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EQUAL PAY FOR EQUAL WORK: A CRITICAL LEGAL ANALYSIS OF WAGE EQUALITY AND LABOUR LAW REFORMS IN INDIA

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Abstract

The doctrine of equal pay for equal work represents one of the most vital components of social justice and economic democracy. Rooted in the Directive Principles of State Policy under Article 39(d) of the Constitution of India, the principle seeks to eliminate wage discrimination and ensure fairness in employment. Over time, judicial interpretation has elevated this doctrine into a quasi-enforceable right under Articles 14 and 16. Despite this evolution, significant disparities persist, particularly along gender lines and within the unorganized sector. This research paper undertakes a comprehensive doctrinal analysis of the principle of equal pay for equal work by examining its historical development, conceptual framework, constitutional basis, legislative mechanisms, judicial interpretations, and international influences. Special emphasis is placed on the Code on Wages, 2019, which consolidates multiple labour laws and attempts to modernize wage regulation in India. The study critically evaluates whether the Code effectively addresses structural wage inequalities and whether it can serve as a transformative tool in achieving substantive equality.

Keywords: Equal Pay, Wage Equality, Gender Justice, Directive Principles, Labour Law, Code on Wages 2019, Social Justice

Introduction

The principle of equal pay for equal work is an indispensable aspect of a just and equitable society. It reflects the broader commitment of a welfare state to eliminate discrimination and promote economic fairness. In India, this principle finds its constitutional expression in Article 39(d), which directs the State to ensure equal pay for equal work for both men and women. Although Directive Principles are not enforceable in courts, the judiciary has progressively interpreted them in conjunction with fundamental rights, thereby giving them practical significance.

The transformation of this principle from a moral guideline to a legally enforceable doctrine has been largely driven by judicial activism. Courts have repeatedly emphasized that wage discrimination violates the fundamental right to equality. However, the application of this doctrine has not been uniform, and its implementation remains fraught with challenges.

The persistence of wage disparities, particularly gender-based inequalities, raises critical questions about the effectiveness of existing legal frameworks. In this context, the introduction of the Code on Wages, 2019 marks a significant development in labour law reform. By consolidating and rationalizing wage-related laws, the Code aims to provide a uniform and inclusive framework for wage regulation.

Conceptual Analysis of the Principle of Equal Pay for Equal Work

The doctrine of equal pay for equal work is founded on the fundamental principle that individuals performing the same or substantially similar work under comparable conditions should receive equal remuneration, irrespective of gender or other irrelevant considerations. This principle is deeply rooted in the ideals of fairness, equity, and non-discrimination, forming an essential component of social justice in a welfare state. However, the doctrine does not advocate for absolute uniformity in wages across all forms of employment. Rather, it seeks to eliminate arbitrary and unjustified wage disparities in situations where the nature of work, responsibilities, and working conditions are substantially similar.

The conceptual foundation of this doctrine rests on a nuanced understanding of what constitutes “equal work.” It involves a careful evaluation of various factors such as the nature and type of work performed, the level of skill and expertise required, the degree of responsibility involved, and the conditions under which the work is carried out. These elements collectively determine whether two jobs can be considered comparable. The doctrine recognizes that wage differentials may legitimately arise where there are differences in experience, educational

qualifications, efficiency, or performance. Thus, equality in wages is not mechanical but contextual, requiring a rational and objective basis for classification.

A crucial dimension of this doctrine is its emphasis on substantive equality rather than mere formal equality. Formal equality focuses on treating individuals identically, whereas substantive equality seeks to address structural and historical disadvantages that affect certain groups, particularly women. In the context of wage equality, substantive equality acknowledges that systemic discrimination and socio-economic barriers have historically placed women at a disadvantage in the labour market. Therefore, the doctrine of equal pay for equal work operates not only as a tool for eliminating overt discrimination but also as a mechanism for correcting deeper inequalities embedded within the employment structure.

The constitutional framework of India provides a strong foundation for the doctrine of equal pay for equal work. Although the principle is explicitly articulated in **Article 39(d) of the Constitution of India**, which directs the State to ensure equal pay for equal work for both men and women, it is not directly enforceable as it forms part of the Directive Principles of State Policy. Nevertheless, the judiciary has played a pivotal role in elevating this principle to an enforceable right by interpreting it in conjunction with fundamental rights.

In particular, **Article 14 of the Constitution of India** guarantees equality before the law and equal protection of the laws, thereby prohibiting arbitrary discrimination. Similarly, **Article 16 of the Constitution of India** ensures equality of opportunity in matters of public employment. These provisions collectively form the constitutional basis for enforcing wage equality. The Supreme Court has repeatedly held that unequal pay for equal work amounts to a violation of these fundamental rights when it is based on irrational or discriminatory classification.

Furthermore, **Article 15 of the Constitution of India** prohibits discrimination on grounds of sex, among others, thereby reinforcing the principle of gender equality in employment. At the same time, Article 15(3) empowers the State to make special provisions for women, enabling affirmative action to address historical disadvantages. This reflects the Constitution's commitment to substantive equality, which goes beyond mere formal parity.

The judiciary has significantly contributed to shaping the conceptual framework of equal pay for equal work. In landmark decisions, the Supreme Court has clarified that the doctrine is not an abstract or theoretical concept but a practical and enforceable principle. It has emphasized that the application of the doctrine requires a careful comparison of the nature of duties, responsibilities, and qualifications of the employees concerned. The Court has also cautioned against a rigid or mechanical application of the principle, recognizing that differences in job requirements may justify variations in pay.

Another important constitutional dimension is the evolving interpretation of the right to life under **Article 21 of the Constitution of India**. The judiciary has expanded the scope of Article 21 to include the right to live with dignity, which encompasses fair wages and humane working conditions. In this sense, the doctrine of equal pay for equal work can be seen as an integral aspect of the right to livelihood and human dignity.

In addition to constitutional provisions, the doctrine is also supported by international human rights principles. The idea of equal remuneration for work of equal value has been recognized globally as a fundamental labour right. These international norms have influenced the interpretation of constitutional provisions in India, reinforcing the commitment to wage equality.

In conclusion, the conceptual framework of equal pay for equal work is multifaceted, combining elements of fairness, economic justice, and constitutional morality. It is not merely a rule of wage determination but a broader principle aimed at achieving social and economic equality. The integration of Directive Principles with Fundamental Rights, along with progressive judicial interpretation, has transformed this doctrine into a powerful tool for addressing wage discrimination. However, its effective implementation requires continuous evaluation of labour practices, robust enforcement mechanisms, and a sustained commitment to the ideals of equality and justice.¹

Historical Evolution of Wage Equality

The historical evolution of wage equality is intrinsically connected with the broader development of labour rights, industrial relations, and socio-economic transformation across different periods of human civilization. In pre-industrial societies, economic activities were primarily organized around family units, kinship groups, and agrarian systems. Labour was not treated as a commodity in the modern sense, and remuneration was often based on customary practices rather than contractual wage systems. Production was largely subsistence-oriented, and work was distributed according to traditional roles, particularly along gender lines. Although disparities existed, they were not articulated in terms of wage inequality as understood in contemporary labour law.

The advent of the Industrial Revolution marked a decisive turning point in the nature of labour and wage structures. With the emergence of large-scale factory systems, labour became

¹ Equal Pay for Equal Work under the Constitution of India, LAWFUL LEGAL, <https://lawfullegal.in> (last visited Apr. 20, 2026).

commodified, and employment relationships began to be governed by contractual wage arrangements. This period witnessed a dramatic shift from household-based production to mechanized industrial production, resulting in the creation of a distinct working class dependent on wages for survival. However, this transformation also led to widespread exploitation of workers. Industrial labourers were subjected to excessively long working hours, unsafe and unhygienic working conditions, and extremely low wages. The laissez-faire economic philosophy prevalent at the time discouraged state intervention, allowing employers to dictate terms of employment without regulation.

Within this exploitative framework, women and children emerged as the most vulnerable segments of the workforce. They were frequently employed in factories at significantly lower wages than men, despite performing similar or identical tasks. This wage disparity was justified on the basis of prevailing social norms and stereotypes that perceived women as physically weaker, economically dependent, and primarily responsible for domestic roles. Employers preferred hiring women and children because they could be paid less, thereby maximizing profits. This practice not only reinforced gender inequality but also institutionalized wage discrimination within industrial systems.

In response to these conditions, the late nineteenth and early twentieth centuries witnessed the gradual emergence of labour movements and trade unions advocating for workers' rights, including fair wages, reasonable working hours, and improved working conditions. These movements played a crucial role in pressuring governments to enact labour legislation. Early laws, however, primarily focused on regulating working conditions rather than addressing wage equality. The emphasis was on limiting working hours, prohibiting child labour, and ensuring basic safety standards in factories.²

In India, the development of labour legislation began during the colonial period, largely as a response to industrialization and pressure from both domestic reformers and international actors. The establishment of factories in cities like Bombay and Calcutta led to the emergence of an industrial workforce facing severe exploitation. The first legislative intervention came in the form of the Factories Act of 1881, which sought to regulate working conditions, particularly for women and children. Subsequent amendments and enactments, such as the Factories Acts of 1891, 1911, and 1934, introduced provisions relating to working hours, rest intervals, and safety measures. However, these laws did not address the issue of wage equality, and gender-based wage disparities continued to persist.

² Rethinking Indian Law on Equal Pay, INT'L BAR ASS'N, <https://www.ibanet.org> (last visited Apr. 20, 2026).

The concept of equal pay for equal work gained significant momentum only in the mid-twentieth century, influenced by global developments in human rights and labour standards. The formation of the International Labour Organization played a pivotal role in promoting wage equality as a fundamental labour right. The adoption of the Equal Remuneration Convention, 1951 marked a landmark moment in the international recognition of the principle of equal remuneration for men and women workers for work of equal value. This convention obligated member states to eliminate gender-based wage discrimination and to establish mechanisms for ensuring wage equality.

In India, the post-independence period witnessed a renewed commitment to social justice and economic equality. The Constitution of India incorporated the principle of equal pay for equal work as a Directive Principle under Article 39(d), reflecting the State's obligation to promote gender equality in employment. However, the absence of specific legislation addressing wage discrimination limited the practical realization of this principle.

The need for a comprehensive legal framework became increasingly evident in the decades following independence, particularly in light of India's international commitments and the growing participation of women in the workforce. This led to the enactment of the Equal Remuneration Act, 1976, which represented a significant milestone in the evolution of wage equality in India. The Act was enacted to give effect to the constitutional mandate under Article 39(d) and to implement the obligations arising from the ILO Equal Remuneration Convention.³ The Equal Remuneration Act, 1976 sought to address two primary objectives: first, to ensure the payment of equal remuneration to men and women workers for the same work or work of a similar nature, and second, to prevent discrimination on the ground of sex in matters of recruitment, training, promotion, and transfer. The Act defined "same work or work of a similar nature" as work requiring the same skill, effort, and responsibility, performed under similar working conditions. This definition reflects the conceptual framework of wage equality, emphasizing the substantive comparability of work rather than mere job titles or designations. The Act imposed a statutory obligation on employers to pay equal wages to men and women performing comparable work. It also prohibited discrimination in recruitment practices, thereby addressing both wage inequality and employment inequality. Furthermore, the Act provided for the establishment of advisory committees to promote opportunities for women in employment and to ensure compliance with its provisions.

³ A Socio-Legal Study on Equal Pay for Equal Work in India, IJARESM, <https://www.ijaresm.com> (last visited Apr. 20, 2026).

Despite its progressive objectives, the implementation of the Equal Remuneration Act faced several challenges. Enforcement mechanisms were often weak, particularly in the unorganized sector where a large proportion of women workers are employed. Socio-cultural factors, lack of awareness, and limited access to legal remedies further hindered the effectiveness of the Act. Moreover, the Act's focus on gender-based discrimination meant that other forms of wage inequality, such as disparities between permanent and temporary workers, remained inadequately addressed.

Over time, judicial interpretation played a crucial role in expanding the scope of wage equality beyond the confines of the Act. Courts began to apply the principle of equal pay for equal work in a broader context, linking it with the fundamental right to equality under Articles 14 and 16 of the Constitution. This judicial activism helped in bridging gaps in legislative provisions and reinforced the importance of wage equality as a constitutional goal.

In recent years, the legislative framework has undergone significant reform with the enactment of the Code on Wages, 2019, which subsumed the Equal Remuneration Act along with other wage-related laws. This consolidation reflects an attempt to modernize and streamline labour laws while retaining the core principle of wage equality. The Code continues to prohibit gender-based discrimination in wages and employment, thereby carrying forward the legacy of the Equal Remuneration Act.⁴

In conclusion, the historical evolution of wage equality reveals a gradual transition from unregulated exploitation to a structured legal framework aimed at ensuring fairness and justice in employment. From the early days of industrialization to the enactment of modern labour laws, the journey of wage equality has been shaped by social movements, international standards, constitutional mandates, and judicial intervention. While significant progress has been made, the persistence of wage disparities indicates that the realization of true equality remains an ongoing challenge requiring sustained legal, institutional, and societal efforts.

Constitutional Framework Governing Equal Pay for Equal Work

The Indian Constitution establishes a strong framework for ensuring equality and social justice in matters of wages, particularly through the principle of equal pay for equal work. Although this principle is explicitly mentioned in Article 39(d) as part of the Directive Principles of State Policy, which are non-justiciable under Article 37, the judiciary has elevated its status by

⁴ MARTIN OELZ, SHAUNA OLNEY & MANUELA TOMEI, *EQUAL PAY: AN INTRODUCTORY GUIDE* (Int'l Labour Org. 2013).

reading it into the Fundamental Rights guaranteed under Articles 14 and 16. Article 14 ensures equality before the law and equal protection of the laws, thereby prohibiting arbitrary discrimination, including in wage structures, while Article 16 guarantees equality of opportunity in public employment and forbids discrimination on grounds such as sex, religion, caste, or place of birth. Together, these provisions provide a constitutional basis for challenging unequal pay practices.

The Supreme Court has played a pivotal role in transforming the principle of equal pay for equal work from a directive goal into an enforceable right. In *Randhir Singh v. Union of India* (AIR 1982 SC 879), the Court held that although Article 39(d) is not directly enforceable, it can be enforced through Articles 14 and 16, thereby recognizing equal pay for equal work as a constitutional right. This principle was further strengthened in *Dhirendra Chamoli v. State of Uttar Pradesh* (AIR 1986 SC 172) and *Surinder Singh v. Engineer-in-Chief, CPWD* (AIR 1986 SC 584), where the Court held that casual and daily wage workers performing the same duties as regular employees are entitled to equal pay, rejecting artificial classifications based solely on employment status. Similarly, in *Mackinnon Mackenzie & Co. Ltd. v. Audrey D'Costa* (AIR 1987 SC 1281), the Court struck down gender-based wage discrimination, affirming that paying women less than men for the same work violates constitutional guarantees.⁵

At the same time, the judiciary has clarified that the doctrine cannot be applied mechanically. In *Federation of All India Customs and Central Excise Stenographers v. Union of India* (AIR 1988 SC 1291) and *State of Haryana v. Jasmer Singh* ((1996) 11 SCC 77), the Court emphasized that differences in qualifications, responsibilities, experience, and working conditions may justify variations in wages. This balanced approach was reaffirmed in *State of Punjab v. Jagjit Singh* ((2017) 1 SCC 148), where the Court held that temporary employees are entitled to equal pay only when they perform work that is identical or substantially similar to that of permanent employees.

Thus, the constitutional framework in India strikes a careful balance between ensuring equality and allowing reasonable differentiation in wage determination. By harmonizing Directive Principles with Fundamental Rights, the judiciary has ensured that the principle of equal pay for equal work is not merely aspirational but a substantive and enforceable right, while still permitting flexibility where justified by legitimate factors.

⁵ Equal Remuneration Act, 1976 Overview, THE LAW INSTITUTE, <https://thelaw.institute> (last visited Apr. 20, 2026).

Legislative Developments

Legislative intervention has played a foundational role in addressing wage disparities and shaping the framework of labour welfare in India. From the early years after independence, the State recognized that unregulated market forces often resulted in exploitation, particularly of vulnerable sections such as women, unskilled labourers, and workers in the unorganized sector. Consequently, a series of labour laws were enacted to regulate wages, ensure minimum standards of living, and promote equality in employment. These legislative efforts reflect the constitutional commitment to social and economic justice embodied in the Directive Principles of State Policy, especially the mandate to secure a living wage and equal pay for equal work.

One of the earliest and most significant enactments in this regard was the Minimum Wages Act, 1948, which aimed to prevent the exploitation of labour by ensuring that workers receive wages sufficient to meet their basic needs. The Act empowered both the Central and State Governments to fix minimum wages for scheduled employments, taking into account factors such as cost of living, nature of work, and regional economic conditions. It introduced a structured mechanism for periodic revision of wages and provided for enforcement through inspectors and penalties for non-compliance. While the Act was instrumental in establishing a wage floor and protecting workers from extreme exploitation, it did not explicitly address the issue of gender-based wage discrimination in all contexts. Its primary focus remained on subsistence and economic security rather than on eliminating inequality in remuneration.

The need to directly address gender-based wage inequality led to the enactment of the Equal Remuneration Act, 1976, which marked a significant advancement in labour jurisprudence. This legislation was enacted to give effect to the constitutional directive under Article 39(d) and to fulfill India's obligations under international conventions such as the ILO Equal Remuneration Convention. The Act mandated that employers must pay equal remuneration to men and women workers for the same work or work of a similar nature, defined in terms of skill, effort, responsibility, and working conditions. It also prohibited discrimination in recruitment, promotions, training, and transfers, thereby addressing inequality not only in wages but also in employment opportunities. The Act provided for advisory committees to enhance women's employment and imposed obligations on employers to maintain records to ensure compliance. Despite these progressive provisions, enforcement remained a challenge, particularly in the informal sector where monitoring mechanisms were weak and employment relationships were often unregulated.

In addition to these core legislations, laws such as the Payment of Wages Act, 1936 and the

Payment of Bonus Act, 1965 contributed to wage regulation by ensuring timely payment of wages and providing for bonus payments linked to productivity and profits. However, these laws were fragmented in nature and addressed only specific aspects of wage regulation, leading to inconsistencies and gaps in coverage. The multiplicity of laws often created confusion among employers and workers alike, thereby limiting their effectiveness.

Recognizing the limitations of this fragmented framework, the government undertook comprehensive labour law reforms, culminating in the enactment of the Code on Wages, 2019. This Code represents a significant shift in the legislative approach to wage regulation by consolidating four major laws—the Minimum Wages Act, Payment of Wages Act, Payment of Bonus Act, and Equal Remuneration Act—into a single, unified framework. The objective of the Code is to simplify compliance, ensure uniformity in definitions, and extend wage protection to all categories of workers, including those in the unorganized sector.

A key feature of the Code on Wages, 2019 is its universal applicability, which marks a departure from earlier laws that were limited to scheduled employments. By extending minimum wage provisions to all employees, the Code seeks to ensure a basic standard of living for workers across sectors. It also introduces the concept of a national floor wage, which serves as a baseline for minimum wages fixed by states, thereby reducing regional disparities and promoting uniformity.

Importantly, the Code retains and strengthens the principle of equal remuneration by explicitly prohibiting discrimination on the ground of gender in matters of wages and recruitment. It mandates that employers must pay equal wages to all employees performing the same work or work of a similar nature, thereby continuing the legacy of the Equal Remuneration Act within a broader and more comprehensive framework. The Code also introduces standardized definitions of wages, reducing ambiguity and ensuring greater transparency in wage calculations, particularly with respect to allowances and deductions.

Furthermore, the Code enhances compliance mechanisms by requiring employers to maintain digital records and by strengthening penalties for violations. It also seeks to streamline the inspection process through the introduction of inspector-cum-facilitators, who are expected to promote compliance while also providing guidance to employers. These measures reflect an attempt to balance enforcement with ease of doing business.

Despite these advancements, challenges remain in the effective implementation of the Code. The vast size of the unorganized sector, lack of awareness among workers, and administrative constraints continue to hinder enforcement. Additionally, structural issues such as gender-based occupational segregation and socio-economic inequalities persist, limiting the

transformative impact of legislative reforms.

In conclusion, legislative developments in India have progressively evolved from fragmented and sector-specific laws to a more integrated and comprehensive framework under the Code on Wages, 2019. While earlier laws like the Minimum Wages Act, 1948 and the Equal Remuneration Act, 1976 laid the foundation for wage regulation and gender equality, the Code represents a modernized approach aimed at inclusivity, uniformity, and transparency. However, the realization of true wage equality depends not only on legislative provisions but also on effective implementation, institutional capacity, and societal change.

Judicial Interpretation

The judiciary in India has played a transformative and dynamic role in shaping and enforcing the doctrine of equal pay for equal work, elevating it from a mere Directive Principle under Article 39(d) to a justiciable right grounded in the fundamental rights to equality under Articles 14 and 16. Through a series of landmark judgments, the Supreme Court has consistently expanded the scope of this doctrine and clarified its application across different categories of employment, thereby strengthening its enforceability in both public and quasi-public sectors. A seminal turning point in the judicial recognition of this doctrine came in *Randhir Singh v. Union of India* (1982), where the Supreme Court categorically held that the principle of equal pay for equal work is not merely a constitutional goal but can be enforced through Articles 14 and 16. The Court observed that although Article 39(d) is part of the Directive Principles, it must be read in conjunction with the fundamental rights to ensure equality in matters of employment. This case marked the beginning of a new phase in labour jurisprudence, where the judiciary actively intervened to address wage disparities.

The principle was further extended in *Dhirendra Chamoli v. State of Uttar Pradesh* (1986), where the Court held that casual and daily wage workers performing the same duties as regular employees are entitled to receive the same wages. The Court rejected the argument that temporary status could justify lower pay, emphasizing that the nature of work performed is the determining factor. Similarly, in *Surinder Singh v. Engineer-in-Chief, CPWD* (1986), the Court reiterated that daily wage workers cannot be denied equal pay when they perform identical duties under similar conditions.

In *Mackinnon Mackenzie & Co. Ltd. v. Audrey D'Costa* (1987), the Supreme Court specifically addressed gender-based wage discrimination and held that women stenographers were entitled to the same pay as their male counterparts when performing similar work. The

Court interpreted the provisions of the Equal Remuneration Act, 1976 in light of constitutional principles and emphasized that any discrimination based solely on gender is violative of equality.

However, the judiciary has also adopted a cautious and pragmatic approach in applying the doctrine. In *State of Haryana v. Jasmer Singh* (1996), the Court clarified that equal pay for equal work cannot be applied in a mechanical manner and that differences in educational qualifications, experience, and responsibilities may justify variations in pay. The Court emphasized that the burden of proof lies on the claimant to establish that the work performed is identical or substantially similar in all relevant aspects.

This position was further reinforced in *State of Punjab v. Jagjit Singh* (2016), where the Court held that temporary employees performing the same duties and responsibilities as permanent employees are entitled to equal wages. The judgment reaffirmed the principle that artificial classifications based on employment status cannot be used to deny wage parity when the nature of work is the same. At the same time, the Court acknowledged that differences in recruitment processes and service conditions may justify certain distinctions, thereby maintaining a balance between equality and administrative practicality.

Another important dimension of judicial interpretation is the linkage of wage equality with the right to dignity under Article 21. The courts have recognized that fair wages are essential for a dignified life and that arbitrary wage discrimination undermines human dignity. This broader interpretation has strengthened the normative foundation of the doctrine and expanded its relevance beyond mere economic considerations.

Overall, the judicial approach to equal pay for equal work reflects a careful balance between enforcing constitutional guarantees and recognizing practical realities. By extending the doctrine to various categories of workers, including daily wage earners and temporary employees, the judiciary has ensured that the principle is not confined to formal employment structures. At the same time, by allowing for reasonable classifications based on objective criteria such as qualifications and responsibilities, it has preserved flexibility in wage determination. This nuanced and evolving jurisprudence continues to play a crucial role in advancing wage equality and promoting social justice in India.

International Perspective

The principle of equal pay for equal work has attained the status of a fundamental human right within the framework of international law, reflecting the global commitment to equality,

dignity, and non-discrimination in employment. This principle is not confined to national legal systems but is reinforced through a network of international conventions, declarations, and institutional mechanisms that seek to promote fair labour standards across jurisdictions. The recognition of wage equality at the international level has significantly influenced domestic legal systems, including that of India, by providing normative guidance and binding obligations in certain cases.

One of the earliest and most authoritative affirmations of this principle is found in the Universal Declaration of Human Rights (1948), which under Article 23 explicitly provides that everyone, without any discrimination, has the right to equal pay for equal work. This declaration, though not legally binding, has served as a foundational document shaping international human rights law and has influenced the development of subsequent binding treaties and national constitutions. It establishes wage equality as an essential component of human dignity and social justice.

A more specific and legally binding framework is provided by the International Labour Organization, which has played a central role in promoting wage equality through its conventions and recommendations. Among these, the Equal Remuneration Convention, 1951 (No. 100) is of particular significance. This Convention mandates member states to ensure the application of the principle of equal remuneration for men and women workers for work of equal value. It goes beyond the concept of “same work” and introduces the broader standard of “work of equal value,” thereby addressing indirect forms of discrimination where different jobs may require comparable levels of skill, effort, and responsibility. The Convention also encourages the use of objective job evaluation methods to eliminate gender bias in wage determination.

Complementing this is the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which prohibits discrimination in employment and occupation on various grounds, including sex. This Convention requires member states to adopt policies aimed at promoting equality of opportunity and treatment in employment, thereby reinforcing the principle of wage equality as part of a broader anti-discrimination framework.

Another important international instrument is the International Covenant on Economic, Social and Cultural Rights (1966), which recognizes the right to just and favourable conditions of work, including fair wages and equal remuneration for work of equal value without distinction of any kind. Article 7 of the Covenant specifically emphasizes equal pay for equal work as a core labour right, thereby elevating it to the status of a legally binding obligation for states that have ratified the Covenant. India, being a party to this Covenant, is obligated to progressively

realize these rights through legislative and policy measures.

In addition, the Convention on the Elimination of All Forms of Discrimination Against Women (1979) plays a crucial role in addressing gender-based wage disparities. It requires states to eliminate discrimination against women in all areas of employment, including remuneration, and to ensure equal treatment in the workplace. The Convention recognizes that wage inequality is often rooted in structural and cultural factors and calls for comprehensive measures to address these issues.

India's commitment to these international standards is reflected in its constitutional provisions and labour laws, including the Equal Remuneration Act, 1976 and the Code on Wages, 2019. The judiciary has also relied on international conventions to interpret constitutional rights, thereby integrating global norms into domestic jurisprudence. However, despite this alignment, the implementation of international labour standards remains a significant challenge. Factors such as the vast informal sector, lack of awareness among workers, limited enforcement mechanisms, and socio-economic inequalities hinder the effective realization of wage equality. Moreover, while international conventions provide a robust normative framework, their effectiveness depends largely on domestic implementation and enforcement. In many developing countries, including India, the gap between legal provisions and actual practice remains substantial. This highlights the need for stronger institutional mechanisms, better monitoring systems, and increased awareness among workers to ensure compliance with international standards.

In conclusion, the international perspective on wage equality underscores the universal recognition of equal pay for equal work as a fundamental human right. Through instruments such as the Universal Declaration of Human Rights, ILO Conventions, and UN treaties, the global community has established a comprehensive framework for promoting wage equality. While India has incorporated these principles into its legal system, achieving their full realization requires sustained efforts in implementation, enforcement, and socio-economic reform.

Code on Wages, 2019: Reform and Transformation

The Code on Wages, 2019 represents a landmark reform in India's labour law framework, aimed at simplifying, consolidating, and modernizing wage-related regulations. Prior to its enactment, the legal regime governing wages was fragmented across multiple statutes, namely the Minimum Wages Act, 1948, the Payment of Wages Act, 1936, the Payment of Bonus Act,

1965, and the Equal Remuneration Act, 1976. Each of these laws addressed specific aspects of wage regulation, often resulting in overlapping provisions, definitional inconsistencies, and administrative complexity. The Code on Wages, 2019 seeks to overcome these limitations by integrating all four enactments into a single, coherent legislative framework, thereby enhancing clarity, uniformity, and ease of compliance.

One of the most transformative features of the Code is its universal applicability. Unlike the earlier Minimum Wages Act, which applied only to “scheduled employments,” the Code extends the concept of minimum wages to all employees across organized and unorganized sectors. This expansion significantly broadens the scope of wage protection, particularly benefiting workers in informal employment who were previously excluded from statutory safeguards. By removing sectoral limitations, the Code advances the constitutional objective of ensuring a basic standard of living for all workers, thereby promoting inclusive economic justice.

A central innovation under the Code is the introduction of the concept of a national floor wage. The Central Government is empowered to fix a floor wage after considering factors such as minimum living standards and economic conditions. This floor wage acts as a baseline, below which State Governments cannot fix minimum wages. While States retain the autonomy to prescribe higher wages based on regional conditions, the floor wage ensures a minimum level of uniformity across the country and addresses inter-state disparities. From a policy perspective, this mechanism reflects an attempt to balance federal flexibility with national standards of social protection.

The Code also makes significant strides in reinforcing the principle of gender equality in wages. It explicitly prohibits discrimination on the ground of gender in matters of wages as well as recruitment, thereby incorporating and strengthening the mandate previously contained in the Equal Remuneration Act, 1976. By using gender-neutral language and extending protection beyond the binary framework of men and women, the Code aligns with contemporary understandings of equality. The requirement that employees performing the same work or work of a similar nature must be paid equally underscores the continued relevance of the doctrine of equal pay for equal work within the modern legislative framework.

Another important reform introduced by the Code is the standardization of the definition of “wages.” Historically, different labour laws adopted varying definitions, leading to ambiguity and disputes regarding the inclusion or exclusion of allowances, bonuses, and other components of remuneration. The Code provides a uniform definition of wages, with clear inclusions and exclusions, and introduces a ceiling on the proportion of excluded components.

This standardization is particularly significant for the calculation of minimum wages, bonus payments, and social security contributions, as it reduces scope for manipulation and ensures greater transparency and predictability.

From an administrative standpoint, the Code emphasizes simplification and digitization of compliance mechanisms. Employers are required to maintain registers and records, which may be kept in electronic form, thereby facilitating ease of doing business while also enabling better monitoring by authorities. The traditional system of labour inspectors has been replaced with “Inspector-cum-Facilitators,” reflecting a shift from a purely enforcement-oriented approach to one that combines regulation with guidance and support. This reform aims to encourage voluntary compliance while retaining the power to investigate and penalize violations.

The Code also strengthens enforcement provisions by prescribing penalties for non-payment of wages, delayed payment, and contravention of its provisions. At the same time, it introduces compounding mechanisms for certain offences, allowing for quicker resolution and reducing the burden on the judicial system. The emphasis on timely payment of wages and the extension of wage protection to all employees further enhance the effectiveness of the legal framework.

Despite these progressive features, the Code on Wages, 2019 is not without its limitations. One of the primary concerns relates to its implementation, particularly in the vast unorganized sector where monitoring and enforcement remain challenging. The success of the Code depends heavily on the capacity of administrative machinery, awareness among workers, and the willingness of employers to comply with statutory requirements. Additionally, while the Code addresses wage-related issues, it does not fully resolve structural inequalities such as occupational segregation, informalization of labour, and gender-based disparities in employment opportunities.

Another critical issue is the adequacy of the national floor wage. While it establishes a minimum standard, its effectiveness depends on the level at which it is set and the frequency of its revision. If the floor wage is not aligned with actual living costs, it may fail to achieve its objective of ensuring a decent standard of living. Similarly, the discretion granted to State Governments in fixing minimum wages, though necessary in a federal system, may lead to variations that undermine the goal of uniformity.

In analytical terms, the Code on Wages, 2019 represents a shift towards a more integrated and rationalized approach to wage regulation. It reflects the State’s attempt to balance competing objectives of labour welfare, economic efficiency, and ease of doing business. By consolidating laws, expanding coverage, and introducing uniform definitions, the Code addresses many of the shortcomings of the previous regime. At the same time, its effectiveness ultimately depends

on robust implementation, institutional capacity, and continuous policy evaluation.

In conclusion, the Code on Wages, 2019 marks a significant step in the evolution of labour law in India, embodying the principles of inclusivity, equality, and transparency. While it strengthens the legal framework for wage regulation and reinforces the doctrine of equal pay for equal work, its transformative potential can only be realized through effective enforcement and sustained commitment to social justice.

In addition, the Code emphasizes transparency and accountability. Employers are required to maintain proper records and comply with reporting requirements. Penalties for non-compliance have been strengthened, enhancing enforcement.

However, the effectiveness of the Code depends on its implementation. Challenges such as lack of awareness, administrative capacity, and enforcement mechanisms need to be addressed to ensure its success.

Conclusion

The doctrine of equal pay for equal work is a cornerstone of social justice and economic equality. In India, it has evolved from a directive principle to an enforceable right through judicial interpretation and legislative action.

The Code on Wages, 2019 represents a significant step towards modernizing wage regulation and promoting equality. By consolidating laws and expanding coverage, it provides a more cohesive framework for addressing wage disparities.

However, achieving true wage equality requires more than legal provisions. It demands a holistic approach that addresses structural inequalities, promotes awareness, and strengthens enforcement mechanisms.

The journey towards equal pay for equal work is ongoing, and continued efforts are needed to realize this fundamental principle in both letter and spirit.

Recommendations

- Strengthening enforcement mechanisms is crucial, particularly in the unorganized sector, by increasing inspections, improving administrative capacity, and ensuring strict compliance with the Code on Wages, 2019.
- The government must ensure periodic revision of minimum wages and the national floor wage in line with inflation and cost of living, so that workers are guaranteed a dignified standard of life.

- Greater awareness should be created among workers regarding their wage rights through legal literacy programs, trade unions, and digital platforms to enable them to seek remedies against discrimination.
- Effective measures must be taken to reduce gender-based wage disparities by promoting equal opportunities in employment, skill development, and career advancement for women.
- Strengthening grievance redressal mechanisms and labour courts is necessary to ensure speedy and affordable justice for workers facing wage discrimination.

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