical Development

The origin of the principle “Equal Pay for Equal Work” can be traced to the global labour rights movement, which

sought to eliminate unfair wage practices and ensure equality in employment. The concept gained prominence after the Industrial Revolution, a period that witnessed massive exploitation of labour, long working hours, and wage disparities between men and women. These conditions prompted social reformers and international organizations to advocate for a more equitable and humane labour system^[5]. At the international level, the International Labour Organization (ILO) played a pioneering role in establishing this principle as a fundamental right of workers. The ILO Convention No. 100 (Equal Remuneration Convention, 1951) and Convention No. 111 (Discrimination—Employment and Occupation, 1958) laid the groundwork for member nations to legislate against gender-based wage discrimination. India, as a founding member of the ILO, endorsed these conventions and integrated their spirit into its national legal framework.

In India, the idea of equal pay emerged as part of the larger constitutional goal of social and economic justice. The framers of the Constitution of India (1950) envisioned a society free from inequality and exploitation. Accordingly, the Directive Principles of State Policy, particularly Article 39(d), directed the State to ensure “equal pay for equal work for both men and women.” Although not directly enforceable in a court of law, this provision reflects the guiding philosophy behind labour welfare and wage equality. In the initial decades after Independence, India’s focus was primarily on industrial growth and economic planning. However, with the growing participation of women in the workforce and the rising awareness of labour rights, the issue of wage parity gained significance. The government responded by enacting the Equal Remuneration Act, 1976, a landmark legislation that aimed to provide statutory protection against wage discrimination. This Act prohibited employers from paying unequal wages for the same or similar work and mandated equality in recruitment and employment conditions for men and women.

Subsequently, the principle was further reinforced through judicial interpretation. The Supreme Court, in *Randhir Singh v. Union of India* (1982), elevated the concept of equal pay from a directive principle to a constitutional right, holding that it flows logically from Articles 14 and 16 of the Constitution. This judicial approach transformed the moral duty of the State into a legally enforceable right of the worker. Later cases, such as *Mackinnon Mackenzie & Co. Ltd. V. Audrey D’Costa* (1987) and *State of Punjab v. Jagjit Singh* (2017), expanded the doctrine’s applicability to private employment and even temporary or casual workers. In recent years, the Code on Wages, 2019 has consolidated earlier wage-related laws, including the Equal Remuneration Act, 1976, into a single framework^[6]. The Code ensures gender-neutral wage practices and simplifies wage regulation across different sectors of employment. By integrating various provisions, it aims to provide uniformity, transparency, and effective enforcement of the right to equal pay. Thus, the evolution of the principle of “Equal Pay for Equal Work” in India represents a gradual transition—from a moral and policy-based ideal to a legally binding and constitutionally recognized right. It reflects India’s continued commitment to the ideals of equality, justice, and dignity for all workers, ensuring that the value of labour is determined not by gender or social status, but by the nature and quality of work performed.

Legislative Framework on “Equal Pay for Equal Work”

The legislative framework governing the principle of “Equal Pay for Equal Work” in India has evolved through a combination of constitutional directives, statutory enactments, and judicial interpretations^[7]. Together, these components aim to secure equality in remuneration and ensure that no individual is discriminated against in matters of wages and employment.

Constitutional Provisions

The principle of “Equal Pay for Equal Work” finds its strongest foundation in the Constitution of India, which guarantees equality, justice, and fairness as core elements of governance. The framers of the Constitution recognized that social and economic equality are essential for the dignity of labour and the promotion of social justice. Hence, the concept of wage equality is not merely a labour right but a constitutional mandate flowing from the combined reading of the Preamble, Fundamental Rights, and Directive Principles of State Policy (DPSPs).

1. The Preamble

The Preamble to the Constitution emphasizes justice – social, economic, and political and equality of status and opportunity. These ideals serve as the guiding spirit for all laws and policies concerning labour welfare and wages. Economic justice implies a system where workers are not exploited and are paid fairly for their labour. Thus, the Preamble lays the ethical foundation for the principle of Equal Pay for Equal Work.

2. Article 14: Equality Before Law

Article 14 guarantees that “The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India^[8]. This provision ensures non-discrimination and equal treatment of individuals performing similar work. The Supreme Court, in *Randhir Singh v. Union of India* (AIR 1982 SC 879), held that the principle of equal pay is an aspect of Article 14, as unequal wages for identical work amount to arbitrary discrimination. It thus provides a constitutional basis for wage equality, transcending the limitations of statutory law.

3. Article 15: Prohibition of Discrimination

Article 15(1) prohibits the State from discriminating against any citizen on grounds of religion, race, caste, sex, or place of birth. This provision ensures that no worker is denied fair remuneration on the basis of gender or social identity. It strengthens the application of Equal Pay for Equal Work, particularly for women workers who have historically faced wage discrimination. Read with Article 15(3), it allows the State to make special provisions for women to promote equality and reduce gender disparity in employment^[9].

4. Article 16: Equality of Opportunity in Public Employment

Article 16(1) ensures equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State, while Article 16(2) prohibits discrimination in such matters on grounds of religion, race, caste, sex, descent, or place of birth. It provides the constitutional foundation for equal pay in public sector employment^[10]. Unequal remuneration for the same work among employees in public service violates Articles 14 and

16, as held in *D.S. Nakara v. Union of India* (1983) and *State of Punjab v. Jagjit Singh* (2017). Thus, Article 16 transforms the idea of wage equality into a justiciable right for government employees and workers under state control.

5. Article 39(d): Directive Principle of State Policy

Article 39(d), under Part IV (Directive Principles of State Policy), directs the State to ensure that “there is equal pay for equal work for both men and women.” This article reflects the State’s responsibility to promote economic justice and eliminate inequality in remuneration. Although the DPSPs are non-justiciable, courts have interpreted Article 39(d) as a guiding principle for interpreting Fundamental Rights. In *Randhir Singh v. Union of India* (1982), the Supreme Court held that Article 39(d) must be read with Articles 14 and 16, thereby making the principle enforceable in practice^[11].

6. Article 43: Living Wage and Decent Conditions of Work^[12]

Article 43 directs the State to secure “a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities for all workers.” It extends the concept of wage equality to include fair and adequate remuneration. This article ensures that workers not only receive equal pay but also a living wage that maintains human dignity and well-being.

The Equal Remuneration Act, 1976

The Equal Remuneration Act, 1976 is a landmark legislation enacted by the Parliament of India to give effect to the constitutional principle of “Equal Pay for Equal Work” and to implement the provisions of Article 39(d) of the Directive Principles of State Policy. The Act seeks to eliminate gender-based discrimination in matters of remuneration and employment opportunities. It reflects India’s commitment to international labour standards, particularly ILO Convention No. 100 (1951) on Equal Remuneration, which emphasizes equality between men and women in wages for the same or similar work^[13].

Objective

1. To provide for equal remuneration to men and women workers for the same or similar work.
2. To prevent discrimination on the grounds of gender in matters of recruitment and employment.
3. To ensure the promotion of women’s participation in various fields of work by creating equal employment opportunities.
4. To establish Advisory Committees for promoting employment opportunities and fair treatment for women in the workforce.

This legislation therefore not only addresses wage parity but also seeks to foster gender equality in broader employment contexts^[14].

Scope and Applicability

The Act applies to all establishments and employments where men and women are engaged in similar or identical work. It extends to both organized and unorganized sectors throughout India. It covers public as well as private

employers, ensuring universal application of the principle of equal pay.

Definitions

Remuneration: Includes basic wage or salary and any additional payments such as bonuses, allowances, or other benefits.

Same or Similar Work: Work that requires the same skill, effort, experience, and responsibility, and is performed under similar working conditions. The emphasis is not on job titles but on the nature of work performed^[15].

Major Provisions of the Act

Section 4: Duty of Employer to Pay Equal Remuneration

Mandates that men and women workers performing the same or similar work must receive equal remuneration^[16]. Employers cannot reduce the rate of pay of any worker to comply with this provision.

Section 5: No Discrimination in Recruitment

It prohibits employers from discriminating against women during the recruitment process or while determining terms and conditions of employment, such as promotions, transfers, or training opportunities. The only exception is where employment of women is prohibited or restricted by law (for example, in hazardous occupations)^[17].

Section 6: Advisory Committee

It provides for the constitution of Advisory Committees by the appropriate government to promote employment opportunities for women in various sectors. The committee consists of representatives of employers, employees, and government officials^[18].

Section 7: Power of Appropriate Government

The government is empowered to appoint authorities to hear and decide complaints or claims arising under the Act. These authorities can issue directions to employers to ensure compliance.

Section 8: Maintenance of Registers

Employers are required to maintain registers and records of workers, including details of wages, employment conditions, and recruitment. This provision ensures transparency and enables inspection by authorities^[19].

Section 10: Penalties

Employers who violate the provisions of the Act are liable for penalties, including fines or imprisonment. This ensures enforceability and discourages discriminatory practices.

Enforcement Mechanism

The Act empowers Labour Inspectors and appointed authorities to monitor compliance, investigate complaints, and ensure proper enforcement. Employees have the right to file complaints of discrimination or non-payment of equal wages before designated authorities^[20]. Orders passed by such authorities can be appealed before a higher judicial forum.

Significance of the Act

1. **Legal Implementation of Article 39(d):** Converts the constitutional ideal of equal pay into an enforceable statutory right.

2. **Promotion of Gender Equality:** Empowers women workers by ensuring wage parity and fair employment opportunities.
3. **Strengthening Labour Justice:** Enhances fairness and reduces exploitation in workplaces.
4. **Compliance with International Standards:** Aligns Indian labour law with ILO conventions and CEDAW obligations.
5. **Foundation for Modern Wage Laws:** The principles of this Act have been incorporated into the Code on Wages, 2019, ensuring continued protection.

Repeal and Incorporation under the Code on Wages, 2019

The Equal Remuneration Act, 1976 has now been repealed and its provisions have been merged into the Code on Wages, 2019.

Section 3(1) of the Code continues the principle of non-discrimination in wages and recruitment based on gender^[21]. Thus, the spirit and objective of the 1976 Act remain intact under the modern legislative framework.

Judicial interpretation for equal pay for equal work

The principle of “Equal Pay for Equal Work” has evolved primarily through judicial interpretation rather than mere statutory enactments. Though it is articulated as a Directive Principle of State Policy under Article 39(d) of the Constitution of India, the judiciary has elevated it to a fundamental right by reading it with Articles 14 (Right to Equality) and 16 (Equality of Opportunity in Public Employment)^[22]. Over time, Indian courts have developed a rich body of case law, shaping the meaning, scope, and enforceability of this principle.

1. Randhir Singh v. Union of India, AIR 1982 SC 879^[23]

Facts

Randhir Singh, a driver in the Delhi Police Force, demanded equal pay with drivers working in other departments of the Government of India, as the nature of their duties was the same.

Issue

Whether the principle of equal pay for equal work could be enforced as a fundamental right.

Judgment

The Supreme Court held that though Article 39(d) is part of the Directive Principles, it is read with Articles 14 and 16, making it enforceable as a fundamental right.

The Court declared:

- “Equal pay for equal work is not merely a principle; it is a constitutional goal.”

Significance

This judgment was the first to give enforceable status to the principle under the Indian Constitution.

2. D.S. Nakara v. Union of India, AIR 1983 SC 130^[24]

Facts

Retired government employees challenged discriminatory pension rules that favored those who retired after a specific date.

Issue

Whether unequal treatment among pensioners violated the principle of equality.

Judgment

The Supreme Court ruled that differential treatment of pensioners without a rational basis violated Article 14, emphasizing that equality in public service extends to post-retirement benefits^[25].

Relevance

Although not directly about wages, it reinforced that economic equality and fair compensation are essential components of constitutional justice.

3. Mackinnon Mackenzie & Co. Ltd. V. Audrey D’Costa, AIR 1987 SC 1281^[26]

Facts

Female stenographers in a company were paid less than male stenographers performing the same duties.

Issue

Whether such wage disparity violated the Equal Remuneration Act, 1976.

Judgment

The Supreme Court held that men and women doing identical or similar work must receive equal remuneration, and such discrimination violated Sections 4 and 5 of the Equal Remuneration Act, 1976.

Observation

The Court emphasized that the nature of work, not the designation, determines the right to equal pay.

4. Surinder Singh v. Engineer-in-Chief, CPWD, (1986) 1 SCC 639^[27]

Facts

Casual labourers in the Central Public Works Department demanded equal pay with regular employees performing similar duties.

Judgment

The Court held that even temporary and casual workers are entitled to equal pay when they perform the same work as regular employees.

Observation

The State, being a model employer, cannot exploit labour by paying less for the same work.

5. Daily Rated Casual Labour v. Union of India, (1988) 1 SCC 122^[28]

Facts

Casual workers in the P&T Department claimed wage parity with regular workers.

Judgment

The Court reiterated that temporary or daily-rated employees performing similar duties should not be denied equal wages, provided the work and responsibilities are truly identical.

6. State of Punjab v. Jagjit Singh, (2017) 1 SCC 148^[29]**Facts**

A group of temporary, contractual, and daily-wage employees demanded parity in wages with regular employees doing the same work in various departments of the Punjab government.

Issue

Whether temporary or contractual employees can claim equal pay as a constitutional right.

Judgment

The Supreme Court held that temporary, ad hoc, or contractual employees performing the same duties as regular employees are entitled to equal pay.

Observation

- “An employee engaged for the same work cannot be paid less than another who performs identical duties. The mere difference in the method of recruitment cannot justify wage discrimination.”

Significance

This case reaffirmed the constitutional enforceability of the doctrine and extended its protection to non-permanent employees, strengthening labour justice.

7. Charanjit Singh v. State of Punjab, (2003) 9 SCC 38^[30]**Facts**

Daily wage employees sought equal pay with permanent workers.

Judgment

The Court observed that equality must be determined on the basis of actual duties and responsibilities. If the work performed by casual workers is substantially similar, they cannot be paid less. However, the Court also warned that mechanical application of the principle without comparing job responsibilities may lead to unfair consequences.

8. State of Haryana v. Jasmer Singh, (1996) 11 SCC 77^[31]**Facts**

Daily-wage drivers and helpers in the State of Haryana claimed equal pay with regular employees.

Judgment

The Court held that equal pay cannot be claimed merely on the basis of similar designations. Actual duties, responsibilities, and conditions of service must be evaluated.

Significance

This case introduced a cautious approach to prevent misuse of the principle, emphasizing the need for factual assessment.

Judicial Tests for Determining Equal Work

The courts have evolved several criteria to determine whether two sets of workers are performing the same or similar work:

1. Nature of duties performed.
2. Level of skill, effort, and responsibility required
3. Working conditions and job environment.

4. Educational or technical qualifications necessary for the role.
5. Comparative value of work performed by different employees.

When these factors are substantially identical, wage disparity violates Articles 14 and 16^[32].

International convention on Equal pay for equal work

The concept of “Equal Pay for Equal Work” has a strong foundation in international labour and human rights law. The principle reflects a global consensus that wage discrimination, especially based on gender or social status, violates the fundamental right to equality and dignity in employment. Several international conventions and declarations, particularly those of the International Labour Organization (ILO) and the United Nations (UN), have shaped the development of equal remuneration standards worldwide, including in India^[33].

1. International Labour Organization (ILO) and Equal Pay

The International Labour Organization (ILO), established in 1919, is the primary international body responsible for setting global labour standards. It has adopted a number of conventions that directly or indirectly promote wage equality and non-discrimination in employment.

1.1 ILO Convention No. 100 – Equal Remuneration Convention, 1951^[34]

Adopted: June 29, 1951

Came into force: May 23, 1953

India ratified: September 25, 1958

This is the most significant international instrument on the principle of equal pay for equal work. It requires member States to ensure equal remuneration for men and women workers for work of equal value. The term “remuneration” covers basic wages, bonuses, and other benefits, whether paid directly or indirectly.

The Convention emphasizes that wage equality should be based not on the title or classification of the job but on objective evaluation of the work performed. It obligates States to implement this principle through: National laws or regulations, Wage determination machinery, or Collective bargaining agreements.

Significance

This Convention laid the foundation for gender equality in wages and has been widely adopted across the world. It has also served as the basis for India’s Equal Remuneration Act, 1976.

1.2 ILO Convention No. 111 – Discrimination (Employment and Occupation) Convention, 1958^[35]

Adopted: June 25, 1958

India ratified: June 3, 1960

Prohibits discrimination in employment and occupation on the basis of race, colour, sex, religion, political opinion, national extraction, or social origin. It requires member States to promote equality of opportunity and treatment in respect of employment and occupation, including wages. Encourages States to adopt policies to eliminate barriers to equal remuneration and fair working conditions.

Significance

Convention No. 111 complements Convention No. 100 by addressing systemic and structural discrimination that affects wage equality.

1.3 ILO Convention No. 156 – Workers with Family Responsibilities, 1981^[36]

Recognizes that family responsibilities should not lead to discrimination in employment or unequal pay. Promotes conditions that enable both men and women to participate equally in employment without disadvantage.

Relevance to Equal Pay

This Convention emphasizes the importance of removing indirect discrimination that arises from social expectations around gender roles, thereby supporting equality in remuneration.

2. United Nations Instruments

The United Nations (UN) has also reinforced the principle of equal pay through its core human rights instruments and declarations.

2.1 Universal Declaration of Human Rights (UDHR), 1948

Article 23(2)

- “Everyone, without any discrimination, has the right to equal pay for equal work.”

Significance

The UDHR, as a moral and legal guide, inspired national and international legislation, affirming that fair remuneration is a fundamental human right essential for social justice.

2.2 International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966

Article 7(a) (i)

Recognizes the right of everyone to “fair wages and equal remuneration for work of equal value without distinction of any kind.”

India ratified: April 10, 1979

Implication for India

This covenant makes it a binding obligation on India to implement policies ensuring wage equality and decent working conditions.

2.3 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979^[37]

Article 11(1) (d)

Obliges State Parties to ensure the right to equal remuneration, including benefits and equal treatment in respect of work of equal value.

India ratified: July 9, 1993

Significance

CEDAW goes beyond wage equality to encompass occupational equality, aiming to eliminate barriers that cause gender-based economic disparities.

3. International Labour Standards and Global Influence

The ILO Declaration on Fundamental Principles and Rights at Work (1998) reaffirmed that all member States, even if they have not ratified the core conventions, are obligated to

respect, promote, and realize the principle of elimination of discrimination in respect of employment and occupation. Thus, equal pay for equal work is now recognized as a universal standard of decent work.

4. India’s Commitment to International Obligations

India has ratified both ILO Convention No. 100 and No. 111, thereby legally committing itself to uphold wage equality.

The Equal Remuneration Act, 1976 was enacted to implement these commitments domestically.

Various judicial pronouncements, such as *Mackinnon Mackenzie & Co. V. Audrey D’Costa* (1987) and *Randhir Singh v. Union of India* (1982), demonstrate the Indian judiciary’s willingness to align national law with international standards.

5. Global Perspective and Contemporary Developments

Many nations have adopted gender pay gap reporting and pay transparency laws to enforce equal pay principles effectively.

The ILO’s Global Wage Report (2022–23) highlighted that wage inequality remains a global challenge, urging renewed efforts toward compliance with Convention No. 100.

India continues to work toward better implementation through labour codes, particularly the Code on Wages, 2019, which consolidates wage-related laws and reinforces the principle of equality.

Suggestion

1. Strengthening Enforcement Mechanisms

The laws related to wage equality, particularly the Equal Remuneration Act, 1976 (now merged under the Code on Wages, 2019), should be strictly implemented through regular inspections, audits, and effective grievance redressal mechanisms. The establishment of special wage monitoring cells within the Labour Department can ensure periodic review of pay structures in both public and private sectors. Labour courts and industrial tribunals should be empowered with fast-track mechanisms to resolve cases of wage discrimination efficiently.

2. Promoting Pay Transparency

Employers should be mandated to disclose pay structures and maintain gender-disaggregated wage data. Periodic pay audits can help detect hidden wage disparities, especially in private and unorganized sectors. Adopting pay transparency not only reduces discrimination but also promotes trust and accountability within organizations.

3. Awareness and Education

Workers, particularly women and those in the unorganized sector, often remain unaware of their rights under wage laws. Government agencies, trade unions, and NGOs should conduct awareness campaigns and workshops to educate workers about equal pay rights and available legal remedies. Inclusion of labour rights awareness in vocational training and skill development programs will empower workers to assert their rights confidently.

4. Regular Review of Wage Policies

The Minimum Wages and Remuneration Standards should be regularly updated to reflect inflation, skill requirements,

and market conditions. The Government should establish sector-specific wage equality benchmarks, ensuring that both men and women performing the same tasks receive equal and fair compensation.

5. Strengthening Role of Labour Inspectors

Labour inspectors should be trained to identify cases of indirect wage discrimination, such as unequal bonuses or allowances. Introducing digital inspection systems and anonymous reporting mechanisms can enhance transparency and accountability in enforcement.

6. Inclusion of Unorganized and Informal Sector Workers

A significant portion of India's workforce is employed in the unorganized sector, where wage disparity is most prevalent. The Government must extend statutory wage protection and social security schemes to unorganized workers through effective implementation of the Unorganized Workers' Social Security Act, 2008, and the Code on Wages, 2019. Incentives can be given to employers who ensure equal remuneration and decent working conditions.

7. Judicial and Administrative Reforms

Establishing special labour benches in High Courts can expedite cases related to wage discrimination. Simplifying procedures for filing complaints under wage laws will help employees seek justice without fear of retaliation. The judiciary should continue to interpret equality provisions broadly and progressively to cover evolving forms of employment such as gig work and digital labour.

8. Gender Sensitization and Workplace Equality

The workplace environment should encourage gender neutrality in recruitment, training, and promotion policies. Employers should implement gender equality policies and constitute internal committees to review and monitor wage structures. Encouraging women's participation in traditionally male-dominated industries can reduce gender-based occupational segregation.

9. Harmonization of Labour Laws

The new Code on Wages, 2019 must be harmonized with existing laws such as the Industrial Relations Code and Social Security Code to provide uniform protection against wage inequality. Simplifying compliance requirements for employers while maintaining strong safeguards for workers will enhance the effectiveness of wage legislation.

10. Periodic Assessment and Reporting

The Government should publish annual reports on wage equality and gender pay gaps, highlighting progress and areas for reform. Collaboration with international bodies like the ILO can help India adopt best global practices in wage determination and equal pay implementation.

Conclusion

The principle of "Equal Pay for Equal Work" represents one of the most fundamental pillars of social and economic justice in India. Rooted in the ideals of equality enshrined in the Preamble, Articles 14, 16, and 39(d) of the Constitution, it aims to eliminate discrimination and ensure dignity of labour. Through judicial interpretation, especially in

landmark cases such as *Randhir Singh v. Union of India* and *State of Punjab v. Jagjit Singh*, the Supreme Court has elevated this directive principle into an enforceable right. These interpretations have ensured that both men and women, irrespective of the nature of their employment—regular, temporary, or contractual—are entitled to receive equal remuneration for performing the same or similar work.

Legislatively, India has taken progressive steps through enactments like the Equal Remuneration Act, 1976, which operationalized the constitutional commitment to wage equality and gave effect to ILO Convention No. 100. The recent Code on Wages, 2019, consolidating and modernizing wage laws, reaffirms the principle of non-discrimination in remuneration. However, practical challenges persist, particularly in the unorganized and informal sectors, where wage disparity and lack of awareness continue to undermine the spirit of equality. Effective enforcement, transparency, and institutional accountability remain key areas that require attention and reform.

In essence, the journey toward achieving true equality in wages is both legal and social. The constitutional promise of equal pay can be fully realized only when supported by robust implementation mechanisms, continuous policy monitoring, and collective responsibility from the government, employers, and civil society. Ensuring fair remuneration is not only a matter of legal compliance but also a moral and economic imperative—vital for empowering workers, promoting gender justice, and fostering inclusive and sustainable development in India.

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