

The Equal Remuneration Act, 1976

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The Equal Remuneration Act, 1976¹

[Act 25 of 1976 as amended up to Act 49 of 1987]

[11th February, 1976]

[Repealed by Act 29 of 2019, S. 69(1) (w.e.f. the date to be notified)]

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-seventh Year of the Republic of India as follows:—

Statement of Objects and Reasons.—Article 39 of the Constitution envisages that the State shall direct its policy, among other things, towards securing that there is equal pay for equal work for both men and women. To give effect to this constitutional provision, the President promulgated on the 26th September, 1975, the Equal Remuneration Ordinance, 1975 so that the provisions of Article 39 of the Constitution may be implemented in the year which is being celebrated as the International Women's Year. The Ordinance provides for payment of equal remuneration to men and women workers for the same work or work of a similar nature and for the prevention of discrimination on grounds of sex.

(2) The Ordinance also ensures that there will be no discrimination against recruitment of women and provides for the setting up of Advisory Committees to promote employment opportunities for women.

3. This Bill seeks to replace the Ordinance.²

CASE LAW ► Object.—That Act is a legislation providing equality of pay for equal work between men and women which certainly is a part of the principle 'equal pay for equal work', *Dharwad Distt. P.W.D. L.D.W. Employees' Association v. State of Karnataka*, (1990) 2 SCC 396 : 1990 SCC (L&S) 274 : (1990) 12 ATC 902.

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.

Note.—The Act came into force in respect of employments in the following establishments on the dates noted against each:—

1. Received the assent of the President on Feb. 11, 1976, published in Gaz. of India, Extra., Pt. II, S. 1, dt. 12th Feb., 1976, pp. 189-196.

2. Ordinance 12 of 1975, promulgated by the President on Sept. 26, 1975.

Sl. No.	Establishment	Date	Authority
1.	Plantations to which the Plantations Labour Act, 1951 applies	15-10-1975	S.O. 599(E), dated 10-10-1975
1-A.	Local Authorities	1-1-1976	Noti. No. 730(E), dated 26-12-1975
1-B.	Employments under Central and State Governments	12-1-1976	S.O. 32(E), dated 9-1-1976
2.	Hospitals, Nursing Homes and Dispensaries	27-1-1976	S.O. 58(E), dated 24-1-1976
3.	In Banks, Insurance Cos. and other financial institutions	8-3-1976	S.O. 175(E), dated 6-3-1976
4.	Educational, Teaching, Training and Research Institutions	5-4-1976	S.O. 282(E), dated 3-4-1976
5.	In Mines as defined by Section 2(1) of Mines Act, 1952	1-5-1976	S.O. 307(E), dated 22-4-1976
6.	Employees' Provident Fund Organisation, the Coal Mines Provident Fund Organisation and the Employees' State Insurance Corporation	1-5-1976	S.O. 308(E), dated 22-4-1976
7.	Food Corporation of India and the Central Warehousing Corporation and the State Warehousing Corporations	1-7-1976	S.O. 437(E), dated 29-6-1976
8.	Employments in the manufacture of textiles and textile products specified in the following Schedule:	15-7-1976	S.O. 473(E), dated 15-7-1976

SCHEDULE

Manufacture of textiles and textile products: Manufacture of Cotton Textiles

- (1) Cotton ginning, cleaning and baling.
- (2) Cotton spinning, weaving, shrinking, sanforising, mercerising and finishing of cotton textiles in mills.
- (3) Printing, dyeing and bleaching of cotton textiles.
- (4) Cotton spinning other than in mills (Charkha).
- (5) Production of Khadi.
- (6) Weaving and finishing of cotton textiles in handlooms, other than khadi.
- (7) Weaving and finishing of cotton textiles in powerlooms.
- (8) Cotton textiles not covered by any other entry.

Manufacture of Wool, Silk and Synthetic Fibre Textiles

- (9) Wool cleaning, baling and pressing.
- (10) Wool spinning, weaving and finishing in mills.
- (11) Wool spinning and weaving (other than in mills).
- (12) Dyeing and bleaching of woollen textiles.
- (13) Manufacture of wool not covered by any other entry.
- (14) Spinning, weaving and finishing of silk textiles.
- (15) Printing, dyeing and bleaching of silk textiles.

Sl. No.	Establishment	Date	Authority
(16)	Spinning, weaving and finishing of other textiles such as synthetic fibres, rayons and nylons.		
(17)	Printing, dyeing and bleaching of synthetic textiles.		
(18)	Silk and synthetic fibre textiles not covered by any other entry.		
	<i>Manufacture of Jute, Hemp and Mesta Textiles</i>		
(19)	Jute and Mesta pressing and baling.		
(20)	Jute and Mesta spinning and weaving.		
(21)	Dyeing, printing and bleaching of jute textiles.		
(22)	Preparing, spinning, weaving and finishing of hemp and other coarse fibres.		
(23)	Manufacture of jute bags and other jute textiles not covered by any other entry.		
	<i>Manufacture of Textile Products (including Wearing Apparel other than Footwear)</i>		
(24)	Knitting mills.		
(25)	Manufacture of all types of threads such as cordage, ropes, twines and nets.		
(26)	Embroidery and making of crepes, laces and fringes.		
(27)	Weaving carpets, rugs and other similar textile products.		
(28)	Manufacture of all types of textiles, garments including wearing apparel.		
(29)	Manufacture of raincoats, hats and such other articles.		
(30)	Manufacture of made-up textile goods (except garments) such as curtains and mosquito nets.		
(31)	Manufacture of waterproof textiles such as oil cloth and tarpaulin.		
(32)	Manufacture of coir and coir products.		
(33)	Manufacture of textiles, not covered by any other entry, such as linoleum, padding, wadding, upholstering, filling.		
9.	Employment in the manufacture of electrical and electronic machinery, apparatus and appliances specified in the following Schedule 1:	27-8-1976	S.O. 570(E), dated 25-8-1976

SCHEDULE

Manufacture of electrical and electronic machinery, apparatus and appliances

- (1) Manufacture of electrical industrial machinery and apparatus and parts (such as electrical motors, generators, transformers, electromagnetic clutches and brakes, etc.).
- (2) Manufacture of insulated wires and cables.
- (3) Manufacture of dry and wet batteries.

Sl. No.	Establishment	Date	Authority
	(4) Manufacture of electrical apparatus, appliances and their parts such as lamps, bulbs, tubes, sockets, switches, fans, insulator (except porcelain); conductors, irons, heaters, shavers, cleansers, etc. excluding repairing.		
	(5) Manufacture of radio and television transmitting and receiving sets including transistor radio sets, sound reproducing and recording equipment including tape recorders, public address systems, gramophone records and pre-recorded 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 instruments 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.		
10.	Factories located in plantations [For definitions of 'Factory' and 'plantation' see Factories Act, 1948, Section 2(m) and Plantations Labour Act, 1951, Section 2(f)].	27-8-1976	S.O. 568(E), dated 25-8-1976
11.	Employments in the manufacture of chemicals and chemical products (except products of petroleum and coal) specified in the Schedule:	8-10-1976	S.O. 662(E), dated 4-10-1976

SCHEDULE

Manufacture of chemicals and chemical products (except products of petroleum and coal)

- (1) Manufacture of basic industrial organic and inorganic chemicals and gases such as acids, alkalies and their salts; gases like acetylene, oxygen, nitrogen, etc.
- (2) Manufacture of fertilisers and pesticides.
- (3) Manufacture of paints, varnishes and lacquers.
- (4) Manufacture of drugs and medicines.
- (5) Manufacture of perfumes, cosmetics, lotions, hair dressings, toothpastes, soap in any form, synthetic detergents, shampoos, shaving products, cleansers, washing and scouring products and other toilet preparations.
- (6) Manufacture of inedible oils.
- (7) Manufacture of turpentine, synthetic resins, plastic materials and synthetic fibres like nylon, ammuterylene except glass.

Sl. No.	Establishment	Date	Authority
(8)	Manufacture of matches.		
(9)	Manufacture of explosives and ammunition and fireworks.		
(10)	Manufacture of chemical products (not covered by any other entry including photo-chemicals, sensitised films and paper).		
12.	Employment in land and water transport specified in the Schedule.	8-10-1976	S.O. 664(E), dated 5-10-1976

SCHEDULE

Land Transport

- (1) Railway transport operated by private companies.
- (2) Passenger transport by tramway and bus-services.
- (3) Passenger transport by other motor vehicles.
- (4) Freight transport by motor vehicles.
- (5) Hackney carriages, bullock-carts, ekka, tonga, etc.
- (6) Transport by animals like horses, elephants, mules, camels, etc.
- (7) Transport by man (including rickshaw pullers, handcart 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, docks, pilotage, lighthouses, loading and discharging of vessels, etc.

13. In the manufacture of food products specified in the Schedule: 10-2-1977 S.O. 137(E),
dated 5-2-1977

SCHEDULE

Employments in the manufacture of food products

- (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 crustacean 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.

Sl. No.	Establishment	Date	Authority
(9)	Production of common salt.		
(10)	Manufacture of cocoa, chocolate and sugar confectionery (including sweetmeats).		
(11)	Manufacture of hydrogenated oils, such as vanaspati ghee.		
(12)	Manufacture of other edible oils and fats such as mustard oil, groundnut oil or til oil.		
(13)	Tea processing.		
(14)	Coffee curing, roasting and grinding.		
(15)	Cashewnut processing such as drying, shelling, roasting, salting of cashewnut.		
(16)	Manufacture of ice.		
(17)	Manufacture of prepared animal feeds.		
(18)	Manufacture of starch.		
(19)	Manufacture of any other food products.		
14.	In other industries as specified in the Schedule:	14-3-1977	S.O. 203(E), dated 1-3-1977

SCHEDULE

I. Manufacture of beverages, tobacco and tobacco products

- (1) Distilling, rectifying and blending of spirits.
- (2) Wine industries.
- (3) Malt liquors and malt.
- (4) Production of country liquor and toddy.
- (5) Soft drinks and carbonated water industries.
- (6) Tobacco stemming, redrying and all other operations which are connected with preparing raw leaf tobacco for manufacture.
- (7) Manufacture of bidis.
- (8) Manufacture of cigars, cigarettes, cheroots and cigarette tobacco.
- (9) Manufacture of chewing tobacco, zarda and snuff.
- (10) Manufacture of tobacco and tobacco products, not elsewhere specified in this notification.

II. Manufacture of wood and wood products, furniture and fixtures

- (1) Manufacture of veneer, plywood and their products.
- (2) Sawing and planing of wood (other than plywood).
- (3) Manufacture of wooden and cane boxes, crates, drums, barrels and other wooden containers, baskets and other rattan, bamboo, reed and willow wares made entirely or mainly of cane, rattan, reed, bamboo and willow.
- (4) Manufacture of structural wooden goods (including treated timber) such as beams, posts, doors and windows (excluding hewing and rough shaping

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Sl. No.	Establishment	Date	Authority
	of poles, bolts and other wood material which is classified under logging).		
(5)	Manufacture of wooden industrial goods, such as bobbins, blocks, handles, saddling and similar equipment and fixtures.		
(6)	Manufacture of cork and cork products.		
(7)	Manufacture of wooden furniture and fixtures.		
(8)	Manufacture of bamboo and cane furniture and fixtures.		
(9)	Manufacture of wood, bamboo and cane products, not elsewhere specified in this notification.		
III.	<i>Manufacture of paper and paper products and printing, publishing and allied industries</i>		
(1)	Manufacture of pulp, paper and paper board including newsprint.		
(2)	Manufacture of containers 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 newspapers.		
(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, etching, block making, etc.		
(9)	Bookbinding.		
(10)	Printing, publishing and allied activities not elsewhere specified such as envelope printing, picture postcard printing, embossing and such other activities.		
IV.	<i>Manufacture of leather and leather and fur products (except repair)</i>		
(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.		
(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.		

Sl. No.	Establishment	Date	Authority
	(7) Manufacture of fur and skin rugs and other articles.		
	(8) Manufacture of leather and fur products, not elsewhere specified in this notification.		
V.	<i>Manufacture of rubber, plastic, petroleum and coal products</i>		
	(1) Tyre and tube industries.		
	(2) Manufacture of footwear made primarily of vulcanized or moulded rubber.		
	(3) Manufacture of rubber products not elsewhere classified.		
	(4) Manufacture of plastic products not elsewhere classified (except house furnishing).		
	(5) Petroleum refineries.		
	(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.	<i>Manufacture of non-metallic mineral products</i>		
	(1) Manufacture of structural clay products.		
	(2) Manufacture of glass and glass products.		
	(3) Manufacture of earthenware and earthen pottery.		
	(4) Manufacture of chinaware and porcelainware.		
	(5) Manufacture of cement, lime and plaster.		
	(6) Manufacture of mica products.		
	(7) Manufacture of structural stone goods, stone dressing and stone crushing and stoneware.		
	(8) Manufacture of earthen and plaster statues and other products.		
	(9) Manufacture of asbestos, cement and other cement products.		
	(10) Manufacture of miscellaneous, non-metallic mineral products such as slate products, abrasives, graphite products, mineral wool, silica products and other non-metallic mineral products not elsewhere specified in this notification.		
VII.	<i>Basic metal and alloys industries</i>		
	(1) Iron and steel industries.		
	(2) Foundries for casting and forging iron and steel.		
	(3) Manufacture of ferro-alloys.		
	(4) Copper manufacturing.		
	(5) Brass manufacturing.		
	(6) Aluminium manufacturing.		
	(7) Zinc manufacturing.		

Sl. No.	Establishment	Date	Authority
	(8) Other non-ferrous metal industries.		
VIII.	<i>Manufacture of metal products and their parts except machinery and transport equipment</i>		
	(1) Manufacture of fabricated metal products such as metal cans from tinplate, terne plate or enamelled sheet metal, metal shipping containers, barrels, drums, kegs, pails, safes, vaults, enamelled, sanitary and all other fabricated metal products not elsewhere specified in this 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 utensils, cutlery and kitchenware.		
	(7) Manufacture of metal products except machinery and transport equipments not elsewhere specified in this notification like type-founding.		
IX.	<i>Manufacture of machinery, machine tools and parts except electrical machinery</i>		
	(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 items 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.		
	(10) Manufacture and repair of non-electrical machinery, equipment, components and accessories not elsewhere classified (such as sewing machines, automatic merchandising machines, washing,		

Sl. No.	Establishment	Date	Authority
	laundry, drycleaning and pressing machines, cooking ranges and ovens, other service industry machines, arms and armament).		
X.	<i>Manufacture of transport equipment and their parts</i>		
	(1) Ship building and repairing.		
	(2) Manufacture of locomotives and their parts.		
	(3) Manufacture of railway wagons and coaches and their parts.		
	(4) Manufacture of other railroad equipment.		
	(5) Manufacture of motor vehicles and their parts.		
	(6) Manufacture of motorcycles and scooters and their parts.		
	(7) Manufacture of bicycles and cycle-rickshaws and their parts.		
	(8) Manufacture of aircraft and its parts.		
	(9) Bullock-carts, push-carts, handcarts, etc.		
	(10) Manufacture of transport equipment and their parts not elsewhere specified in this notification.		
XI.	<i>Other Manufacturing Industries</i>		
	(1) Manufacture of medical, surgical and scientific equipment.		
	(2) Manufacture of photographic and optical goods (excluding photo chemicals, sensitised paper and film)		
	(3) Manufacture of watches and clocks.		
	(4) Manufacture of jewellery and related articles.		
	(5) Minting of coins.		
	(6) Manufacture of sports and athletic goods.		
	(7) Manufacture of musical instruments.		
	(8) Manufacture of stationery articles like fountain pens, pencils, pens, pin cushions, tags and such other articles not elsewhere specified in this notification.		
	(9) Manufacture of miscellaneous products not elsewhere specified in this notification such as costume jewellery, costume novelties, feathers, plumes, artificial flowers, brooms, brushes, lamp shades, tobacco pipes, cigarette holders, ivory goods, badges, wigs and similar articles.		
15.	In relation to electricity, gas (including steam) and water specified in the Schedule:	1-4-1977	S.O. 257(E), dated 25-3-1977

SCHEDULE

- (1) *Electricity*
 - (i) Generation and transmission of electric energy.
 - (ii) Distribution of electric energy to household, industrial and commercial and other users.

Sl. No.	Establishment	Date	Authority
(2)	<i>Gas (including steam)</i> Manufacture of gas in gas works and distribution through mains to household, industrial, commercial and other users.		
(3)	<i>Water</i> Water supply, that is to say, collection, purification and distribution of water.		
16.	In wholesale and retail trade and restaurants and hotels specified in the Schedule:	1-7-1977	S.O. 2268, dated 1-7-1977

SCHEDULE

Wholesale trade in food, textiles, live-animals, beverages and intoxicants

- (1) Wholesale trade in cereals and pulses.
- (2) Wholesale trade in foodstuffs other than cereals and pulses.
- (3) Wholesale trade in textiles and textile products like all kinds of fabrics, garments, shirtings, suiting and hosiery goods.
- (4) Wholesale trade in beverages other than 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.

Wholesale 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.

Wholesale 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 equipment

Sl. No.	Establishment	Date	Authority
(18)	Wholesale trade in agricultural and industrial machinery, harvestors, threshers, sowing machines and such other articles.		
(19)	Wholesale trade in electrical machinery and equipment.		
(20)	Wholesale trade in transport and storage equipment.		
	<i>Wholesale trade in miscellaneous manufactures</i>		
(21)	Wholesale trade in furniture and fixtures.		
(22)	Wholesale trade in rubber and rubber products.		
(23)	Wholesale trade in household equipment not elsewhere classified.		
(24)	Wholesale trade in building materials.		
(25)	Wholesale trade in clocks and eyeglasses (including frames of eyeglasses).		
(26)	Wholesale trade in hardware and sanitary equipment.		
(27)	Wholesale trade in scientific, medical and surgical instruments.		
(28)	Wholesale trade in precious metals, stone and jewellery.		
(29)	Wholesale trade in goods not elsewhere specified.		
	<i>Retail trade in food and food articles, beverages, tobacco and intoxicants</i>		
(30)	Grain and grocery store.		
(31)	Vegetable and fruit selling.		
(32)	Dealing in meat, fish and poultry.		
(33)	Dealing in sweetmeat, bakery products, dairy products and eggs.		
(34)	Paan, 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, beverages, tobacco and intoxicants not elsewhere specified.		
	<i>Retail trade in textiles</i>		
(38)	Dealing in textiles (non-readymade).		
(39)	Dealing in readymade garments.		
	<i>Retail trade in fuel and other household utilities and durables</i>		
(40)	Dealing in firewood, coal and kerosene oil.		
(41)	Utensil shops.		
(42)	Fancy stores (including stores dealing in crockery and glassware).		
(43)	Dealing in electrical and electronic goods.		
(44)	Furniture shops.		

Sl. No.	Establishment	Date	Authority
(45)	Jewellery marts.		
(46)	Footwear shops.		
(47)	Retail trade in fuel and other household utilities and durables not elsewhere classified.		
	<i>Retail trade in relation to certain other goods</i>		
(48)	Medical shops.		
(49)	Booksellers and stationers.		
(50)	Dealing in building material.		
(51)	Dealing in transport equipment.		
(52)	Petrol filling stations.		
(53)	Retail trade in goods not elsewhere classified.		
	<i>Restaurants and hotels</i>		
(54)	Restaurants, cafes and other eating and drinking places.		
(55)	Hotels, rooming houses, camps and other lodging places.		
17.	In relation to agriculture and activities allied to agriculture specified in the Schedule:	2-10-1977	S.O. 692(E), dated 29-9-1977

SCHEDULE

Agricultural Production

- (1) Cereal crops (paddy, wheat, jowar, bajra, maize, ragi, barley, gram, etc.).
- (2) Pulses (arhar, moong, masur, urd, etc.).
- (3) Raw cotton.
- (4) Raw jute, mesta.
- (5) Sunn hemp and other kindred fibers.
- (6) Production of oil seeds such as sesamum, groundnuts, rape, mustard, linseed, castor seeds, etc.
- (7) Sugar cane.
- (8) Roots and tubers, vegetables, paan, singhara, chilies and spices (other than pepper and cardamom) and flowers and parts of plants.
- (9) Agricultural production not elsewhere classified.

Livestock Production

- (10) Cattle and goat-breeding, rearing, ranching, etc. and production of milk.
- (11) Rearing of sheep and production of wool.
- (12) Rearing of horses, mules, camels and other pack animals.
- (13) Rearing of pigs and other animals.
- (14) Rearing of ducks, hens and other birds and production of eggs.
- (15) Rearing of bees and production of honey and wax.

Sl. No.	Establishment	Date	Authority
(16)	Rearing of silkworms and production of cocoons and raw silk.		
(17)	Rearing of livestock and production of livestock products not elsewhere classified.		
	<i>Agricultural Services</i>		
(18)	Pest destroying, spraying, pruning of infected stems.		
(19)	Operation of irrigation systems.		
(20)	Animal shearing and livestock services (other than veterinary services).		
(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.).		
	<i>Hunting, Trapping and Game Propagation</i>		
(26)	Hunting, trapping and game propagation for commercial purposes (other than for sport).		
	<i>Forestry and Logging</i>		
(27)	Planting, replanting and conservation of forests.		
(28)	Logging—felling and cutting of trees and preparation of rough, round hewn or river logs (including incidental hauling).		
(29)	Production of fuel (including charcoal by burning) by exploitation of forests.		
(30)	Gathering of fodder by exploitation of forests.		
(31)	Gathering of uncultivated materials such as gums, resins, lac, barks, herbs, wild fruits and leaves by exploitation of forests.		
(32)	Other forest products not elsewhere classified such as mungh.		
	<i>Fishing</i>		
(33)	Ocean, sea and coastal fishing.		
(34)	Inland water fishing.		
(35)	Pisciculture—rearing of fish.		
(36)	Collection of pearls, conches, shells, sponge and other sea products.		
(37)	Fishing and allied activities not elsewhere classified.		
18.	In Transport, Storage, Warehousing and Communications specified in the Schedule:	2-10-1977	S.O. 697(E), dated 30-9-1977

SCHEDULE

Transport, Storage and Communications

- (1) Services incidental to Transport, such as packing, crating, travel agency.

Sl. No.	Establishment	Date	Authority
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Storage and Warehousing

- (2) Warehousing.
- (3) Cold storage.
- (4) Storage and Warehousing not elsewhere classified.

Communications

- (5) Postal, telegraphic, wireless and signal communications
- (6) Telephone communications
- (7) Communications not elsewhere classified.

19. On construction and in activities therewith, specified in 2-10-1977 S.O. 699(E),
Schedule: dated 30-9-1977

SCHEDULE

I. Construction

- (1) Construction and maintenance of buildings (including aerodromes).
- (2) Construction and maintenance of roads, railways, bridges, tunnels, pipelines, ports, harbours, runways and similar works.
- (3) Construction and maintenance of telegraph and telephone lines and other communication systems.
- (4) Construction and maintenance of waterways and water reservoirs such as bunds, embankments, dams, canals, tanks, wells and tubewells.
- (5) Construction of hydro-electric projects.
- (6) Construction of industrial plants including thermal plants.
- (7) Construction not elsewhere classified.

II. Activities connected with construction

- (1) Plumbing.
- (2) Heating and air conditioning installation, lift installation, soundproofing and similar works.
- (3) Setting of tile, marble, brick, glass and stone.
- (4) Timber works such as fixing of doors, windows, panels, painting and decorating.
- (5) Electrical installation.
- (6) Other activities connected with construction not elsewhere classified, such as fixing of handpumps.

20. In Air-Transport Industry consisting of:— 26-1-1978 S.O. 93, dated 31-12-1977.
- (i) Air-transport carriers (passengers and freight).
 - (ii) Supporting services to air transport, like operation of airports, flying facilities, radio beacons, flying control centres, radar stations and such others.
21. In Real Estate and Business Services and Legal Services 6-3-1978 S.O. 144(E), dated 2-3-1978
specified in the Schedule:

Sl. No.	Establishment	Date	Authority
SCHEDULE			
I.	<i>Real Estate and Business Services</i>		
(1)	Purchase, sale, letting and operating of real estate such as residential and non-residential buildings, developing and sub-dividing real estate into plots, lessors of real property, real estate 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, architectural and technical services.		
(7)	Advertising and Publicity services.		
(8)	Machinery and equipment, rental and 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, packaging and filling.		
II.	<i>Legal Services</i>		
(11)	Legal services, such as those rendered by advocates, barristers, solicitors, pleaders, mukhtars and such others.		
22.	In relation to Community, Social and Personal Services specified in the Schedule:	3-6-1978	S.O. 356(E), dated 26-5-1978

SCHEDULE

Sanitary Services

Sanitation and similar services such as garbage and sewage disposal, operation of drainage systems and all other types of work connected with public health and sanitation.

Medical and Health Services

Veterinary Services.

Community Services

- (1) Religious services by 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 others.
- (3) Business, professional and labour organisations.
- (4) Community services not elsewhere classified.

Recreational and Cultural Services

- (1) Motion picture production.

Sl. No.	Establishment	Date	Authority
(2)	Motion picture distribution and projection.		
(3)	Theatrical producers and entertainment services.		
(4)	Authors, Music composers and other independent artist 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.		
<i>Personal Services</i>			
(1)	Domestic services.		
(2)	Laundries, laundry services and cleaning and dyeing plants.		
(3)	Hair dressing such as those done by barbers, hair-dressing saloons and beauty shops.		
(4)	Portrait and commercial photographic studios.		
(5)	Personal services not elsewhere classified.		
<i>Repair Services</i>			
(1)	Repair of footwear and other leather goods.		
(2)	Electrical Repair shops.		
(3)	Repair of Motor vehicles and Motorcycles.		
(4)	Repair of watches, clocks and jewellery.		
(5)	Repair of Bicycles and Cycle Rickshaws.		
(6)	Repair in enterprises not elsewhere classified.		
<i>Other Services</i>			
Services in relation to Community, Social and Personal Services not elsewhere specified in this Schedule.			

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means,—

(i) in relation to any employment carried on by or under the authority of the Central Government or a railway administration, or in relation to a banking company, a mine, oilfield or major port or any corporation established by or under a Central Act, the Central Government, and

(ii) in relation to any other employment, the State Government;

(b) “commencement of this Act” means, in relation to an establishment or employment, the date on which this Act comes into force in respect of that establishment or employment;

(c) “employer” has the meaning assigned to it in clause (f) of Section 2 of the Payment of Gratuity Act, 1972 (39 of 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;
- (g) "remuneration" means the basic wage or salary, and any additional emoluments whatsoever payable, either in cash or in kind, to a person employed in respect of employment or work done in such employment, if the terms of the contract of employment, express or implied, were fulfilled;
- (h) "same work or work of a similar nature" means work in respect of which the skill, effort and responsibility required are the same, when performed under similar working conditions, by a man or a woman and the differences, if any, between the skill, effort and responsibility required of a man and those required of a woman are not of practical importance in relation to the terms and conditions of employment;
- (i) "worker" means a worker in any establishment or employment in respect of which this Act has come 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.

NOTES ▶ For exemption from furnishing returns and maintaining registers by small and very small establishments, see Labour Laws (Simplification of Procedure for Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988 (51 of 1988).

CASE LAW ▶ **Same work or work of a similar nature, meaning.**—Under clause (h), the stress is upon the similarity of skill, efforts and responsibility when performed under similar conditions, *State of M.P. v. Pramod Bhartiya*, (1993) 1 SCC 539, 547.

In deciding whether the work is the same or of a similar nature, a broad approach should be taken. In doing so the duties actually and generally performed by men and women and not those theoretically possible, should be looked at, *Mackinnon Mackenzie & Co. v. Audrey D'Costa*, (1987) 2 SCC 469 : 1987 SCC (L&S) 100.

The question of equal work depends on various factors like responsibility, skill, effort and condition of work, *Ashok Kumar Garg v. State of Rajasthan*, (1994) 3 SCC 357 : 1994 SCC (L&S) 768 : (1994) 27 ATC 200; *Irene Fernandes v. Neo Pharma (P) Ltd.*, (1997) 1 CLR 1064 : (1997) 2 LLN 390 (Bom)(DB).

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 in force.

CASE LAW ▶ **Discrimination between male and female employees.**—A settlement arrived at between the management and the employees cannot be a valid ground for effecting discrimination in payment of remuneration between male and female employees performing the same work or work of a similar nature, *Mackinnon Mackenzie & Co. v. Audrey D'Costa*, (1987) 2 SCC 469 : 1987 SCC (L&S) 100.

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 or 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 or work of a similar nature are different only on the ground of sex, then the higher (in cases where there are only two rates), or, as the case may be, the highest (in cases where there are more than two rates), of 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 of this Act.

CASE LAW ► Applicability of proviso to Section 4(3).—The proviso to sub-section (3) of Section 4 operates only where sub-section (3) is applicable and not elsewhere, *Mackinnon Mackenzie & Co. v. Audrey D'Costa*, (1987) 2 SCC 469 : 1987 SCC (L&S) 100.

► **Equal remuneration to men and women workers.**—The benefit conferred on females under the Act is not absolute and unconditional. Section 16 clearly authorises restrictions regarding remuneration to be paid by the employer if a declaration under it is made by the appropriate Government, *Air-India v. Nargesh Meerza*, (1981) 4 SCC 335 : 1981 SCC (L&S) 599.

The principle of equal pay for equal work is not applicable in professional services, *C. Girijambal v. Govt. of A.P.*, (1981) 2 SCC 155 : 1981 SCC (L&S) 293.

Where Confidential Lady Stenographers and general male stenographers of a company performed the same work or work of a similar nature, payment of lower remuneration to the former violated Section 4(1), *Mackinnon Mackenzie & Co. v. Audrey D'Costa*, (1987) 2 SCC 469 : 1987 SCC (L&S) 100.

► **Exemption from the Act.**—No exemption from the Act can be claimed by an employer on the ground of financial incapability, *Mackinnon Mackenzie & Co. v. Audrey D'Costa*, (1987) 2 SCC 469 : 1987 SCC (L&S) 100.

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, ³[or in 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.

CASE LAW ▶ Equal remuneration to men and women workers.—Under Section 5 of Equal Remuneration Act of 1976, early-age retirement policy of air hostesses cannot be described as discriminatory conditions of service on the basis of sex alone, *Air-India Cabin Crew Assn. v. Yeshaswinee Merchant*, (2003) 6 SCC 277.

6. Advisory Committee.—(1) For the purpose of providing increasing employment opportunities for women, the appropriate Government shall constitute one or more Advisory Committees to advise it with regard to the extent to which women may be employed in such establishments or employments 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 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 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, that adequate steps be 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, 1908 (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 Section 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 Section 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.

NOTIFICATIONS

(1)

S.O. 442(E), dt. 13-5-1998.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Equal Remuneration Act, 1976 (25 of 1976) and in supersession of the notification of Government of India in the Ministry of Labour No. S.O. 393(E), dated the 18th May, 1990, 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 authorised for the purpose of the said 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, namely:—

TABLE

Officers		Local Limits
1		2
1.	Assistant Labour Commissioners (Central) in the office of the Chief Labour Commissioner (Central) New Delhi.	Whole of India
2.	Assistant Labour Commissioners (Central) in Ajmer Region.	The State of Rajasthan
3.	Assistant Labour Commissioners (Central) in Asansol Region.	The State of West Bengal
4.	Assistant Labour Commissioners (Central) in Ahmedabad Region.	The State of Gujarat and Union Territories of Dadra and Nagar Haveli, and Daman and Diu
5.	Assistant Labour Commissioners (Central) in Bangalore Region	The State of Karnataka
6.	Assistant Labour Commissioners (Central) in Bhubaneshwar Region.	The State of Orissa
7.	Assistant Labour Commissioners (Central) in Bombay Region.	(i) The State of Maharashtra (ii) The State of Goa
8.	Assistant Labour Commissioners (Central) in Nagpur Region.	The State of Maharashtra
9.	Assistant Labour Commissioners (Central) in Calcutta Region.	(i) The State of West Bengal (ii) The State of Sikkim (iii) The Union Territory of Andaman and Nicobar Islands
10.	Assistant Labour Commissioners (Central) in Cochin Region.	The State of Kerala and the Union Territory of Lakshadweep
11.	Assistant Labour Commissioners (Central) in Chandigarh Region.	(i) The State of Himachal Pradesh (ii) The State of Haryana (iii) The State of Punjab (iv) The State of Jammu and Kashmir (v) The Union Territory of Chandigarh
12.	Assistant Labour Commissioners (Central) in Dhanbad Region.	The State of Bihar
13.	Assistant Labour Commissioners (Central) in Patna Region.	The State of Bihar
14.	Assistant Labour Commissioners (Central) in Guwahati Region.	(i) The State of Assam (ii) The State of Nagaland (iii) The State of Meghalaya (iv) The State of Tripura

		(v) The State of Manipur
		(vi) The State of Mizoram
		(vii) The State of Arunachal Pradesh
15.	Assistant Labour Commissioners (Central) in Hyderabad Region.	The State of Andhra Pradesh and Yanam of the Union Territory of Pondicherry
16.	Assistant Labour Commissioners (Central) in Jabalpur Region.	The State of Madhya Pradesh
17.	Assistant Labour Commissioners (Central) in Kanpur Region.	The State of Uttar Pradesh (except the districts of Agra, Aligarh, Bulandshahr, Ghazia-bad, Meerut and Mathura)
18.	Assistant Labour Commissioners (Central) in Madras Region.	The State of Tamil Nadu and the Union Territory of Pondicherry (except Yanam)
19.	Assistant Labour Commissioners (Central) in Delhi Region.	The National Capital Territory of Delhi and the Districts of Agra, Aligarh, Bulandshahr, Ghaziabad, Meerut and Mathura

(2)

S.O. 441(E), dt. 13-5-1998.—In exercise of the powers conferred by sub-section (6) of Section 7 of the Equal Remuneration Act, 1976 (25 of 1976) and in supersession of the notification of Government of India in the Ministry of Labour No. S.O. 395(E), dated the 18th May, 1990, the Central Government hereby specifies the Officers mentioned in Column (1) of the Table below to be authorities for the purpose of the said sub-section for the areas specified in the corresponding entry in Column (2) thereof.

TABLE

Officers		Local Limits
1		2
1.	Regional Labour Commissioners (Central) in the office of the Chief Labour Commissioner (Central), New Delhi.	Whole of India
2.	Regional Labour Commissioners (Central) in Ajmer Region.	The State of Rajasthan
3.	Regional Labour Commissioners (Central) in Asansol Region.	The State of West Bengal
4.	Regional Labour Commissioners (Central) in Ahmedabad Region.	The State of Gujarat and Union Territories of Dadra and Nagar Haveli, and Daman and Diu
5.	Regional Labour Commissioners (Central) in Bangalore Region.	The State of Karnataka
6.	Regional Labour Commissioners (Central) in Bhubaneswar Region	The State of Orissa
7.	Regional Labour Commissioners (Central) in Bombay Region.	(i) The State of Maharashtra (ii) The State of Goa
8.	Regional Labour Commissioners (Central) in Nagpur Region.	The State of Maharashtra

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| 9. | Regional Labour Commissioners
(Central) in Calcutta Region. | (i) The State of West Bengal
(ii) The State of Sikkim
(iii) The Union Territory of Andaman and
Nicobar Islands |
| 10. | Regional Labour Commissioners
(Central) in Cochin Region. | The State of Kerala and the Union Territory of
Lakshadweep |
| 11. | Regional Labour Commissioners
(Central) in Chandigarh Region. | (i) The State of Himachal Pradesh
(ii) The State of Haryana
(iii) The State of Punjab
(iv) The State of Jammu and Kashmir
(v) The Union Territory of Chandigarh |
| 12. | Regional Labour Commissioners
(Central) in Patna Region. | The State of Bihar
(i) The State of Assam |
| 13. | Regional Labour Commissioners
(Central) in Guwahati Region. | (ii) The State of Nagaland
(iii) The State of Meghalaya
(iv) The State of Tripura
(v) The State of Manipur
(vi) The State of Mizoram
(vii) The State of Arunachal Pradesh |
| 14. | Regional Labour Commissioners
(Central) in Hyderabad Region. | The State of Andhra Pradesh and Yanam of the
Union Territory of Pondicherry |
| 15. | Regional Labour Commissioners
(Central) in Jabalpur Region. | The State of Madhya Pradesh |
| 16. | Regional Labour Commissioners
(Central) in Kanpur Region. | The State of Uttar Pradesh (except the districts
of Agra Aligarh, Bulandshahr, Ghaziabad,
Meerut and Mathura) |
| 17. | Regional Labour Commissioners
(Central) in Madras Region. | The State of Tamil Nadu and the Union
Territory of Pondicherry (except Yanam) |
| 18. | Regional Labour Commissioners
(Central) in Delhi Region. | The National Capital Territory of Delhi and
the districts of Agra, Aligarh, Bulandshahr,
Ghaziabad, Meerut and Mathura |

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 Section 21 of the Indian Penal Code (45 of 1860).

(3) An Inspector may, at any place within the local limits of his jurisdiction,—

- (a) enter, at any reasonable time, with such assistance as he thinks fit, any building, factory, premises or vessel;
- (b) require any employer to produce any register, muster-roll or other documents relating to the 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.

NOTIFICATION

S.O. 443(E), dt. 13-5-1998.—In exercise of the powers conferred by sub-section (1) of Section 9 of the Equal Remuneration Act, 1976 (25 of 1976) and in supersession of the notification of Government of India in the Ministry of Labour No. S.O. 394(E), dated the 18th May, 1990, the Central Government hereby appoints the persons specified in Column (1) of the Table below to be the 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 such investigation.

TABLE

Persons				Local Limits
1				2
1.	Labour Enforcement Officers (Central) in the Office of the Chief Labour Commissioner (Central), New Delhi			Whole of India
2.	Labour Enforcement Officers (Central) in Ajmer Region.			The State of Rajasthan
3.	Labour Enforcement Officers (Central) in Asansol Region.			The State of West Bengal
4.	Labour Enforcement Officers (Central) in Ahmedabad Region.			The State of Gujarat and Union Territories of Dadra and Nagar Haveli, and Daman and Diu
5.	Labour Enforcement Officers (Central) in Bangalore Region.			The State of Karnataka

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| 6. | Labour Enforcement Officers
(Central) in Bhubaneswar Region. | The State of Orissa |
| 7. | Labour Enforcement Officers
(Central) in Bombay Region. | (i) The State of Maharashtra
(ii) The State of Goa |
| 8. | Labour Enforcement Officers
(Central) in Nagpur Region. | The State of Maharashtra |
| 9. | Labour Enforcement Officers
(Central) in Calcutta Region. | (i) The State of West Bengal
(ii) The State of Sikkim
(iii) The Union Territory of Andaman and
Nicobar Islands |
| 10. | Labour Enforcement Officers
(Central) in Cochin Region. | The State of Kerala and the Union Territory of
Lakshadweep |
| 11. | Labour Enforcement Officers
(Central) in Chandigarh Region. | (i) The State of Himachal Pradesh
(ii) The State of Haryana
(iii) The State of Punjab
(iv) The State of Jammu and Kashmir
(v) The Union Territory of Chandigarh |
| 12. | Labour Enforcement Officers
(Central) in Dhanbad Region. | The State of Bihar |
| 13. | Labour Enforcement Officers
(Central) in Patna Region. | The State of Bihar |
| 14. | Labour Enforcement Officers
(Central) in Guwahati Region. | (i) The State of Assam
(ii) The State of Nagaland
(iii) The State of Meghalaya
(iv) The State of Tripura
(v) The State of Manipur
(vi) The State of Mizoram
(vii) The State of Arunachal Pradesh |
| 15. | Labour Enforcement Officers
(Central) in Hyderabad Region. | The State of Andhra Pradesh and Yanam of the
Union Territory of Pondicherry |
| 16. | Labour Enforcement Officers
(Central) in Jabalpur Region. | The State of Madhya Pradesh. |
| 17. | Labour Enforcement Officers
(Central) in Kanpur Region. | The State of Uttar Pradesh (except the districts
of Agra, Aligarh, Bulandshahr, Ghaziabad,
Meerut and Mathura) |
| 18. | Labour Enforcement Officers
(Central) in Madras Region. | The State of Tamil Nadu and the Union
Territory of Pondicherry (except Yanam) |
| 19. | Labour Enforcement Officers
(Central) in Delhi Region. | The National Capital Territory of Delhi and
the Districts of Agra, Aligarh, Bulandshahr,
Ghaziabad, Meerut and Mathura |
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10. Penalties.—(1) If after the commencement of this Act, any employer, being required by or under the Act, so to do—

- (a) omits or fails to maintain any register or other document in relation to workers employed by him, or
- (b) omits or fails to produce any register, muster-roll or other document relating to the employment of 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 giving evidence, or
- (d) omits or refuses to give any information,

he shall be punishable ⁴[with simple imprisonment for a term which may extend to one month or with fine which may extend to ten thousand rupees or with 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 and women workers, for the same work or work of a similar nature, or
- (c) makes any discrimination between men and women workers in 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 Section 6,

he shall be punishable ⁵[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 year 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 an Inspector any register or other document or to give any information, he shall be punishable with fine which may extend to five hundred rupees.

STATE AMENDMENT

GUJARAT.—In its application to the State of Gujarat, in Section 10, in sub-section (3), for the words “five hundred rupees”, the words “twenty-one thousand rupees” shall be substituted. [Vide Guj. Act 29 of 2015, S. 23 (w.e.f. 1-1-2016)]

MADHYA PRADESH.—See below S. 11.

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 to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed

4. Subs. by Act 49 of 1987, S. 3.

5. Subs. by Act 49 of 1987, S. 3.

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.

STATE AMENDMENT

SECTION 11-A

GUJARAT.—In its application to the State of Gujarat, after Section 11, the following section shall be inserted, namely:—

“11-A. *Compounding of offences.*—(1) Any offence punishable under Section 10 may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the Official Gazette, specify in this behalf for such amount as specified in the Table below:

TABLE

Sl. No.	Sections	Compounding amount			
		3			
1	2				
		Number of workers employed in the Establishments or employment	For first offence	For second offence	For third offence
1	10(1) and 10(3)	1 to 50	₹ 1500	₹ 3000	₹ 6000
		51 to 100	₹ 3000	₹ 6000	₹ 10, 000
		101 to 500	₹ 4000	₹ 8000	₹ 15, 000
		more than 500	₹ 5000	₹ 10,000	₹ 20,000
2	10(2)	Difference in the remuneration paid and actually payable, for 90 days for every completed year of service of each worker:			

Provided that the State Government may, by notification in the Official Gazette, amend the compounding amount specified in the Table above:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

Provided further that when an offence is compounded on an application by the employer, then seventy-five per cent of the compounding amount received from him, shall be paid to the concerned worker or equally amongst the workers and if any workers are not identifiable, then the remaining amount shall be deposited in the Gujarat State Social Security Board constituted under the Unorganised Workers' Social Security Act, 2008 (33 of 2008).

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged.” [Vide. Guj. Act 29 of 2015, S. 24 (w.e.f. 1-1-2016)].

MADHYA PRADESH.—For the State of Madhya Pradesh, Part IX and Section 16 of M.P. Act 21 of 2015 provides w.e.f. 27-11-2015 as follows:

“PART IX

COMPOSITION OF OFFENCES AND ABATEMENT OF TRIALS UNDER CERTAIN LABOUR LAWS

16. *Composition of offences under certain Labour Laws in the State of Madhya Pradesh.*—(1) Notwithstanding anything contained in the following Acts, namely—

- (i) Equal Remuneration Act, 1976 (No. 25 of 1976);
- (ii) Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by certain Establishments) Act, 1988 (No. 51 of 1988);
- (iii) Minimum Wages Act, 1948 (No. 11 of 1948);
- (iv) Payment of Wages Act, 1936 (No. 4 of 1936);
- (v) Sales Promotion Employees' (Conditions of Service) Act, 1976 (No. 11 of 1976), an officer authorised by the State Government in this behalf by notification may compound.

(a) any offence punishable with only fine under these Acts committed for the first time or after expiry of a period of two years of commitment of previous offence (if any), either before or after institution of the prosecution, on realisation of such amount of composition fee, as he thinks fit, not exceeding the maximum amount of fine but not less than half of the maximum amount of fine for the offence, or

(b) any offence punishable with fine and imprisonment up to three months under these Acts committed for the first time, either before or after institution of the prosecution, on realisation of composition fee of an amount equivalent to ten times of the maximum fine subject to a minimum of Rs 10,000 for offences punishable with imprisonment up to one month Rs 20,000 for offences punishable with imprisonment up to two months or Rs 30,000 for offences punishable with imprisonment up to three months.

(2) When the offence is so compounded—

- (i) before the institution of the prosecution the offender shall not be liable to prosecution and shall, if in custody, be set at liberty;
- (ii) after the institution of prosecution, the composition shall amount to acquittal of the offender.”

UTTAR PRADESH.—In its application to the State of Uttar Pradesh, after Section 11 the following section shall be inserted, namely—

“11-A. *Composition of offences.*—(1) Any offence punishable under this Act with fine only or with imprisonment up to one month or with both shall be compounded on the application of accused before or after institution of prosecution by a competent authority notified by the State

Government, after imposing 50% of the fine for the offence as compounding fee along with the prescribed fine:

Provided that remedy for compounding shall be available for the first offence only.

(2) Every officer referred to in sub-section (1) shall exercise the power to compound an offence, subject to direction, control and supervision of the State Government.

(3) Every application for the compounding of an offence shall be made in such form and in such manner as may be prescribed.

(4) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.

(5) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought by the officer referred to in sub-section (1) in writing to the notice of the court in which prosecution is pending and on such notice of the composition of the offence being given, the person against whom the offence is so compounded shall be discharged." [Vide U.P. Act 17 of 2018, S. 2, dated 12-1-2018].

6[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 cognizance 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 organisation or institution recognised in this behalf by the Central or State Government.]

NOTIFICATIONS

(1)

S.O. 68(E), dt. January 28, 1981.—In exercise of the powers conferred by sub-section (2) of Section 12 of the Equal Remuneration Act, 1976 (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 clause (a)(i) of Section 2 of the said Act, for the whole of India.

(2)

S.O. 143, dt. December 26, 1989.—In pursuance of clause (a) of sub-section (2) of Section 12 of the Equal Remuneration Act, 1976 (25 of 1976) and in supersession of the order of the Government of India in the Ministry of Labour No. S.O. 2092, dated the 26th April, 1985, except as respects things done or omitted to be done before such supersession, the Central Government hereby authorises the Labour Enforcement Officers (Central) to file complaints in courts in respect of offences under Section 10 of the said Act.

13. Power to make rules.—(1) 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 Section 7 shall be made;
- (b) registers and other documents which an employer is required under Section 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.

STATE AMENDMENTS

Madhya Pradesh.—M.P. Act 21 of 2015, Part X, Part XI and Sections 17 and 18 in this regard provides w.e.f. 27-11-2015:

“PART X

EXEMPTION FROM MAINTAINING MULTIPLE REGISTERS SUBMISSION OF MULTIPLE RETURNS

17. Exemption from maintaining multiple registers and submission of multiple returns under certain Labour Laws in the State of Madhya Pradesh.—Notwithstanding anything contained in the provisions of the following Acts, namely—

- (i) Contract Labour (Regulation and Abolition) Act, 1970 (No. 37 of 1970);
- (ii) Equal Remuneration Act, 1976 (No. 25 of 1976);
- (iii) Factories Act, 1948 (No. 63 of 1948);
- (iv) Industrial Disputes Act, 1947 (No. 14 of 1947);
- (v) Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (No. 30 of 1979);
- (vi) Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by certain Establishments) Act, 1988 (No. 51 of 1988);
- (vii) Maternity Benefit Act, 1961 (No. 53 of 1961);
- (viii) Minimum Wages Act, 1948 (No. 11 of 1948);
- (ix) Motor Transport Workers Act, 1961 (No. 27 of 1961);
- (x) Payment of Bonus Act, 1965 (No. 21 of 1965);
- (xi) Payment of Gratuity Act, 1972 (No. 39 of 1972);
- (xii) Payment of Wages Act, 1936 (No. 4 of 1936);
- (xiii) Sales Promotion Employees (Conditions of Service) Act, 1976 (No. 11 of 1976);

the State Government by order may devise or notify forms for maintaining registers and records and furnishing returns by an employer or establishment in lieu of the forms prescribed under the said Acts and the rules made thereunder:

Provided that the State Government may allow the registers and records to be maintained in computerised or digital formats.

PART XI

MISCELLANEOUS PROVISIONS

18. Power to make rules.—(1) The State Government, subject to the condition of previous publication, may make rules for the purpose of giving effect to the provisions of this Act.

(2) All rules made under this Act shall, as soon as after they are made, be laid on the table of the Legislative Assembly."

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.

⁷[**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 requirements of any law giving special treatment to women, or
- (b) to any special treatment accorded to women in connection with—
 - (i) the birth or expected birth of a child, or
 - (ii) the terms and conditions relating to retirement, marriage or death or to any provision made in connection with the retirement, marriage or death.]

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 contravention of any provision of this Act.

NOTIFICATION

S.O. 2257, dt. 15th June, 1979.—In exercise of the powers conferred by Section 16 of the Equal Remuneration Act, 1976 (25 of 1976) the Central Government, having considered all the circumstances relating to, and terms and conditions of employment of Air Hostesses and Flight Stewards, are satisfied that the differences in regard to pay, etc., of these categories of employees are based on different conditions of service and not on the difference of sex. The Central Government, therefore, declares that any act of the employer attributable to such differences shall not be declared to be in contravention of any of the provisions of the Act.

17. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by notification, make any order, not inconsistent with the provisions of this Act, which appears to 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.
