CONTENTS

CHAPTER I

Preliminary

- 1. Short title, extent and commencement
- 2. **Definitions**
- 3. Act to have overriding effect

CHAPTER II

Payment of remuneration at equal rates to men and women workers and other matters

- 4. <u>Duty of employer to pay equal remuneration to men and women workers for same work or</u> work of a similar nature
- 5. No discrimination to be made while recruiting men and women workers
- **6.** Advisory Committee
- 7. Power of appropriate Government to appoint authorities for hearing and deciding claims and complaints

CHAPTER III

Miscellaneous

8.	Duty of employers to maintain registers
9	<u>Inspectors</u>
10.	<u>Penalties</u>
11.	Offences by companies
12.	Cognizance and trial of offences
13.	Power to make rules
14.	Power of Central Government to give directions
15.	Act not to apply in certain special cases
16.	Power to make declaration
17.	Power to remove difficulties
18	Repeal and saving
	THE EQUAL REMUNERATION ACT, 1976

An Act to provide for the payment of equal remuneration to men and women workers and for the prevention of discrimination, on the ground of sex, against women in the matter of employment and for matters, connected therewith or incidental thereto.

Be it enacted by parliament in the Twenty-seventhYearof the Republic of India as follows:

CHAPTER I

Preliminary

- 1. Short title, extent and commencement. –
- (1) This Act may be called the Equal Remuneration Act, 1976.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date, not being later than three years from the passing of this Act, as the Central Government may by notification, appoint and different dates may be appointed for different establishments or employments.

ENFORCEMENT OF THE ACT INTO VARIOUS ESTABLISHMENTS

S.NO.	Name of Establishments	Date of enforcement	Reference
(1)	(2)	(3)	(4)
1.	Employments in Local Authorities		Vide S.O.730 (E), dated 26.12.1975
2.	Employments in Hospitals, Nursing Homes and Dispensaries		Vide S.O. 58 (E), Dated. 24.1.1976

3.	Employments in Banks, Insurance Companies	8.3.1976	Vide S.O. 175 (E), dated.
J.	and other financial institutions	0.3.1770	6.3.1976
4.	Employments in Educational, Teaching &	5.4.1976	Vide S.O. 282 (E),
	Training and Research institutions		dated. 3.4.1976
	Employments in Mines		
	Explanation. —In this notification the word, "mine" shall have the meaning assigned to it in Cl. (i) of Sec.2 of the mines Act, 1952 (35 of 1952).	1.5.1976	Vide S.O. 307 (E), dated. 22.4.1976
		1.5.1076	W.1. G.O. 200 (E) 1 . 1
5.	Employments in the Employees provident Fund Organisations, the Coal Mines Provident Fund Organisations, and the Employes State insurance Corporation.	1.5.1976	Vide S.O. 308 (E), dated. 22.4.1976
6.	Employments in Food Corporation of India established under the Food Corporation Act, 1964 (37 of 1964) and the Central Warehousing Corporations established under the Warehousing Corporation Act, 1962 (58 of 1962)	1.7.1976	Vide. D.O. 437 (E), dated. 29.6. 1976
7.	Employments in the manufacture of textiles and textile products specified in the Schedule below:	15.7.1976	Vide S.O. 473 (E), dated 15.7.1976

THE EQUAL REMUNERATION ACT, 1976 "THE SCHEDULE Manufacture of textiles and textile products: Manufacture of Cotton Textile. Cotton ginning, cleaning and baling. 1. Cotton spinning, weaving, shrinking, sanforsing, mercerising and finishing of cotton textile in mills. Printing, dyeing and bleaching of cotton textiles. 4. Cotton spining other than in mills (Charkha). 5. Production of Khadi. Weaving and finishing of cotton textiles in handlooms, other than khadi. 7. Weaving and finishing of cotton textiles in power looms. Cotton textiles not covered by any other entry.

8.	Manufacture of Wool, Silk and Synthetic Fibre Textiles.	
	1. Wool cleaning, baling and pressing.	
	2. Wool spining, weaving and finishing in mills.	
	3. Wool spining and weaving (other than in mills).	
	4. Dyeing and bleaching of wollen textiles.	
	5. Manufacture of wool not covered by any other entry.	
	6. Spining, weaving and finishing of textiles.	
	7. Printing, dyeing and bleaching of silk textiles.	
	8. Spining, weaving and finishing of other textiles such as synthetic fibers, rayon's and nylons.	
	9. Printing dyeing and bleaching of synthetic textiles.	
	10. Silk and synthetic fibre textiles not covered by any other entry.	

'L KEMO	NERATION ACT, 1976	
(5) garme	Manufacture of all types of textiles, ents including wearing apparel.	
(6) other	Manufacture of raincoat hats and such articles.	
(7) (excelute) nets.	Manufacture of made up textile goods pt garments) such as curtains and mosquito	
(8) as oil	Manufacture of water proof textiles such cloth and tarpaulin.	
(9)	Manufacture of coir and coir products.	
	Manufacture of textiles, not covered by ther entry, such as linoleum, padding, ing, upholestering, filling."	

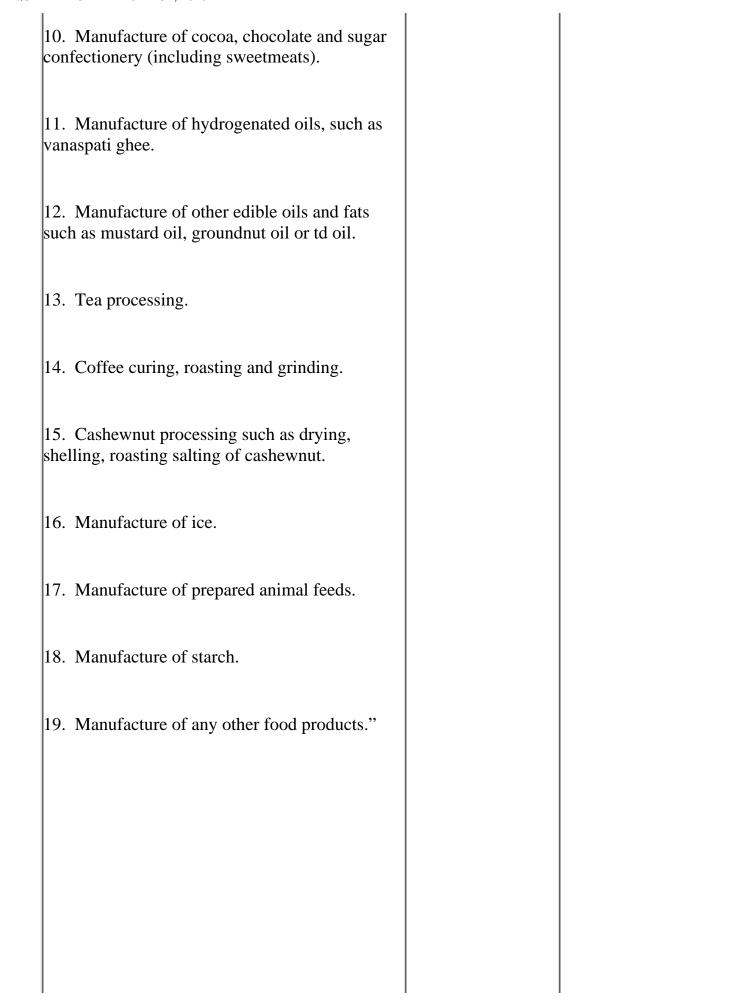
Employment in the manufacture of electrical and 12. 27.8.1976 Vide S.O. 570 (E), dated. electronic machinery, apparatus and appliances 25.8.1976 specified in the Schedule below: "THE SCHEDULE Manufacture of electrical and electronic machinery, apparatrus and appliances. Manufacture of electrical industrial machinery and apparatus and parts (such as electrical motors, generators, transformers, electromagnet cluches and brakes etc. Manufacture of insulated wires and cables. 3. Manufacture of dry and wet batteries. Manufactue of electrical apparatus, appliances and their parts such as lamps, bulbs, tubes, sockets, switches, fans, insulator (except procelain); conductors, irons, heaters, shavers, cleaners etc. excluding, repairing. Manufacture of radio and television transmitting and receiving set including transistor radio sets, sound reproducing and recording equipment including tape recorders, public address systems, gramophone record and pre-record magnetic tapes, wire and wireless, telephone and telegraph, equipment, signalling and detection equipment and apparatus, radar equipment and installations; parts and supplies specially used for electronic apparatus classified in this group. 6. Manufacture and repair of radiographic X-ray

apparatus and tubes and parts.	
7. Manufacture of, electronic computers, control instrument and other equipment.	
8. Manufacture of electronic components, and accessories not covered by any other entry	
9. Manufacture of electrical machinery, apparatus, appliances and supplies and parts not covered by any other entry."	

2. N	Manufacture of fertilisers and pesticides.	
3. N lacqu	Manufacture of paints, varnishes and ers.	
4. N	Manufacture of drugs and medicines.	
hair d synth clean	anufacture of perfumes, cosmetics, lotions, dressings, tooth pastes, soap in any form, etic detergents, shampoos shaving products, sers, washing and scouring products and toilet preparations.	
6. N	Sanufacture of inedible oils.	
plasti	Manufacture of turpentine, synthetic resins, c materials and synthetic fibres like nylon, ene except glass.	
8. N	Manufacture of Matches.	
	Manufacture of explosives and ammunition ire works.	
cover	Manufacture of chemical products not red by any other entry (including o-chemi6is, sensitized films and paper)".	

	I	
7. Transport by man (including rickshaw pullers, hand cart pullers, porters, coolies, etc.).		
8. Pipeline transport.		
9. Supporting services to land transport like operation of highway bridges, toll roads, vehicular tunnels, parking lots, etc.		
Water Transport		
10. Ocean and coastal water transport.		
11. Inland water transport		
12. Supporting services to water-transport like operation and maintenance of piers, dock, pilotage, light-houses, loading and discharging of vessels, etc."		

	AL REMONERATION ACT, 1976	10.0.10=4	
16.	Employments in the manufacture of Food Products specified in the Schedule below:	10.2.1976	Vide S.O. 137 (E), dated.5.2.1977
	"THE SCHEDULE		
	Employments in the manufacture of food product		
	1. Slaughtering preparation and preservation of meat.		
	2. Manufacture of dairy products.		
	3. Canning and preservation of fruits and vegetables.		
	4. Canning, preserving and processing of fish crustaceam and similar foods.		
	5. Grain mill products.		
	6. Manufacture of bakery products.		
	7. Manufacture and refining of sugar other than indigenous sugar.		
	8. Production of indigenous sugar, such as, boora, khandsari or gur, from sugar cane and palm juice.		
	9. Production of common salt.		
1	1		I



(including treated timber) such as beams, posts, doors, and windows (excluding hewing and rough shaping of poles, bolts and other material

which is classified under logging).

5. Manufacture of wooden industri such as bobbins, blocks, handles, sad similar equipment and fixtures.		
6. Manufacture of cork and cork pr	oducts.	
7. Manufacture of wooden furnitur fixtures.	e and	
8. Manufacture of bamboo and can and fixtures.	e furniture	
9. Manufacture of wood, bamboo a products not elsewhere specified in tonotification.		

III. Manufacture of paper and paper products and printing, publishing and allied industries:

- 1. Manufacture of pulp paper and board including newsprint.
- 2. Manufacture of container and boxes of paper and paper board.
- 3. Manufacture of pulp products not elsewhere specified such as dolls.
- 4. Manufacture of paper and paper board articles not elsewhere classified.
- 5. Printing and publishing of newspaper.
- 6. Printing and publishing of periodicals, books, journals, atlases, maps and sheet music directories, etc.
- 7. Printing of bank notes, currency notes postage stamps; security presses etc.
- 8. Engraving, etchings, blocks making etc.
- 9. Bookbinding.
- 10. Printing publishing and allied activities not elsewhere specified such as envelope printing picture post card printing embossing and such other activities.

THE EQUAL	REMUNERATION ACT, 1976	
	TREMONENTION ACT, 1970	
	IV. Manufacture of leather and leather and	
	fur products (except repair): 1. Tanning curing, finishing embossing and japanning of leather.	
	2. Manufacture of footwear (excluding repair) except vulcanized or moulded rubber or plastic footwear.	
	3. Manufacture of wearing apparel like coats, gloves and such other articles of leather and substitutes of leather.	
l I	4. Manufacture of leather consumer goods (other than apparel and footwear).	
	5. Scraping currying tanning, bleaching and dyeing of fur and other pelts for the trade.6. Manufacture of wearing apparel of fur and	
	pelts.	

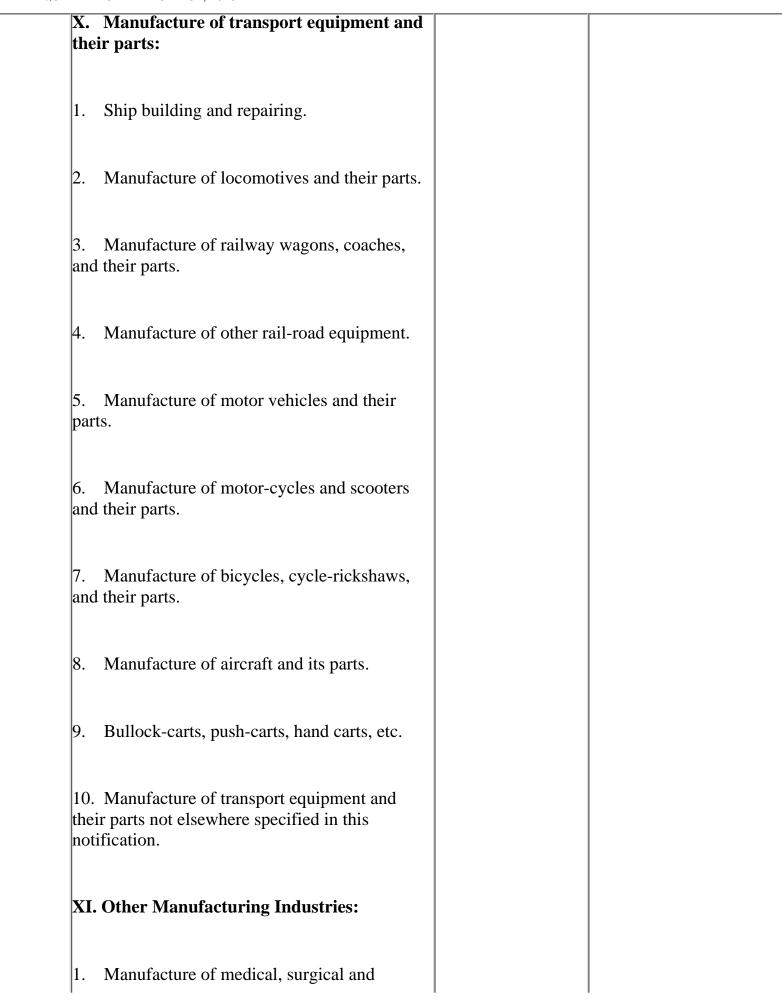
6. Manufacture of products of petroleum not elsewhere classified.
7. Production of coal tar in coke ovens.
8. Manufacture of other coal and coal tar products not elsewhere specified in this notification.
VI. Manufacture of structural clay products.
Manufacture of structural clay products.
2. Manufacture of glass and glass products.
3. Manufacture of earthen ware and earthen pottery
4. Manufacture of chinaware and porcelainware.
5. Manufacture of cement, time and plaster.
6. Manufacture of mica products.
7. Manufacture of structural stone goods, stone dressing, stone crushing, and stoneware.
8. Manufacture of earthen and plaster statues and other products.
ı

VII. Basis metal and alloys industries.	
VIII Dusis metal and anoys maustres.	
1. Iron and steel industries.	
2. Foundries for casting and forging iron and steel.	
3. Manufacture of ferro-alloys.	
4. Coper manufacturing.	
5. Brass manufacturing.	
6. Aluminium manufacturing.	
7. Zinc manufacturing.	
8. Other nonferrous metal industries.	
VIII. Manufacture of metal products and their parts except machinery and transport equipment:	
1. Manufacture of fabricated metal products such as metal cans from tinplate, terne plate or enameled sheet metal, metal shipping containers, barrels, drums, kegs, pails, safes, vaults, enamelled sanitary and all other products notification.	
2. Manufacture of structural metal products.	

- 3. Manufacture of furniture and fixtures, primarily of metal.
- 4. Manufacture of hand tools and general hardware.
- 5. Enamelling Japanning, lacquering, galvanising plating and polishing of metal products.
- 6. Manufacture of metal untensils, cutlery and kitchenware.
- 7. Manufacture of metal products except machinery and transport equipments not elsewhere specified in this notification like type-founding.

IX. Manufacture of machinery, machine tools and parts except electrical machinery:

- 1. Manufacture of agricultural machinery, its equipments and parts.
- 2. Manufacture and repair of drills, coal cutting machines, earth moving lifting and hoisting machinery, cranes, conveyors and road rollers and other heavy machinery and equipment used by construction and mining industries.
- 3. Manufacture of prime-movers, boilers and steam generating plants such as diesel engines and their parts.
- 4. Industrial machinery for food and textile industries.
- 5. Industrial machinery for other than food and textiles industries.
- 6. Manufacture of refrigerators, air conditioners, fire-fighting equipment and other parts, components and accessories.
- 7. Manufacture alteration repair of general item of non-electrical machinery components, equipment and accessories not elsewhere classified.
- 8. Manufacture of machine tools, their parts and accessories.
- 9. Manufacture of office, computing and accounting machinery and their parts.



scientific equipment. Manufacture of photographic and optical goods (excluding photo chemicals, sensitised paper and film). Manufacture of watches and clocks. Manufacture of Jewellery and related articles. Minting of coins. Manufacture of sports and atheletic goods. Manufacture of musical instruments. Manufacture of stationery articles like fountain pens, pencils, pells, pin cushions, tags and such other articles not elsewhere specified in this notification. Manufacture of miscellaneous products not elsewhere specified in this notification such as costume jewellery, costume novelties, feathers, plunges, artificial flowers, brooms, brushes lamp shades, tobacco pipes, cigarette holders, ivory goods, badges, wigs and similar articles."

intoxicants such as aerated water.	
5. Wholesale trade in intoxicants like wines and liquors including bottling of wines and liquors.	
6. Wholesale trade in narcotics like opium and ganja.	
7. Wholesale trade in tobacco and tobacco products.	
8. Wholesale trade in animals.	
9. Wholesale trade in straw and fodder.	
Whole trade in fuel, light, chemicals,	
perfumery, ceramics and glass:	
10. Wholesale trade in medicines and chemicals.	
11. Wholesale trade in fuel and lighting products.	
12. Wholesale trade in toilets, perfumery and cosmetics.	

13. Wholesale trade in metal, porcelain and glass utensils, crockery and chinaware.

Whole sale trade in wood, paper skins and inedible oils:

- 14. Wholesale trade in petrol, mobil oil and allied products.
- 15. Wholesale trade in wood, cane, bamboo, thatches and such other articles.
- 16. Wholesale trade in paper and other stationery goods.
- 17. Wholesale trade in skin, leather and fur and such other articles.

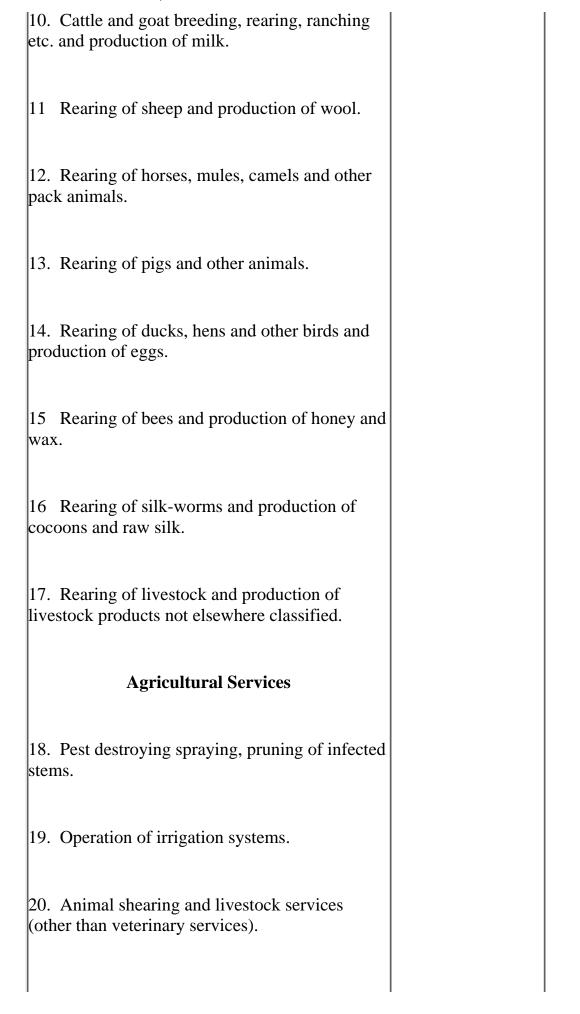
Wholesale trade in all types of machinery, equipment including transport and electrical equipement:

- 18. Wholesale trade in agricultural and industrial machinery, harvesters, threshers, sowing machines and such other articles.
- 19. Wholesale trade in electrical machinery and equipment.
- 20. Wholesale trade in transport and storage equipment.

THE EQUAL REMUNERATION ACT, 1976					
Wholesale trade in r	niscellaneous				
manufactu					
manuractu	ies.				
	1.0				
21. Wholesale trade in furni	ture and fixtures.				
22. Wholesale trade in rubbe products.	er and rubber				
products.					
22 171 1 1 1 1 1	1 11				
23. Wholesale trade in house elsewhere classified.	ehold equipment not				
24. Wholesale trade in build	ing materials				
24. Wholesale trade in build	ing materials.				
25. Wholesale trade in dock (including frames of eye-glass)					
	,				
26. Wholesale trade in hard	ware and canitary				
equipment.	ware and samtary				
27. Wholesale trade in scien	tific, and surgical				
instruments.	,				

THE EQUA	L REMUNERATION ACT, 1976	
	28. Wholesale trade in precious metals, stone and Jewellery.	
	29. Wholesale trade in goods not elsewhere specified.	
	Retail trade in food and food articles, beverages, tobacco and intoxicants:	
	30. Grain and grocery store.	
	31. Vegetable and fruit selling.	
	32. Deal in meat, fish and poultry	
	33. Deal in sweetmeat, bakery products, dairy, products and eggs.	
	34. Pan, bidi, and cigarette shops.	
	35. Dealing in aerated water, soft drinks and ice-cream.	
	36. Wine and liquor shops.	
	37. Retail trade in food and food articles,	

	malayumanta in malatian ta agui s-14 1	1 10 1077	Vida C O (O) (E) 1-7 1
ac	inployments in relation to agriculture and tivities allied to agriculture specified in the shedule below:	1.10.1977	Vide S.O. 692 (E), dated. 29.1.1977
	"THESCHEDULE		
	Agricultural Production		
1. ma	Cereal crops (paddy, wheat, jawar, bajra, aize, ragi).		
2.	Pulses (arhar, moong, masur, urd, etc).		
3.	Raw cotton.		
4.	Raw jute, mesta.		
5.	Sann hemp and other kindred fibres.		
6. gr	'Production of oil seeds such as sesamum, oundnuts, mustard, linseed, castor seeds, etc.		
7	Sugar cane.		
	Roots and tubers, vegetables, pan, singhara, illies and spices (other than pepper and rdamom) and flowers and parts of plants.		
9. cla	Agricultural production not elsewhere assified.		
	Live stock Production.		



21. Grading agricultural and livestock products.	
22. Horticultural and nursery services.	
23. Soil conservation.	
24. Scientific services like soil testing.	
25. Agricultural services not elsewhere classified (like land clearing, land draining, etc)	
Hunting, Trapping and Game Propagation	
26. Hunting, trapping and game propagation for commercial purposes (other than for sport).	
Forestry and Logging	
Forestry and Logging 27. Planting replanting and conservation of forests.	
27. Planting replanting and conservation of	
27. Planting replanting and conservation of forests.(11) Logging felling cutting of trees and preparation of rough round hewn or river logs	
 27. Planting replanting and conservation of forests. (11) Logging felling cutting of trees and preparation of rough round hewn or river logs (including incidental hauling). (12) Production of fuel (including charcoal by 	

	Fishing		
	Fishing		
	a. Ocean, sea and coastal fishing.		
	b. Inland water fishing.		
	c. Pisciculture – rearing of fish.		
1	d. Collection of pearls, conches, shells, sponge and other sea products.		
	e. Fishing and allied activities not elsewhere classified.		
	Employment in Transport, Strorage, Warehousing and Communications specified the Schedule below:	26.1.1978	
	"THE SCHEDULE		
	Transport, Storage and Communications		
	1. Services incidental to Transport, such as packing, crating, travel agency.		
	Storage and Warehousing		
	2. Ware housing		
	3. Cold storage		

	4. Storage and warehousing not elsewhere classified.		
	Communications		
	5. Postal, telegraphic, wireless and signal communications.		
	6. Telephone communications.		
	7. Communication not elsewhere classified.		
23.	Employment on construction and in activities connected with construction specified in the Schedule below:	6.3.1978	
	"THE SCHEDULE		
	(16) Construction		
	1. Construction and maintenance of building (including aerodromes).		
	2. Construction and maintenace of roads, railway bridges, tunnels, pipelines, ports,		

harbours, runways and similar works. Construction and maintenance of telegraph and telephone lines and other communication systems. 4. Construction and maintenace of water-ways and water reservoirs such as bunds, embankments, dams, canals, tanks, wells and tubewells. Construction of hydro-electric projects. **5**. Construction of industrial plants including thermal plants. 7. Construction not elsewhere classified. II. Activities connected with construction: Plumbing. Heating and air conditioning installation lift installation, sound proofing and similar works. Setting of the marble, brick, glass and stone. Plumber works such as fixing of doors, windows, panels, painting and decorating. **5**. Electrical installation.

stations and others."

25.	Employment in real estate and Business Services and Legal Services specified in the Schedule below:	6.3.1978	Vide S.O. 144 (E), dated. 2.3.1977
	"SCHEDULE"		
	Read Estate and Business services:		
	1. Purchase, sale, letting and operating of real estate such as residential and non-residential building, developing and sub-dividing real estate into lots, lessors of real property, real property, real estgate agents, brokers and Managers engaged in renting, buying and selling managing and appraising real estate on a contract or fee basis.		
	2. Purchase and sale agents and brokers of real estate.		
	3. Auctioneering.		
	4. Accounting, auditing and book keeping services.		
	5. Data processing and Tabulating services.		
	6. Engineering agricultural and technical services.		
	7. Advertising and publicity services.		
	8. Machinery and equipment, rental and		

L REMUNERATION ACT, 1976	
leasing.	
9. News Agencies, e.g. P.T.I., U.N.I., Reuter etc.	
10 Business services, except machinery and equipment rental and leasing not elsewhere classified including wrapping, packing and filling.	
II. Legal Services	
11. Legal Services, such as those rendered by advocates, barristers, solicitors, pleaders, mukhtiars and such others."	

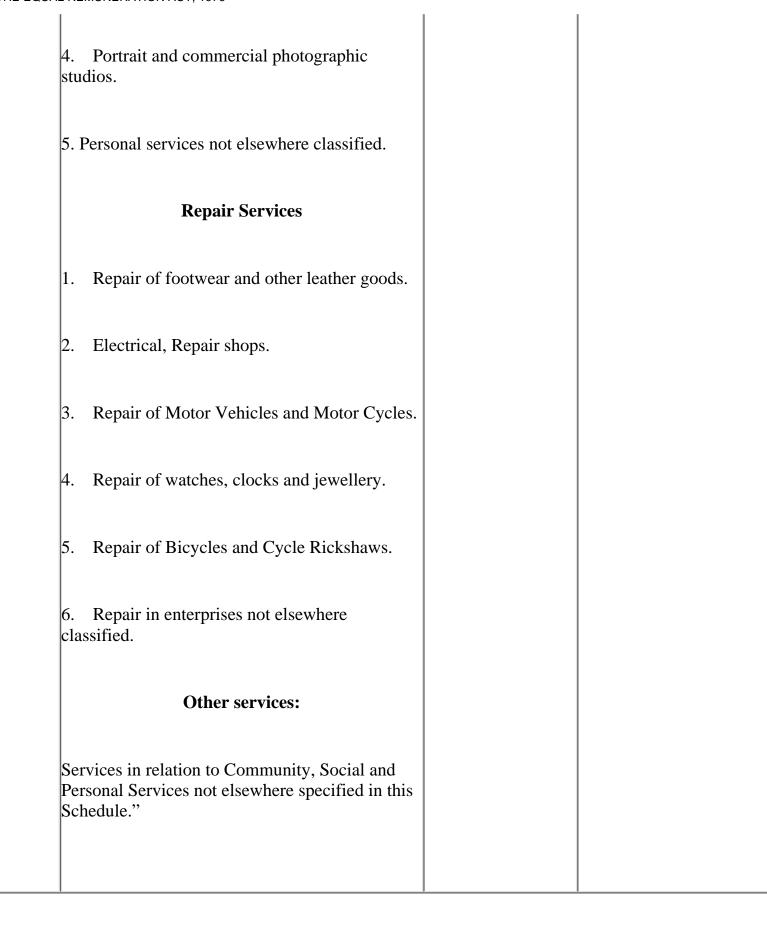
THE EQUA	L REMUNERATION ACT, 1976		
26.	Employments in relation to Community, Social and Personal Services specified in the Schedule below:	3.6.1978	Vide S.O. 356 (E), dated. 26.5.1978
	"THE SCHEDULE		
	Sanitary Services.		
	Sanitation and similar services such as garbage and sewage disposal, operation of drainage system and all other types of work connected with public health and sanitation.		
	Medical and Health Services.		
	Veterinary Services.		
	Community Services.		
	1. Religious services organisations or individuals.		
	2. Welfare services rendered by organisations operating on a non- profit basis for the promotion of welfare of Community such as relief societies, creches, homes for aged, blind, fire brigade services and such other.		
	3. Business, professional and labour organisations.		
	4. Community services not else, where classified.		



- 1. Motion picture production.
- 2. Motion picture distribution and projection.
- 3. Theatrical producers and entertainment services.
- 4. Authors, music composers and other independent artists not elsewhere classified.
- 5. Radio and television broadcasting.
- 6. Operation of circuses and race tracks.
- 7. Libraries, museums, botanical and zoological gardens, zoos, game sanctuaries, and such others.
- 8. Amusement and recreational services not elsewhere classified.

Personal services.

- 1. Domestic services.
- 2. Laundries, laundry services, cleaning, and dyeing plants.
- 3. Hair dressing, such as, those done by barbers, hair dressing saloons and beauty shops.



IHEE	QUAL REMUNERATION ACT, 1976
	Definitions. -In this Act, unless the context otherwise requires,-
a)	"Appropriate Government" means
	In relation to any employment carried on by or under the authority of the Central Government or a y administration, or in relation to a banking company, a mine, oilfield or major port or any corporation shed by or under a Central Act, the Central Government; and
ii)	In relation to any other employment, the State Government;
b) vhich	"Commencement of this Act" means, in relation to an establishment or employment, the date on this Act comes into force in respect of that establishment or employment;
c) 39 of	"Employer" has the meaning assigned to in Cl. (f) for Sec. 2 of the Payment of Gratuity Act, 1972 1972);
d)	"Man" and "woman" mean male and female human beings, respectively, of any age;
e)	"Notification" means a notification published in the official Gazette;
f)	"Prescribed" means prescribed by rules made under this Act;
	"Remuneration" means the basic wage or salary, and any additional emoluments whatsoever payable, in cash or in kind to a person employed in respect of employment or work done in such employment, terms of the contract of employment, express or implied, were fulfilled;
voma	"Same work or work of a similar nature" means work in respect of which the skill, effort and asibility required are the same, when performed under similar working conditions, by a man or a n and the differences, if any, between the skill, effort and responsibility required of a man and those ed of a woman are not of practical importance in relation to the terms and conditions of employment;

"Worker" means a worker in any establishment or employment in respect of which this Act has come

(i)

into force;

- (j) Words and expressions used in this Act and not defined but defined in the Industrial Disputes Act, 1947 (14 of 1947), shall have the meanings respectively assigned to them in that Act.
- **3.** Act to have overriding effect. The provisions of this Act shall have effect notwithstanding, anything inconsistent therewith contained in any other law or in the terms of any award, agreement or contract of service, whether made before or after the commencement of this Act, or in any instrument having effect under any law for the time being inforce.

CHAPTER II

Payment of remuneration at equal rates to men and women workers And other matters

- 4. Duty of employer to pay equal remuneration to men and women workers for same work or work of a similar nature. -
- (1) No employer shall pay to any worker, employed by him in an establishment or employment, remuneration, whether payable in cash or in kind, at rates less favourable than those at which remuneration is paid by him to the workers of the opposite sex in such establishment or employment for performing the same work of a similar nature.
- (2) No employer shall, for the purpose of complying with the provisions of sub-section (1), reduce the rate of remuneration of any worker.
- (3) Where, in an establishment or employment, the rates of remuneration payable before the commencement of this Act for men and women workers for the same work of a similar nature are different only on the ground of sex, then the higher (in case where there are only two rates), or as the case may be, the highest (in cases where there are more than two rates), or such rates shall be the rate at which remuneration shall be payable, on and from such commencement, to such men and women workers:

Provided that nothing in this sub-section shall be deemed to entitle a worker to the revision of the rate of remuneration payable to him or her with reference to the service rendered by him or her before the commencement or this Act.

5. No discrimination to be made while recruiting men and women workers. -On and from the commencement of this Act, no employer shall while making recruitment for the same work or work of a similar nature ¹[or any condition of service subsequent to recruitment, such as, promotions, training or transfer,] make any discrimination against women except where the employment of women in such work is prohibited or restricted by or under any law for the time being in force :

Provided that the provisions of this section shall not affect any priority or reservation for Scheduled Castes or Scheduled Tribes, ex-servicemen, retrenched employees or any other class or category of persons in the matter of recruitment to the posts in an establishment or employment.

- 1. Ins. by Act 49 of 1978, Sec. 2.
- 6. Advisory Committee. -
- (1) For the purpose of providing increasing employment opportunities for women, the appropriate Government shall constitute one or more Advisory Committee to advise it with regard to the extent to which women may be employed in such establishments or employment as the Central Government may, by notification, specify in this behalf.
- (2) Every Advisory Committee shall consist of not less than ten persons, to be nominated by the appropriate Government, of which one-half shall be women.
- (3) In tendering its advice, the Advisory Committee shall have regard to the number of women employed in the concerned establishment or employment, the nature of work, hours of work, suitability of women for employment, as the case may be, the need for providing and increasing employment opportunities for women, including part-time employment and such other relevant factors as the Committee may think fit.
- (4) The Advisory Committee shall regulate its own procedure.
- (5) The appropriate Government may, after considering the advice tendered to it by the Advisory Committee and after giving to the persons concerned in the establishment or employment an opportunity to make representations, issue such directions in respect of employment of women workers, as the appropriate Government may think fit.
- 7. Power of appropriate Government to appoint authorities for hearing and deciding claims and

complaints. -

- (1) The appropriate Government may, by notification, appoint such officers, not below the rank of a Labour Officer, as it thinks fit to be the authorities for the purpose of hearing and deciding. –
- (a) Complaints with regard to the contravention of any provision of this Act;
- (b) Claims arising out of non-payment of wages at equal rates to men and women workers for the same work or work of a similar nature, and may, by the same or subsequent notification, define the local limits within which each such authority shall exercise its jurisdiction.
- (2) Every complaint or claim referred to in sub-section (1) shall be made in such manner as may be prescribed.
- (3) If any question arises as to whether two or more works are of the same nature or of a similar nature, it shall be decided by the authority appointed under sub-section (1).
- (4) Where a complaint or claim is made to the authority appointed under sub-section (1), it may, after giving the applicant and the employer an opportunity, of being heard, and after and such inquiry as it may consider necessary, direct, -
- (i) In the case of a claim arising out of non-payment of wages at equal rates to men and women workers for the same work or work of a similar nature, that payment be made to the worker of the amount by which the wages payable to him exceed the amount actually paid;
- (ii) In the case of complaint, the adequate steps are taken by the employer so as to ensure that there is no contravention of any provision of this Act.
- (5) Every authority appointed under sub-section (1) shall have all the powers of a civil court under the Code of Civil Procedure, 1978 (5 of 1908), for the purpose of taking evidence and of enforcing the attendance of witnesses and compelling the production of documents, and every such authority shall be deemed to be a civil court for all the purposes of Sec. 195 and Chapter XXVI of the Code of. Criminal Procedure, 1973 (2 of 1974).

- (6) Any employer or worker aggrieved by any order made by an authority appointed under sub-section (1), on a complaint or claim may within thirty days from the date of the order, prefer an appeal to such authority as the appropriate Government may, by notification, specify in this behalf, and that authority may, after hearing the appeal, confirm, modify or reverse the order appealed against and no further appeal, shall lie against the order made by such authority.
- (7) The authority referred to in sub-section (6) may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the period specified in sub-section (6), allow the appeal to be preferred within a further period of thirty days but not thereafter.
- (8) The provisions of sub-section (1) of Sec. 33-C of the Industrial Disputes Act, 1947 (14 of 1947), shall apply for the recovery of monies due from an employer arising out of the decision of an authority appointed under this section.

CHAPTER III

Miscellaneous

8. Duty of employers to maintain registers. - On and from the commencement of this Act, every employer shall maintain such registers and other documents in Relation to the workers employed by him as may be prescribed.

9. Inspectors. -

- (1) The appropriate Government may, by notification, appoint such persons as it may think fit to be Inspectors for the purpose of making an investigation as to whether the provisions of this Act, or the rules made thereunder, are being complied with by employers, and may define the local limits within which an Inspector may make such investigation.
- (2) Every Inspector shall be deemed to be a public servant within the meaning of Sec. 21 of the Indian Penal Code (45 of 1860).
- (3) An Inspector may, at any place within the local limits of his jurisdiction, -

THE EQUAL REMUNERATION ACT, 1976 Enter, at any reasonable time, with such assistance as he thinks fit, any building, factory, premises or (a) vessel; Require any employer to produce any register, muster-roll or other documents relating to the (b) employment of workers, and examine such documents;

- (c) Take, on the spot or otherwise, the evidence of any person for the purpose of ascertaining whether the provisions of this Act are being, or have been, complied with;
- (d) Examine the employer, his agent or servant or any other person found in charge of the establishment or any premises connected therewith or any person whom the Inspector has reasonable cause to believe to be, or to have been a worker in the establishment;
- (e) Make copies, or take extracts from, any register or other document maintained in relation to the establishment under this Act.
- (4) Any person required by an inspector to produce any register or other document or to give any information shall comply with such requisition.

10. Penalties. –

- If, after the commencement of this Act, any employer, being required by or under the Act, so to do -(1)
- Omits or fails to maintain any register or other document in relation to workers employed by him, or (a)
- Omits or fails to produce any register, muster-roll or other document relating to the employment of (b) workers, or
- (c) Omits or refuses to give any evidence or prevents his agent, servant or any other person in charge of the establishment, or any worker from give evidence, or
- (d) Omits or refuses to give any information,

	all be punishable ¹ [with simple imprisonment for a term which ma extend to one month or with fine may extend to ten thousand rupees or wit both].
(2)	If, after the commencement of this Act, any employer,-
(a)	Makes any recruitment in contravention of the provisions of this Act,
Or	

- (b) Makes any payment of remuneration at unequal rates to men an women workers, for the same work or work of a similar nature, or
- (c) Makes any discrimination between men and women workers contravention of the provisions of this Act, or
- (d) Omits or fails to carry out any direction made by the appropriate Government under sub-section (5) of Sec. 6.

He shall punishable ¹[with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with imprisonment for a term which shall be not less than three months, but which may extend to one ye or with both for the first offence, and with imprisonment which may extend to two years for the second and subsequent offences.]

- (3) If any person being required so to do, omits or refuses to produce to a inspector any register or other document or to give any information, he shall be punishable with fine, which may extend to five hundred rupees.
- 1. Subs. by Act 49 of 1987, sec,3 for the words "with fine which may extend to one thousands rupees."
- 11. Offences by companies. –

(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable o be Proceeded against and Punished accordingly:

Provided that nothing contained in this sub-section to any Punishment, If he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. - For the purposes of this section, -

- (a) "Company" means any body corporate and includes a firm or other association of individuals; and
- (b) "Director". in relation to a firm, means a partner in the firm.

¹[12. Cognizance and trial of offences. –

- (1) No Court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.
- (2) No Court shall take congnizance of an offence punishable under this Act except upon-
- (a) Its own knowledge or upon a complaint made by the appropriate Government or an officer authorised by it in this behalf, or
- (b) A complaint made by the person aggrieved by the offence or by any recognised welfare institution or Organisation.

Explanation. - For the purposes of this sub-section "recognised welfare institution or organisation" means

"a social welfare institution or Organisation" recognised in this behalf by the Central or State Government

- 1. Subs. by Act 49 of 1987, Sec 49 of 1987, Sec. 4, for the original section of the principal Act.
- 13. Power to make rules. –
- (l) The Central Government may, by notification, make rules for carrying out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:
- (a) The manner in which complaint or claim referred to in sub-section (1) of Sec. 7 shall be made;
- (b) Registers and other documents which an employer is required under Sec. 8 to maintain in relation to the workers employed by him;
- (c) Any other matter which is required to be, or may be, prescribed.
- (3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.
- **14. Power of Central Government to give directions.** -The Central Government may give directions to a State Government as to the carrying into execution of this Act in the State.
- ¹[15. Act not to apply in certain special cases. Nothing in this Act shall apply -
- (a) To, cases affecting the terms and conditions of a woman's employment in complying with the

- (b) To any special treatment accorded to women in connection with, -
- (i) The birth or expected birth of a child, or
- (ii) The term and conditions relating to retirement, marriage or death or to any provision made in connection with the retirement, marriage or death]
- 1. Subs. by Act 49 1987, Sec. 5, for Sec. 15 of the principal Act.
- **16. Power to make declaration.** -Where the appropriate Government is, on a consideration of all the circumstances of the case, satisfied that the differences in regard to the remuneration, or a particular species of remuneration, of men and women workers in any establishment or employment is based on a factor other than sex, it may, by notification, make a declaration to that effect and any act of the employer attributable to such a difference shall not be deemed to be a contravention of any provision of this Act.
- 17. Power to remove difficulties. If any difficulty arises in giving effect to the provision of this Act, the Central Government may, by notification make any order, not inconsistent with the provisions of this Act, which appears it to be necessary for the purpose of removing the difficulty:

Provided that every such order shall, as soon as may be, after it is made be laid before each House of Parliament.

18. Repeal and saving. –

- (1) The Equal Remuneration Ordinance, 1975 (12 of 1975), is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed (including any notification, nomination, appointment, order or direction made thereunder) shall be deemed to have been done or taken under the corresponding provisions of this Act as if this Act were in force when such thing was done or action was taken.

APPOINTMENT OF PERSONS TO BE AUTHORITIES

S.O. 619 (E), dated the 25th August, 1983. - In exercise of the powers conferred by sub-section (1) of Sec. 7 of the Equal Remuneration Act, 1976 (25 of 1976) and in supersession of this Ministry's notification No. S-42025 (2) / 82- Women's Cell, dated the 18th August, 1982, published in the Gazette of India, Extraordinary, Part-II Sec. 3, sub-section (ii) as S.O. No. 607 (E) on pages 2 to 3 thereof, the Central Government hereby appoints the officers specified in Column (1) of the Table below (being officers not below the rank of Labour Officer) to be the authorities for the purpose specified in that sub-section and defines the local limits specified in the corresponding entry in column (2) thereof as the local limits within which each such authority, shall exercise its jurisdiction.

TABLE

Officers **Local Limits** (1) (2) All Assistant Labour Commissioners (Central) Whole of India of the Office of the Chief labour Commissioner (Central), New Delhi. All Assistant Labour Commissioners The States of Rajasthan and Gujarat. (Central) in Ajmer Gujarat Region. All Assistant Labour Commissioners The Districts of Burdwan, Birbhum, Bankura and Purulia in the State of West Bengal. (Central) in Asansol Region. The State of Orissa. All Assistant Labour Commissioners (Central) in Bhubaneswar Region. The State of Karnataka. All Assistant Labour Commissioners 5. (Central) in Bangalore Region.

THE EQUAL REMUNERATION ACT, 1976	
6. All Assistant Commissioners (Central) in Bombay Region.	The State of Maharashtra and the Union Territories of Goa, Daman and Diu and Dadra and Nagar Haveli.
7. All Assistant Labour Commissioners (Central) in Calcutta Region.	The State of West Bengal (excluding the Civil Districts of Burdwan, Birbhun Bankura and Purulia) and the Union Territory of Andaman and Nicobar Islands.
8. All Assistant Labour Commissioners (Central) in Chandigarh Region.	The States of Himachal Pradesh, Haryana, Punjab, Jammu and Kashmir and the Union Territory of Chandigarh.
 All Assistant Labour Commissioners (Central) in Dhanbad Region. 	The State of Bihar.
10. All Assistant Labour Commissioners (Central) in Gauhati Region.	The State of Assam, nagaland, Meghalaya, Tripura, Manipur and Union Territories of Arunachal Pradesh and Mizoram.
11. All Assistant Labour Commissioners (Central) in Hyderabad Region.	n The State of Andhra Pradesh.
12. All Assistant Labour Commissioners (Central) in Jabalpur Region,.	n The State of Madhya Pradesh.
13. All Assistant Labour Commissioners (Central) in Kanpur Region. of Delhi.	n The State of Uttar Pradesh and Union Territory of Delhi

The states of Tamil Nadu and Kerla and the Union

Territories of Pondicherry and Lakshadweep.

APPOINTMENT OF PERSONS TO BE INSPECTORS

14. All Assistant Labour Commissioners, (Central)

in Madras Region.

S.O. 618 (E), dated the 25th August, 1983. - In exercise of the powers conferred by sub-section (1) of Sec. 9 of the Equal Remuneration Act, 1976 (25 of 1976) and in supersession of this Ministry's notification No. S42025 (2) / 82-Women's Cell, dated the 18th August, 1982 published in the Gazette of India Extraordinary Part II, Sec.3, subsection (ii) as S.O. No. 608 (E) on pages 3 to 4 thereof, the Central Government hereby appoints the persons specified in column (1) of the Table below to be Inspectors for the purpose of making investigation as to whether the provisions of the Act or the rules made thereunder are being complied with by employers and defines the local limits specified in the corresponding entry in column (2) thereof as the local limits within which such Inspectors may make investigations.

THE TABLE

Persons Local Limits
(1) (2)

- 1. All Labour Enforcement Officers (Central) of Whole of India. the office of the Chief Labour Commissioners (Central), New Delhi.
- 2. All Labour Enforcement Officers (Central) in The States of Rajasthan and Gujarat. Ajmer Region.
- 3. All Labour Enforcement Officers (Central) in Asansol Region. The Districts of Burdwan, Birbhuon, Bankura and Purulia in the State of West Bengal.
- 4. All Labour Enforcement Officers (Central) in The State of Orissa. Bhubaneswar Region.
- 5. All Labour Enforcement Officers (Central) in The State of Karnataka. Bangalore Region.

THE EQUAL REMUNERATION ACT, 1976	
6. All Labour Enforcement Officers (Central) in Bombay Region.	The State of Maharashtra and the Union Territories of Goa, Daman and Diu and Dadra and Nagar Haveli.
7. All Labour Enforcement Officers (Central) in Calcutta Region.	The State of West Bengal (excluding the Civil Districts of Burdwan, Birbhum, Bankura and Purulia) and the Union Territory of Andaman and Nicobar Islands.
8. All Labour Enforcement Officers (Central) in Chandigarh Region.	The States of Himachal Pradesh, Haryana, Punjab, Jammu and Kashmir and the Union Territory of Chandigarh.
9. All Labour Enforcement Officers (Central) in Dhanbad Region.	The State of Bihar.
10. All Labour Enforcement Officers (Central) in	The States of Assam, Nagaland, Meghalaya,
Gauhati Region.	Tripura Manipur, and Union Territories of
	Arunachal Pradesh and Mizoram.
11.All Labour Enforcement Officers (Central) in Hyderabad Region.	The State of Andhra Pradesh.
¹ [12. All Labour Enforcement Officers (Central) in Jabalpur Region and Labour Enforcement Officers (Central), Jhansi.	The State of Madhya Pradesh.

All Labour Enforcement Officers (Central) in The State of Uttar Pradesh and the Union Territory

of Delhi.

13.

Kanpur Region.

14.	All Labour Enforcement Officers (Central) in	The States of Tamil Nadu, and Kerala and the Union
Madra	s Region.	Territories of Pondicherry and Lakshadweep.

- **S.O. 750** (E), dated 28th September, 1984.². In exercise of the powers transferred by sub-section (1) of Sec. 9 of the Equal Remuneration Act, 1976 (25 of 19 the Central Government hereby appoints the Welfare Adviser to the Chief Labour Commissioners (Central) to be Inspector for whole of India for the purpose making investigations, as to whether the provisions of the Act or rules ma thereunder are beings complied with by the employers.
- **S.O. 68(E).** -In exercise of the powers conferred by sub-section (2) of Sec.12 of the Equal Remuneration Act, 1976 (No. 25 of 1976), the Central Government hereby authorises, the Chief Labour Commissioner (Central), New Delhi to sanction the making of a complaint for an offence punishable under the said Act with respect to any employment in relation to which the Central Government is the appropriate Government under Cla. (a)(i) of Sec. 2 of the said Act, for the whole of India.
- **G.S.R. 726** (**E**), dated 22nd June, 1988³. In exercise of the powers conferred by the Explanation to sub-section (2) of Sec. 12 of the Equal Remuneration Act, 1 (25 of 1976), the Central Government hereby recognizes the following social w organisations for the purpose of Cl. (b) of sub-section (2) of the said section, namely:
- 1. Centre for Women's Development Studies, New Delhi.
- 2. Self-Employed Women's Association, Ahmedabad.
- 3. Working Women's Forum (India), Madras.
- 4. Institute of Social Studies Trust, New Delhi.
- 1. Subs. by S.O. 407 (E), dated 20th May, 1985.
- 2. Published in the Gazette of India, Extraordinary, Pt. II, Sec. 3 (ii) No. 484, dated 28th September, 1984.

