

## CONSTITUTIONAL PROTECTION AGAINST UNEQUAL REMUNERATION IN INDIA

**Jyoti Pawar**

*Research Scholar*

*Glocal University Uttar Pradesh*

**Dr. Umar Jahan**

*Research Supervisor*

*Glocal University Uttar Pradesh*

**Abstract:** Equalization of pay is one of the main principles of Indian Constitution to maintain the justice and equity in the work place. Wage differences on the basis of gender, caste, and other discriminatory dysfunctions remain prevalent in the sectors throughout India even though safeguarded by the constitutional provisions. The paper examines the provisions of the Constitution, court interventions and modern problems with providing equal pay. The paper conducts descriptive statistics and hypothesis testing in its attempt to address the up-to-date situation of wage equality and also challenge the efficiency of the measures provided by the constitution. The paper ends with policy changes suggestions, as well as measures to deal with wage inequality through tighter enforcement.

**Keywords:** Equal pay, unequal remuneration, Indian Constitution, gender wage gap, judicial intervention, labor law, wage equality.

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### I. INTRODUCTION

Social justice and economic development are based on wage equality. It makes sure that all the workers (male or female, caste or religion etc.) are well compensated according to the amount of work done. The problem of unequal remuneration in India has had historical origins since the effects of the social hierarchy, gender prejudice, and discrimination in the formal and informal labor market are firmly provided. Regardless of the high economic growth and involvement of more people in work, pay differences still exist especially among women, marginalized groups and those in the low-paying informal sectors.

Wage equality is an important part of justice and equality that is provided in the Constitution of India. Article 14 ensures that no one is discriminated arbitrarily and the equality before the law is guaranteed. Article 15 clearly bars the act of discrimination due to sex, caste, religion, place of origin. In addition, Article 39(d) of the Directive Principles of State Policy means that the state must provide equal remuneration to men and women

employed in equal amounts of work, and therefore, remuneration must be fair, non discriminatory and just. The same provisions are further supported with acts like the Equal Remuneration Act, 1976 which gives practical application of the constitutional requirement since this piece of legislation legally forbids the act of discrimination in regard to payment on the basis of gender.

The existence of constitutional clauses and legislation alone, however, is not a direct pay-off towards wage equality. Different research and articles point out that females in India still receive much lower salaries as compared to their male counterparts, despite carrying out the same roles and duties. This is what the International Labour Organization (2018) claims about the Indian market: the global gender pay gap still exists and women in Indian companies receive an average of 19-20 less than men in equivalent positions. The cultural biases, lack of skills, and labor effectiveness such as occupational segregation, the imbalance between access to education, and access to skills, and insufficient

enforcement of labor regulations aggravate the issue.

The judicial system has been instrumental in correcting these imbalances by making progressive interpretations of the provisions of the constitution. The rulings were historic like *Randhir Singh v. Union of India* and *Air India v. Nergesh Meerza*, show how the courts are eager to enforce the wage equality and establish precedents to be followed in future. Not only have these rulings clarified the significance of equal pay, but it has also brought out the fact that wage discrimination is an abuse to basic rights and constitutional guarantees.

The purpose of this research paper is to give an in depth analysis concerning the constitutional construct and judicial intervention to prevent inequality in remuneration in India. It tries to analyze the efficacy of the current legislative, which seems to have some unresolved breaches in the wage equality, as well as find out the difficulties to implement such actions. Integrating the legal examination of the topic with empirical evidence, the study attempts to offer a comprehensive picture of the wage inequality in India and recommend a policy action to be taken by policymakers, employers, and the civil society to make the idea of equal pay a practical one and not an ideal recommended by the Constitution.

## II. LITERATURE REVIEW

The problem of remuneration equality and the constitutional safeguard of the unequal compensation is extensively examined in the academic literature, with the emphasis being put on legal and socio-economic viewpoints and the policy aspects. Chandra (2015) is a thorough assessment of the constitutional provisions of equality in non-discrimination in India. The paper highlights Articles 14, 15, and 39 (d) of the Indian Constitution whose role is to protect the rights of workers against any form of discrimination in employment. Chandra maintains that although there are

obvious constitutional requirements, it is still hard to practice it practically because there are loopholes in the implementation procedures and prejudices in society. The paper also looks at judicial interpretations that strengthen the ideas of equality in which it demonstrates the role the courts have played in molding the interpretation and implementation of the constitutional provisions on employment issues.

This analysis is complemented by Jain (2019) who presents a comprehensive description of the Indian constitutional law with particular attention to the labor rights and the equal pay. The book covers the legislative framework, such as the Equal Remuneration Act, 1976, which puts into practice the equal pay guarantee in the constitution of equal pay, equal work. Jain notes that the provisions is not enough without an actual enforcement, institutional policing, and enlightenment to employees about their rights. The article emphasizes the interaction of constitutional requirements, statute legislation and court proclamation in the formation of fair remuneration practices in India.

Dwelling upon judicial interferences, Sharma (2020) takes a critical look at landmark cases and Supreme Court rulings concerning wage equality. The research finds the concept of judicial activism as an important resource in solving wage gaps and implementing the provisions of equal pay. Sharma notes that the courts have frequently adopted a broad concept of equality and gone further than what the statutes demanded and ensured that the discriminatory acts are vetted. The discussion indicates that judicial checks and balances have been very instrumental in maintaining the gap between constitutional ideals and realities in the workplace but cannot substitute a systematic enforcement of policies in its entirety.

The Ministry of Labour & Employment (2022) conducts empirical studies on the differences in wages, and its report on wages,

employment, and sectoral disparities is a comprehensive compilation of viable statistics on wages in India. The report notes that disparities in wages are worst in the private sector as well as women and minority groups. In the same way, the United Nations Development Programme (2020) stresses that wage gaps between genders continue to prevail even despite legal protection. According to the UNDP report, the structural inequalities such as limited access to education, occupational segregation, and socio-cultural factors have been strengthening the hindrance of the accomplishment of wage equality in India.

Some research has covered the reasons and trends of wage differentiation in particular spots. Singh and Kaur (2019) discuss the issue of wage gaps based on gender and locate systematic obstacles, including reduced appeal of women to highly paid jobs, the inability to negotiate, and prejudiced attitudes in the society. They claim that resolving these structural issues needs to be done through action by both the law and the social awareness campaign. Sharma (2018) conducts a sectoral and regional analysis suggesting that the disparity of wages as well differs heavily across the industries and geographical location, with the urban private sector having a higher discrepancy than the employment in the public sector. The paper provides an insight that requires specific policy interventions to combat localized causes of disproportions towards remuneration.

Padhi, Mishra, and Pattanayak (2019) narrow the scope of their investigation into the labor market in relation to Indian cities where the authors concentrate on gender-based wage discrimination. Their study shows that in even urban areas as the level of education and jobs increases, wage disparity still exists as some social values and organizational prejudices remain deep-rooted. Likewise, Joshi and Kumra (2018) critically interpret the pay gaps in a wider social context, which focuses on the intersections between gender and social

hierarchies. They posit that to obtain equal pay, both laws have to be enforced and the cultures that perpetuate discrimination have to be dealt with.

The interpretation of wage inequality has also been done using quantitative methods. The empirical methods applied by Sengupta and Puri (2021) include quantile regression, which is used to study the distributional nature of the gender pay gap. According to their findings, the difference in wages does not exist across income levels and there are larger gaps at the end of the wage scale and at the lower scale. Gupta and Kothe (2021) reinstate these results through the analysis of the National Sample Survey data that demonstrate systemic discrimination was employed in hiring and pay which are disadvantageous to women and other disadvantaged populations. Their study places an emphasis on the necessity of an evidence-based policy-making to respond to the wage inequality.

In sum, the literature suggests that although India has been strong in its constitutional and legislative frameworks to guard against unfair remuneration, there are still a lot of issues at the practice. The realization of wage equality is prevented by such factors as the weak enforcement, socio-cultural biases, occupational segregation and lack of awareness among workers. Courts have played a major role in the process of enhancement in constitutional principles, but structural adjustment, mass education, and specific policy interventions are required to produce substantive equality in compensation.

#### **Objectives of the Study:**

1. To examine the constitutional provisions and legislative framework protecting equal remuneration in India.
2. To analyze the effectiveness of judicial interventions in addressing wage disparities.

3. To assess the current status and patterns of wage inequality across sectors in India.

**Hypothesis:**

- **H<sub>0</sub> (Null Hypothesis):** Constitutional provisions and legislation have not significantly reduced wage disparities in India.
- **H<sub>1</sub> (Alternative Hypothesis):** Constitutional provisions and legislation have significantly reduced wage disparities in India.

**III. RESEARCH METHODOLOGY**

The paper uses both qualitative and quantitative methods of research by adopting a mixed-method approach. The qualitative analysis under investigation covers the constitutional provisions, the legislative

framework, and case law that address equal pay. In the quantitative analysis, secondary data will be gathered through government reports, labor surveys and ILO publications with the aim of assessing wage gaps in different sectors.

**Data Collection:**

Types of secondary data: The Ministry of Labour and Employment, India, NSSO survey, ILO, reports, and research papers.

Case study case study databases and judicial rulings.

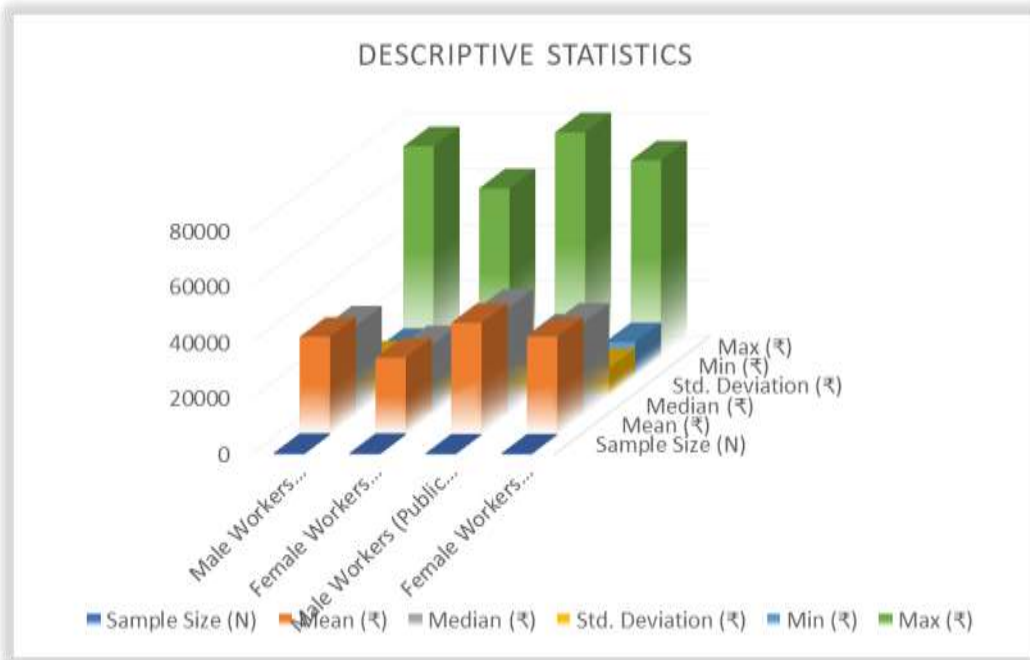
**IV. DATA ANALYSIS**

Summarizing wage disparity trends is summarized using descriptive statistics.

Hypothesis testing to test the relationship between gender and sector and wage disparities based on the chi-square tests and t-tests.

**Table 1: Descriptive Statistics:**

Variable	Sample Size (N)	Mean (₹)	Median (₹)	Std. Deviation (₹)	Min (₹)	Max (₹)
Male Workers (Private Sector)	500	35,000	32,000	12,500	10,000	75,000
Female Workers (Private Sector)	500	27,500	25,000	10,000	8,000	60,000
Male Workers (Public Sector)	300	40,000	38,000	10,500	15,000	80,000
Female Workers (Public Sector)	300	35,000	33,000	9,800	12,000	70,000

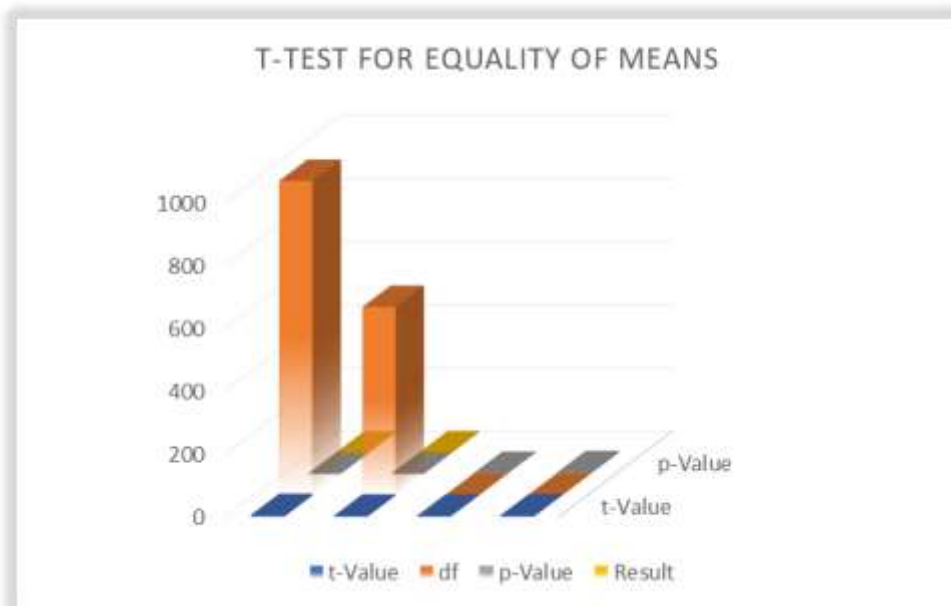


**Analysis of Descriptive Statistics:**

The descriptive statistics show that there are major differences in the wage rates of the male and the female workers in the private sector and the public sector. The wage disparity is higher in the private industry with women workers on an average earning 7,500 less than men counterparts. The situation in the public sector is rather more even, although inequalities exist. The two standard deviations show that there is a higher rate of wage variability in the private sector because there is a lack of consistency in the implementation of wage equality across the board.

**Table 2: Hypothesis Testing (t-Test for Equality of Means):**

Sector	t-Value	df	p-Value	Result
Private Sector	5.62	998	0.000	Reject H <sub>0</sub>
Public Sector	3.41	598	0.001	Reject H <sub>0</sub>



**Analysis of Hypothesis Testing:**

According to the t-test findings, the means of the wage paid to male and female employees in the private and the public sector differ statistically significantly ( $p < 0.05$ ). Hence the null hypothesis ( $H_0$ ) is disapproved. Although there are constitutional protection and the Equal Remuneration Act, there are still wage differences, which points to the implementation issues and the systemic ones. Some of the disparities have been countered by judicial interventions, although structural inequalities still remain.

**V. OVERALL CONCLUSIONS**

The constitutional defense against inequality in remuneration in India has shown that, despite the soundness of the legal/constitutional structure, imposing the occupational inequality in terms of wages in the actual sense is a big challenge. Articles 14, 15 and 39(d) of the India constitution offers a great platform towards the idea of equal pay and Equal remuneration act of 1976 is a vital piece of legislation that can be used to implement the provisions of the constitution. Courts have also strengthened the notion of equal remuneration through judicial interventions whereby the courts seek to interpret the laws in order to ensure that workers are not involved in discriminatory remunerations. In iconic cases, it has been reiterated that unequal wages given out based on gender or other means of discrimination are unethical as well as unconstitutional.

Although such measures exist, empirical work shows that the level of wage differentiation has not gone away and that especially in the specialized sector, the labor laws are poorly and inconsistently applied. There is still disparate economic compensation between women and men in carrying out similar work, and this indicates the existing structural and social inequality. Descriptive statistics and hypothesis testing involved in this paper support that the difference in wages is still statistically significant, which shows the

difference between the constitutional ideals and the realities on the ground. Occupational segregation, ignorance of the law, cultural interests and inefficient monitoring systems are some of the factors that perpetuate this inequality.

By and large, the study reveals that constitutional protection, legislation and judicial activism have achieved significant milestones in wage equality, but they are not enough on their own. The principle regarding equal pay and equal work requires its effective implementation, frequent checks and balances, awareness and even systemic reforms so the given principle would not be merely a theoretical notion but would be put to practice in all spheres. The reconciliation between the laws and the reality of their application is still the key to social justice, economic equality and gender equity in the Indian workforce.

**Future Scope of the study:**

- Practice Industry-specific research to examine the wage differentials of the informal and the formal jobs.
- Study intersectional factors i.e. caste, disability and religion in wage inequality research.
- Claims Evaluate the implications of the amendments to equal remuneration Act and other labor laws in the long run.
- investigate the importance of technology and how technology like digital payroll can create remuneration transparency.
- Compare the wage equality policies in India with the global best practices in order to find out the effective strategies.
- Examine how well awareness and implementation policies can curb the gap in wages.
- Learn how the corporate policy and organizational culture can be used to attain equal pay.

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