

1976

CONTENTS

CHAPTER I

Preliminary

1. [Short title and commencement](#)
2. [Definitions](#)

CHAPTER II

Complaints and Claims under the Act

3. [Complaints regarding contravention of the Act](#)
4. [Claim regarding non-payment of wages etc.](#)
5. [Authorization](#)

CHAPTER III

Registers to be Maintained

6. [Registers to be maintained by the employer](#)

FORM A [Complaint under Cl. \(a\) of sub-section \(1\) of Sec. 7 of the Equal Remuneration Act, 1976 \(25 of 1976\)](#)

FORM B [Claim under Cl. \(b\) of sub-section \(1,\) of Sec. 7 of the Equal Remuneration Act, 1976 \(25 of 1976\)](#)

FORM C [Form of authority in favour of legal practitioner or any official of a registered Trade Union](#)

FORM D [Register to be maintained by employer under rule 6 of the Equal Remuneration Act, 1976](#)

THE EQUAL REMUNERATION RULES, 1976¹

1. Vide G,S.R. 119 (E), 11th March, 1976, published in the Gazette of India Extraordinary, Pt. II, Sec. 3 (i), dated 11th March, 1976.

CHAPTER I Preliminary

1. Short title and commencement. -

- (1) These rules may be called the Equal Remuneration Rules, 1976.
- (2) They shall come into force on the date of their publication in the official Gazette.

2. Definitions. - In these rules, unless the context otherwise requires, -

- (a) “Act” means the Equal Remuneration Act, 1976 (25 of 1976);
- (b) “Authority” means the authority appointed by the appropriate Government under sub-section (1) of Sec. 7;
- (c) “Form” means a form appended to these rules;

- (d) “Section” means a section of the Act;
- (e) “Registered Trade Union” means a Trade Union registered under the Trade Unions Act, 1926 (16 of 1926).

CHAPTER II

Complaints and Claims under the Act

3. Complaints regarding contravention of the Act-

- (1) Every complaint under Cl. (a) of sub- section (1) of Sec. 7 shall be made in triplicate, in Form “A” to the Authority.
- (2) A single complaint may be made by, or on behalf of, or in relation to, a group of workers, if they are employed in the same establishment and the complaint relates to the same contravention.
- (3) A complaint may be made by the worker himself or herself or by any legal practitioner, or by any official of a registered trade union, authorised in writing to appear and act on his or her behalf or by any Inspector, appointed under Sec. 9 or by any other person acting with the Permission of the Authority.

Interpretation. - “Shall” cannot be interpreted as “may”.¹

1. Spedra Engineering Corporation, Bhopal v. State of Madhya Pradesh, A.I.R.1988 M.P. 111 at p. 112 see also Sub-Committee of Judicial Accountability v. Union of India, A.I.R. 1992 S.C. 320 at p. 352.

4. Claim regarding non-payment of wages, etc.-

- (1) Every claim under Cl. (b) of sub-section (1) of Sec. 7 shall be made triplicate, in Form in “B” to the Authority.
- (2) A single petition may be made by, or on behalf of, or in relation to, a group of workers, if they are employed in the same establishment and their claims are of the same nature.
- (3) A claim may be made by the worker himself or herself or by any legal practitioner, or by any official of a registered trade union, authorised in writing to appear and act on his or her behalf or by any Inspector appointed under Sec. 9 or by any other person acting 'with the permission of the Authority.

5. Authorization. - The authorization referred to in sub-section (3) of rule 3 or sub-rule (3) of rule 4 shall be in Form “C” which shall be presented to the Authority to whom the complaint or the claim, as the case may be, is made along with such complaint or claim and shall form part of the record.

CHAPTER III

Registers to be maintained

¹**6. Registers to be maintained by the employer.** - Every employer shall maintain up-to-date a register in relation to the workers employed by him in Form “D” at the place where the workers are employed.]

Amendment. - An amendment of a substantive law is not retrospective unless expressly laid down.²

Rules- Whether validly framed. - The question *whether* rules are validly framed to carry out the purposes of the Act can be determined on the analysis of the provisions of the Act ³

- 1. Subs. by S.O. 4095 dated 4th October, 1983.**
- 2. Bhagat Ram Sharma v. Union of India, A.I.R. 1988 S.C. 740 at p. 746.**
- 3. Minerva Talkies v. State of Karanataka, (1988) 1 S.C.J. 208 at P. 211-213; see also Jarnel Singh, v. State of Rajasthan, A.I.R. 1992 Raj; 173.**

FORM A

(To be submitted in triplicate)

[See Rule 3 (1)]

**Complaint under CJ. (a) of sub-section (1) of Ser- 7 of the Equal
Remuneration Act, 1976 (25 of 1976)**

To

The Authority appointed under sub-section (1) of Sec. 7.

.....(Address)

A.....Complainant (s)

Full address

Versus

B..... Opposite Party

Full address

The complainant(s) begs/beg to complain that the opposite party has been guilty of a contravention(s) of the provisions of the Equal Remuneration Act, 1976 (25 of 1976) as shown below:

(Here set out briefly the particulars showing the manner in which the alleged contravention(s) has/have taken place and the grounds supporting the complaint.)

The complainant(s) accordingly prays/pray that the Authority....., may be pleased to decide the complaint set out above and pass such order or orders thereon as it may deem fit and proper.

The number of copies of the complaint (along with its annexure) as required under sub-rule (1) of rule 3 of the Equal Remuneration Rules, 1976 are submitted herewith.

The complainant(s) does/do solemnly declare that the facts stated in this complaint are true to the best of his/her/their knowledge, belief and information.

Signature(s)/thumb impression(s)

of the complainant(s)

*I have been duly authorised in writing by..... [Here insert the name of the worker(s)], to appear and act on his/her/their behalf.

Signature of the legal practitioner/

official of a registered
Trade Union duly authorised

Station.....

Date.....

1. Strike out this portion if inapplicable.

FORM B

To be submitted in triplicate)

[See Rule 4 (1)]

**Claim under Cl. (b) of subsection (1) of Ser- 7 of
The Equal Remuneration
Act, 19 76 (25 of 19 76)**

To

The Authority appointed under sub-section (1) of Sec. 7.

..... (Address

A.....Petitioner (S)

Full address

Versus

B.....Opposite Party

.....Full address

The petitioner(s) above named states/state as follows:

- (1) The petitioner(s) was/were/is/are employed from to as (category) in (name of the establishment) of Shri/Messrs.....name of the employer and address).
- (2) The opposite party is the employer within the meaning of Cl. (c) of Sec. 2 of the Equal Remuneration Act, 1976 (25 of 1976).
- (3) The petitioner(s) was/were/has/have not been paid wages at rates equal to those of workers of the opposite sex for the same work of a similar nature for the period from..... to.....
- (4) The petitioner(s) was/were/has/have been paid wages at the rate of..... Whereas workers of the opposite sex for the same work or work of a similar nature were paid /have been paid at the rate of during the said period.
- (5) The petitioner(s) estimates/estimate the value of relief sought by him/them at
Rs.....[Rupees...,.... (in words)].
- (6) The petitioner(s), therefore, prays /pray that the Authority may be pleased to decide the claim set out above and pass such order or orders thereon as it may deem fit and proper.
- (7) The petitioner(s) begs /beg leave to amend or add to or make alterations in the petition, if and when necessary, with the permission of the Authority

The petitioner(s) does /do solemnly declare that the facts stated in this petition are true to the best of his/her [their knowledge, belief and information.

Signature(s)/thumb-impressions(s)

I have been duly authorised in writing by [here insert the name of worker(s)] to appear and act on his/her/their behalf.

Signature of the legal practitioner/

Official of a registered Trade

Union duly authorised.

Station.....

Date.....

1. Strike out this portion if inapplicable.

FORM C

[See Rule 51

Form of authority in favour of legal practitioner or any official of a Registered Trade Union

I /We hereby authorise Shri/Shrimati /Kumari*..... a legal practitioner/ an official ofwhich is a registered Trade Union to a Pear and act on my/our behalf, under ^I sub-rule (3) of Rule 3/sub-rule (3) of Rule 4 in respect of the ¹complaint/claim against (mention name of employer) on account of..... (Mention violation of the Act).

Signature(s)/thumb-impression(s)

Of the worker(s)

Station.....

Date.....

Witness.....

(1)

(2)

(3)

I accept the authorisation.

¹Legal practitioner

Station.....

Official of a registered Trade Union.

Date.....

1. Strike out whichever is inapplicable.

FORM D

(See Rule 6)

**Register to be maintained by The employer under Rule 6
of the Equal Remuneration Rules 1976**

Name of the establishment with full address.....

Total number of workers employed.....

Total number of men workers employed.....

Total number of women workers employed.....

						Components of remuneration.			
1	2	3	4	5	6	7	8	9	10
Category of workers	Brief Description of work	No. of women employed	No. of women employed	Rate of remuneration paid	Basic wage or salary	Dearness allowance	House rent allowance	Other allowances	Cash value of confessional supply of essential commodities