

The Equal Remuneration Rules, 1976

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The Equal Remuneration Rules, 1976¹

In exercise of the powers conferred by Section 13 of the Equal Remuneration Act, 1976 (25 of 1976) and the supersession of Equal Remuneration Rules, 1975, the Central Government hereby makes the following rules, namely—

CHAPTER I PRELIMINARY

1. Short title and commencement.—(1) These rules may be called the Equal Remuneration Rules, 1976.

(2) They shall come into force on the date of their publication in the Official Gazette.

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

- (a) “Act” means the Equal Remuneration Act, 1976 (25 of 1976);
- (b) “Authority” means an authority appointed by the appropriate Government under sub-section (1) of Section 7;
- (c) “Form” means a form appended to these rules;
- (d) “section” means a section of the Act;
- (e) “registered Trade Union” means a Trade Union registered under the Trade Unions Act, 1926 (16 of 1926).

CHAPTER II COMPLAINTS AND CLAIMS UNDER THE ACT

3. Complaints regarding contravention of the Act.—(1) Every complaint under clause (a) of sub-section (1) of Section 7 shall be made in triplicate, in Form “A” to the Authority.

(2) A single complaint may be made by, or on behalf of, or in relation to, a group of workers, if they are employed in the same establishment and the complaint relates to the same contravention.

(3) A complaint may be made by the worker himself or herself or by any legal practitioner, or by any official of a registered Trade Union, authorised in writing to appear and act on his or her behalf or by any Inspector appointed under Section 9 or by any other person acting with the permission of the Authority.

4. Claim regarding non-payment of wages, etc.—(1) Every claim under clause (b) of sub-section (1) of Section 7 shall be made by petition in triplicate, in Form “B” to the Authority.

(2) A single petition may be made by, or on behalf of, or in relation to, a group of workers, if they are employed in the same establishment and their claims are of the same nature.

¹ Vide G.S.R. 119(E), dt. March 11, 1976, published in Gaz. of India, Extra., Pt. II, S. 3(ii), dt. 11th March, 1976, pp. 611-622.

(3) A claim may be made by the worker himself or herself or by any legal practitioner, or by any official of a registered Trade Union, authorised in writing to appear and act on his or her behalf or by any Inspector appointed under Section 9 or by any other person acting with the permission of the Authority.

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

CHAPTER III REGISTERS TO BE MAINTAINED

²[6. Registers to be maintained by the employer.—Every employer shall maintain up to date a register in relation to the workers employed by him ³[in Form B specified in the Schedule to the Ease of Compliance to Maintain Registers under various Labour Laws Rules, 2017] at the place where the workers are employed.]

FORMS

Editorial Note: Drastic amendments to the Forms under this Rule have been made by Ease of Compliance to Maintain Registers under various Labour Laws Rules, 2017, Rule 1 and 2 of which provide as follows:

“1. Short title and commencement.—(1) These rules may be called the Ease of Compliance to Maintain Registers under various Labour Laws Rules, 2017.

(2) They shall come into force on the date of their publication in the Official Gazette.

[These Rules came into force on 21-2-2017, *vide* G.S.R. No. 154(E), dated 21-2-2017]

2. Maintenance of registers under certain labour related laws.—(1) Notwithstanding anything contained in any rules made under the,—

- (i) Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (27 of 1996);
- (ii) Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970);
- (iii) Equal Remuneration Act, 1976 (25 of 1976);
- (iv) Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (30 of 1979);
- (v) Mines Act, 1952 (35 of 1952);
- (vi) Minimum Wages Act, 1948 (11 of 1948);
- (vii) Payment of Wages Act, 1936 (4 of 1936);
- (viii) Sales Promotion Employees (Conditions of Service) Act, 1976 (11 of 1976); and
- (ix) Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955);

the combined registers in the Forms specified in the Schedule* to these rules shall be maintained either electronically or otherwise and used for the purposes, of the aforesaid enactments and the rules made thereunder, as specified therein.

(2) If the combined register referred to in sub-rule (1) is required for inspection by the concerned Inspector appointed under any of the enactments referred to in the said sub-rule, the concerned persons

² Subs. by S.O. 4095 dt. 24-10-1983.

³ Subs. for “in Form D” by G.S.R. 154(E), dt. 21-2-2017 (w.e.f. 21-2-2017).

* *Vide* G.S.R. 154(E), dated 21-2-2017, published in the Gazette of India, Extra., Part II, Section 3(i), dated 21-2-2017, No. 126.

shall make available the combined registers or provide the necessary particulars for the purposes of accessing the information, as the case may be.

(3) Where any register referred to in sub-rule (1) is maintained in electronic form, then, layout and presentation of the register may be adjusted without changing the integrity, serial number and contents of the columns of the register, but not otherwise."

***[FORM A**

(To be submitted in triplicate)

[See Rule 3(1)]

*Complaint under clause (a) of sub-section (1) of Section 7 of
the Equal Remuneration Act, 1976 (25 of 1976)*

To

The Authority appointed under sub-section 1 of Section 7

.....(Address)

A..... Complainant(s)

..... Full address

Versus

B..... Opposite Party

..... Full address

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

—

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

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

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

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

Signature(s)/thumb impression(s)
of the complainant(s)

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

Signature of the legal practitioner/
official of a registered Trade Union duly authorised

Station.....

Date.....

*Strike out this portion if inapplicable.

FORM B

(To be submitted in triplicate)

[See Rule 4(1)]

*Claim under clause (b) of sub-section (1) of Section 7 of the
Equal Remuneration Act, 1976 (25 of 1976)*

To

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

.....(Address)

A.....Petitioner(s)

.....Full address

Versus

B.....Opposite Party

.....Full address

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

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

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

Signature(s)/thumb-impression(s)
of the petitioner(s)

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

Signature of the legal practitioner/official
of a registered Trade Union duly authorised

Station

Date

*Strike out this portion if inapplicable.

FORM C

[See Rule 5]

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

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

Signature(s)/thumb-impression(s)
of the worker(s)

Station

Date

Witness

(1)

(2)

(3)

I accept the authorisation.

Station

Date

*Strike out whichever is inapplicable.

*Legal practitioner/Official
of a registered Trade Union

FORM D

⁴[* * *]
