EQUAL PAY FOR EQUAL WORK: A STUDY OF ARTICLE 14, ARTICLE 16 AND ARTICLE 39(D) OF THE CONSTITUTION OF INDIA

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ABSTRACT

The principle of equal pay for equal work is an important aspect of equality and social justice under the constitution of India. Its aim is to ensure that individuals performing substantially similar work receive equal salaries or remuneration for that work without any discrimination. The constitutional foundation of this principle can be seen in Article 14, which guarantees equality before the law, Article 16, which provides equality of opportunity in public employment and Article 39(d), which directs the State to ensure equal pay for equal work for both men and women. This research paper examines the constitutional basis, judicial development and statutory framework of the principle of equal pay for equal work in India. It aims to understand how the Indian judiciary has interpreted this principle and the circumstances in which differences in remuneration or salaries may be legally justified. This analysis seeks to examine the extent to which the existing legal framework can address inequalities in payment of remuneration.

Keywords: Equal Pay for Equal Work, Article 14, Article 16, Article 39(d), Constitutional Equality, Judicial Interpretation, Equal Remuneration, Indian Labour Law

Chapter 1: Introduction

"Equal pay for Equal work" means that a worker's pay should depend on the job they do, not on their sex, department or the type of appointment they hold. This idea is very important in Indian law. It is not written down word-for-word as a fundamental right in Part III of the Constitution. But the Supreme Court has built this right by reading three provisions together: Article 14 (equality before the law), Article 16 (equal opportunity in public jobs), and Article 39(d), a Directive Principle that asks the State to give equal pay to men and women for equal work.[1]

This shows an important feature of Indian constitutional law. Article 37 says that Directive Principles cannot be enforced directly in court. But courts have said, again and again, that Directive Principles are still important for running the country.[2] Judges use them to explain and expand the Fundamental Rights. Article 39(d) works the same way. It does not give a person a direct right to sue, but it gives meaning to the equality guaranteed by Articles 14 and 16. Together, these provisions stop the State from paying people unfairly for the same kind of work.

This problem has not gone away with time. Both government and private employers often divide workers into different departments, grades or categories. On paper, these categories look different. But in practice, workers in different categories may do the same job. Sometimes this happens by accident. Sometimes it happens because of old rules that were never updated. Sometimes it happens because of old rules that were never updated. Sometimes it happens because of bias, including unfair treatment of women workers, especially in farming, unorganized work and even in salaried jobs. Parliament passed the Equal Remuneration Act, 1976[3] to support Article 39(d) and to follow India's promise under the International Labour Organisation's Equal Remuneration Convention, 1951.[4] But putting this law into practice is still a challenge.

This research looks closely at Articles 14, 16 and 39(d). It studies how courts have built the equal pay doctrine over time. It also studies the law made under the Equal Remuneration Act,

[1] Constitution of India, Article 14, 16, 39(d).
[2] Constitution of India, Article 37.
[3] Equal Remuneration Act, No. 25 of 1976, pmbl. (India).
[4] International Labour Organization, Equal Remuneration Convention, 1951 (No. 100); Ratification by India (Sept. 25, 1958).

1976, which is now largely covered by the Code on Wages, 2019.[5] Finally, it checks how far this doctrine has actually helped workers get fair pay and where it still falls short. The study also looks briefly at how other countries and international law handle the same problem.

1.1 Background of the Study

The principle of equal pay for equal work is closely connected with the development of equality as a constitutional value in India. Remuneration is an important aspect of employment because differences in wages and salaries can affect the economic security, dignity and status of workers. However, equality in remuneration does not necessarily mean that every employee must receive the same salary. The main concern is whether differences in pay between employees performing substantially similar work are based on relevant considerations or result from arbitrary and unjustified discrimination. And this distinction has made equal pay for equal work an important subject of constitutional interpretation and service-law jurisprudence. In *Randhir Singh v. Union of India,*(1982) 1 SCC 618, the Supreme Court of India played a significant role in establishing the constitutional relevance of this principle.[6] The court held that equal pay for equal work could be derived from Articles 14 and 16, interpreted in the light of 39(d). Subsequent decisions, including *Dhirendra Chamoli v. State of U.P*., (1986) 1 SCC 637, examined its application to workers employed under different arrangements.[7] As time passed, judicial interpretation has also clarified the limitations of doctrine, particularly the need to establish genuine similarity in work, duties and responsibilities before claiming the pay parity. The application of this principle requires courts to balance the demand for equality with the need to recognize legitimate differences between employees. In *State of Haryana v. Tilak Raj*, (2003) 6 SCC 123, the Supreme Court clarified that performing some similar duties does not automatically entitle employees to equal pay.[8] Relevant factors such as qualifications, responsibilities and recruitment conditions must also be considered for equal pay. This approach tells that the principle is not an unconditional guarantee of identical or same remuneration but depends on situations and circumstances of each case.

[5] Code on Wages, No. 29 of 2019, §§ 3, 69 (India).
[6] Randhir Singh v. Union of India, (1982) 1 SCC 618 (India).
[7] Dhirendra Chamoli v. State of U.P., (1986) 1 SCC 637 (India). [4]
[8] State of Haryana v. Tilak Raj, (2003) 6 SCC 123 (India).

1.2 Statement of the Problem

Despite the constitutional commitment to equality, differences in remuneration between employees performing substantially similar work remain an important legal concern. Although equal pay for equal work has received considerable judicial recognition in India, its application does not follow a uniform formula. The expression "equal work" requires judicial assessment rather than merely comparing job titles or salary structures. Consequently, determining whether two categories of employees are sufficiently comparable to claim equal remuneration presents a continuing challenge in constitutional law. A major concern is the extent to which judicial discretion influences the outcome of pay-parity disputes. Differences in recruitment procedures, employment status, different situations and service conditions may lead courts to reach different conclusions in cases involving apparently similar work. This raises questions about the consistency of judicial reasoning and the boundaries of protection of constitution against unequal remuneration.

The research problem, therefore, lies in understanding how the judiciary determines the applicability of equal pay for equal work and whether the existing legal approach provides a sufficiently clear basis for distinguishing arbitrary wage disparities from legitimate differences in remuneration. Examining this issue is necessary to understand both the effectiveness and the limitations of the doctrine within the Indian constitutional framework. Furthermore, the relationship between constitutional principles and their practical application raises questions about the extent to which judicial decisions have established a consistent approach to pay parity. While courts have recognized the importance of equal remuneration, the effectiveness of this principle also depends on how clearly the applicable standards can be understood and applied in different employment situations. It is therefore necessary to critically examine whether the existing judicial approach adequately balances the protection against arbitrary discrimination with the legitimate requirements of employment administration. This examination will help identify areas where greater clarity in legal interpretation may be required.

1.3 Review of Literature

The existing literature on the principle of equal pay for equal work in India mainly focuses on constitutional equality, judicial interpretation and the conditions under which employees can claim equal remuneration. Constitutional commentaries such as *Indian*

Constitutional Law by M.P. Jain, *Constitution of India* by V.N. Shukla and H.M. Seervai's *Constitutional Law of India* provide a foundation for understanding constitutional equality and the relationship between Fundamental Rights and Directive Principles of State policy.[9]

A significant contribution to the development of the principle was made in *Randhir Singh v Union of India.* The Supreme Court recognized the constitutional relevance of equal pay for equal work through the combined interpretation of Articles 14 and 16, read with Article 39(d). This decision established an important foundation for examining unjustified differences in remuneration under the Indian constitutional framework.[10]

In *Dhirendra Chamoli v. State of U.P.* and *Surinder Singh v. Engineer-in-Chief, CPWD,* the Supreme Court examined pay-parity claims involving employees working under different employment arrangements. These decisions contributed to the judicial discussion on whether differences in employment status should, by themselves, prevent employees performing comparable work from claiming equal remuneration.[11]

The judgements in *Federation of All India Customs and Central Excise Stenographers v. Union of India* and *Mewa Ram Kanojia v. All India Institute of Medical Sciences* further demonstrate the importance of comparing the real and actual duties, responsibilities and relevant conditions of employment. They highlight that a claim for equal pay requires a meaningful comparison between the posts concerned rather than reliance on job titles alone.[12]

The *State of Haryana v. Tilak Raj*, the Supreme Court clarified that performing similar duties does not automatically establish an entitlement to equal pay. Factors such as qualifications, recruitment procedures, responsibilities and service conditions may be relevant when determining whether two categories of employees are comparable.[13]

Subsequently, in *State of Punjab v. Jagjit Singh*, the Court considered the entitlement of

[9] M.P. Jain, Indian Constitutional Law;
V.N. Shukla, Constitution of India;
H.M. Seervai, Constitutional Law of India
[10] Randhir Singh v. Union of India, (1982) 1 SCC 618 (India)
[11] Dhirendra Chamoli v. State of U.P., (1986) 1 SCC 637 (India);
Surinder Singh v. Engineer-in-Chief, CPWD, (1986) 1 SCC 639 (India)
[12] Federation of All India Customs & Central Excise Stenographers v. Union of India, (1988) 3 SCC 91 (India);
Mewa Ram Kanojia v. All India Institute of Medical Sciences, (1989) 2 SCC 235 (India)
[13] State of Haryana v. Tilak Raj, (2003) 6 SCC 123 (India)

temporary employees to pay parity with regular employees performing similar work. The decision contributed to the continuing judicial discussion on the relationship between employment status and remuneration.[14]

The literature and judicial decisions discussed above demonstrate that the principle of equal pay for equal work has developed through constitutional interpretation and case-by-case judicial assessment. Its application depends on the nature of the work performed and the relevant differences between categories of employees. The present study brings these developments together to examine the constitutional foundation of the principle, the judicial standards used to determine comparable work and the limitations affecting its application in India.

1.4 Objectives of the Research

This research has the following objectives:

1. To study Article 14, Article 16 and Article 39(d) of the Constitution of India and to understand how Fundamental Rights and Directive Principles work together on the question of fair pay.

2. To trace how courts have developed the idea of "equal pay for equal work" over time, from early cases that rejected it to later cases that accepted it as an enforceable right.

3. To study the important court judgements, especially *Randhir Singh v. Union of India*, and the cases that came after it.

4. To study the Equal Remuneration Act, 1976 and the Code on Wages, 2019, especially their rules against paying women less than men.

5. To identify the situations where courts have allowed different pay for similar work, such as differences in qualification, recruitment method, or seniority.

6. To compare, in brief, how other countries and international law protect the right to equal pay.

[14] State of Punjab v. Jagjit Singh, (2017) 1 SCC 148 (India)

7. To check how well this doctrine actually works in practice and where it still fails workers.

8. To suggest ways to make the law, the courts' approach and enforcement stronger.

1.5 Research Methodology

The proposed study will adopt a doctrinal method of legal research. The research will primarily examine constitutional provisions, judicial decisions, legal commentaries and relevant academic literature to analyse the development and present scope of equal pay for equal work.

The primary sources which are used for this research are The Constitution of India [Articles 14, 16 and 39(d)]; judgements of Supreme Court of India; and other relevant constitutional provisions.

The secondary sources which are used for this research are constitutional law textbooks; labour-law textbooks; legal commentaries; research papers; academic journal articles; case commentaries; and authoritative legal databases. The research will make primarily use of SCC Online, Casemine, Manupatra and other reliable legal research resources.

The important cases will be examined through their facts, legal issues, judicial reasoning, decision and legal principles established. Particular attention will be given to:

Randhir Singh v. Union of India, (1982) 1 SCC 618;

Dhirendra Chamoli v. State of U.P., (1986) 1 SCC 637;

Surinder Singh v. Engineer-in-Chief, CPWD, (1986) 1 SCC 639;

Federation of All India Customs & Central Excise Stenographers v. Union of India, (1988) 3 SCC 91;

Mewa Ram Kanojia v. All India Institute of Medical Sciences, (1989) 2 SCC 235;

State of Haryana v. Tilak Raj, (2003) 6 SCC 123; and

State of Punjab v. Jagjit Singh, (2017) 1 SCC 148.

The research will compare judicial reasoning across cases to identify the evolution of the principle, continuity and changes in judicial reasoning, factors considered relevant for determining equality of work, limitations placed upon the doctrine, and the circumstances in which differential remuneration may be constitutionally justified. The research will primarily focus on the constitutional and judicial dimensions of equal pay for equal work in India, particularly in relation to public employment. The study will primarily examine Articles 14, 16 and 39(d) and their interpretation by Indian courts. It will not undertake an empirical study of wage inequality across private-sector industries.

1.6 Research Questions

The study will try to answer the following questions:

1. Is "equal pay for equal work" a full fundamental right, or is it only a constitutional goal that courts enforce in limited situations?

2. How exactly has article 39(d), which cannot be enforced on its own, been used by courts to explain Articles 14 and 16?

3. What test do courts use to decide if two jobs count as "equal work"?

4. On what grounds have courts allowed employers to pay different wages for similar work?

5. How well have the Equal Remuneration Act, 1976 and the Code on Wages, 2019 worked in practice, especially for women workers?

6. What are the main gaps in law, in court decisions and in enforcements and how can these gaps be fixed?

Chapter 2: Constitutional Framework: Art. 14,16, 39(d)

2.1 Introduction

The principle of equal pay for equal work is closely connected with the constitutional objective of establishing equality and social justice in India. Differences in remuneration between employees performing comparable work raise questions about fairness, discrimination and

equal treatment. The Constitution of India addresses these concerns through several provisions, particularly Articles 14, 16 and 39(d).

Articles 14 and 16 form part of the Fundamental Rights guaranteed by the Constitution, whereas Article 39(d) is a Directive Principle of State Policy. Although the Constitution does not expressly establish equal pay for equal work as an independent Fundamental Right, the Supreme Court has interpreted these provisions together to recognize its constitutional significance. The relationship between these Articles provides the foundation for examining whether differences in pay are justified or discriminatory.[15]

2.2 Article 14: Equality before the Law

Article 14 of the Constitution of India provides that the State shall not deny any person equality before the law or the equal protection of the laws within the territory of India. It establishes equality as fundamental constitutional principle and requires the State to avoid arbitrary and unjustified discrimination. In the context of equal pay for equal work, Article 14 becomes relevant when employees performing comparable duties receive different remuneration without a reasonable justification. However, the provision does not require identical treatment in every situation. Differences in pay may be justified where they are based on relevant factors, such as nature of duties, responsibilities, qualifications or other legitimate employment requirements.

The principle was significantly developed in *Randhir Singh v. Union of India*.[16] The petitioner, a driver-constable in the Delhi Police-Force, claimed a pay scale comparable to that of drivers employed in other government departments. The Supreme Court held that employees in other government departments. The Supreme Court held that employees performing identical work could not be treated differently merely because they belonged to different departments when the relevant considerations were otherwise the same. The court recognized that the principle of equal pay for equal work could be derived from Articles 14 and 16, read in the light of Article 39(d). This judgement established that unjustified differences in remuneration may raise a constitutional issue under Article 14. Nevertheless, the principle does not automatically require equal pay whenever two employees perform some similar duties. The comparison must consider the relevant characteristics of the posts and whether the difference in remuneration

[15] Constitution of India, Article 14, 16, 39(d)
[16] Randhir Singh v. Union of India, (1982) 1 SCC 618 (India)

has a reasonable basis.

2.3 Article 16: Equality of Opportunity in Public Employment

Article 16 guarantees equality of opportunity to all citizens in matters relating to employment or appointment to any officer under the State. It also prohibits discrimination in public employment on specified ground, subjects to the constitutional provisions and exceptions applicable to the Article.

Article 16 is particularly relevant to equal pay disputes involving government employees and other persons employed in public institutions. It strengthens the constitutional requirement that employment-related decisions should not result in arbitrary or unjustified unequal treatment. When differences in pay arise between employees performing comparable work under the State, Article 16 may be considered alongside Article 14.

The relationship between Articles 14 and 16 was explained in *Randhir Singh v. Union of India.*[17] The Supreme Court observed that the constitutional guarantees of equality must have practical significance in the lives of people who work. It held that the principle of equal pay for equal work could be applied where unequal pay scales were based on no classification or an irrational classification, despite the employees performing identical work under the same employer.

Article 39(d) consequently plays an important interpretative role. It helps explain how the constitutional promise of equality can extend to the economic conditions of working people. Although the provision does not independently create an enforceable right to identical remuneration in every case, it provides a significant constitutional basis for examining unequal pay and promoting fair treatment in employment.

2.4 Article 39(d): Equal Pay for Equal Work

Article 39(d) forms part of the Directive Principles of State Policy contained in Part IV of the Constitution. It directs the State to ensure equal pay for equal work for both men and women. The provision reflects the constitutional objective of promoting economic justice and

[17] Randhir Singh v. Union of India, (1982) 1 SCC 618 (India).

preventing unjustified differences in remuneration, particularly those based on gender.

Unlike Fundamental Rights, Directive Principles are not independently enforceable by courts. Article 37 states that they are not enforceable by any court, but they are nevertheless fundamental to the governance of the country and it is the duty of the State to apply them in making laws. Article 39(d), therefore, guides the State in developing policies and laws concerning remuneration and employment equality.

The importance of Article 39(d) was recognized in *Randhir Singh v. Union of India*. The Supreme Court explained that the principle of equal pay for equal work was not expressly declared as a Fundamental Right but constituted a constitutional goal. By interpreting Article 39(d) alongside Articles 14 and 16, the Court recognized that unjustified differences in pay could be challenged through the constitutional guarantees of equality.

2.5 Relationship Between Articles 14, 16 and 39(d)

Articles 14, 16 and 39(d) perform complementary functions in the constitutional framework governing equal pay for equal work. Article 14 establishes the general guarantee of equality before the law and equal protection of the laws. Article 16 applies the principle of equality of opportunity specifically to public employment. Article 39(d) expresses the State's responsibility to pursue equal remuneration for equal work for both men and women.

The relationship between these provisions was clarified in *Randhir Singh v. Union of India*. The Supreme Court interpreted Articles 14 and 16 in the light of Article 39(d) and recognized that the principle of equal pay for equal work could be applied where differences in pay scales resulted from the absence of a reasonable classification or from an irrational classification. This interpretation connected the constitutional guarantee of equality with the economic interests of employees.

Chapter 3: How Courts Built the Equal Pay Doctrine

The principle of equal pay for equal work has developed through several Supreme Court judgements. These decisions have clarified when employees performing similar work may claim equal remuneration and when differences in pay may be justified. The courts have considered factors such as duties, responsibilities, qualifications and employment conditions while deciding pay-parity disputes.

3.1 Dhirendra Chamoli v. State of U.P. (1986)

In *Dhirendra Chamoli v. State of U.P.,*[18] the Supreme Court considered the claim of temporary workers seeking wages comparable to those of regular employees performing similar work. The decision recognized that differences in employment status should not automatically justify unequal remuneration. It contributed to extending the application of the doctrine to workers employed under different arrangements.

3.2 Federation of All India Customs and Central Excise Stenographers v. Union of India (1988)

In *Federation of All India Customs and Central Excise Stenographers v. Union of India*,[19] the Supreme Court examined a claim for pay parity between categories of stenographers. The decision highlighted the importance of comparing actual duties and responsibilities rather than relying only on similar designations. It demonstrated that a proper assessment of the nature of the work is essential when determining entitlement to equal pay.

3.3 State of Haryana v. Tilak Raj (2003)

In *State of Haryana v. Tilak Raj,*[20] the Supreme Court clarified that performing similar duties does not automatically entitle employees to equal pay. Differences in qualifications, recruitment procedures, responsibilities and service conditions may justify different remuneration. The judgement helped establish the limitations of the doctrine by requiring a meaningful comparison between the employees concerned.

3.4 State of Punjab v. Jagjit Singh (2017)

In *State of Punjab v. Jagjit Singh,*[21] the Supreme Court examined the claims of temporary employees seeking pay parity with regular employees performing similar duties. The Court recognized that eligible temporary employees could claim at least the minimum of the regular pay scale where the relevant conditions were satisfied. The judgement reaffirmed that temporary employment status alone does not necessarily justify lower remuneration.

[18] Dhirendra Chamoli v. State of U.P., (1986) 1 SCC 637
[19] Federation of All India Customs & Central Excise Stenographers v. Union of India, (1988) 3 SCC 91
[20] State of Haryana v. Tilak Raj, (2003) 6 SCC 123
[21] State of Punjab v. Jagjit Singh, (2017) 1 SCC 148

Chapter 4: Statutory Framework: The Equal Remuneration Act, 1976 and The Code on Wages, 2019

4.1 Equal Remuneration Act, 1976

The Equal Remuneration Act, 1976 was enacted to provide equal remuneration to men and women workers and prevent discrimination based on sex in employment.[22] It was an important legislative step towards promoting equality in wages and employment opportunities.

Section 4 required employers to pay equal remuneration to men and women workers performing the same work or work of a similar nature. Section 5 prohibited discrimination against women during recruitment, subject to the exceptions provided under the Act. The legislation therefore addressed both unequal wages and discriminatory employment practices.[23]

Although the Act played an important role in protecting workers against gender-based wage discrimination, it was subsequently repealed and its relevant provisions were incorporated into the Code on Wages, 2019.

4.2 Code on Wages, 2019

The Code on Wages, 2019 consolidates laws relating to wages and bonus, including the protections previously provided by the Equal Remuneration Act, 1976. It came into effect on 21 November 2025, replacing the earlier legislation.[24]

Section 3 of the Code prohibits discrimination on the ground of gender in matters relating to wages for the same work or work of a similar nature. It also prohibits gender-based discrimination in recruitment and conditions of employment, subject to the statutory exceptions.[25] These provisions continue the legislative objective of ensuring fair remuneration and equal employment opportunities.

The Code provides a consolidated framework for wage regulation while retaining specific protection against gender-based discrimination. Its significance lies in bringing the principle of

[22] Equal Remuneration Act, No. 25 of 1976, pmbl. (India)
[23] Equal Remuneration Act, No. 25 of 1976, §§ 4-5 (India)
[24] Code on Wages, No. 29 of 2019, § 69 (India)
[25] Code on Wages, No. 29 of 2019, § 3 (India)

equal remuneration within a broader wage-related legislative framework.

The Equal Remuneration Act, 1976 established specific legal protections against gender-based wage discrimination. The Code on Wages, 2019 subsequently incorporated these protections into a consolidated framework governing wages and related matters. Together these legislative developments demonstrate India's continuing legal commitment to fair remuneration and equality in employment.

Chapter 5: Comparative and International Perspectives

5.1 International Perspective

The principle of Equal Pay for Equal Work has received recognition at the international level. The International Labour Organization (ILO) adopted the Equal Remuneration Convention, 1951 (No. 100), which requires member states to promote equal remuneration for men and women for work of equal value. India ratified this Convention in 1958. The Convention also recognizes the importance of objectively evaluating jobs to determine whether differences in remuneration are justified.[26]

The international approach is significant because it extends beyond identical job titles. It focuses on the value of the work performed and whether differences in pay are based on objective considerations rather than gender discrimination.

5.2 Comparative Perspective: United Kingdom

The United Kingdom provides a useful example of statutory protection against unequal pay. Under the Equality Act 2010, women and men have a right to equal pay when they perform equal work or work of equal value, subject to the requirements of the legislation. This framework demonstrates the importance of examining the actual nature and value of work instead of relying only on job titles.[27]

Compared with the United Kingdom, India protects the principle through its constitutional framework and wage legislation. Article 14 guarantees equality before the law, Article 16

[26] International Labour Organization, Equal Remuneration Convention, 1951 (No.100), arts, 1-3; Ratification by India (Sept. 25, 1958).
[27] Equality Act, 2010, c. 15, pt. 5, ch.3 (UK)

addresses equality of opportunity in public employment, an Article 39(d) directs the State towards equal pay for men and women for equal work. Section 3 of the Code on Wages, 2019, also prohibits gender-based discrimination in wages for the same work or work of a similar nature.

Chapter 6: Testing the Hypothesis

The hypothesis of this research is that the principle of equal pay for equal work is recognized under the Indian constitutional and legal framework, but its application depends on judicial interpretation and the circumstances of each case.

The analysis of constitutional provisions, judicial decisions and statutory law broadly supports this hypothesis. Articles 14 and 16 provide constitutional protection against arbitrary discrimination, while Article 39(d) directs the State towards equal pay for men and women for equal work. Judicial decisions also demonstrate that pay parity is not automatic merely because employees perform similar duties. Factors such as qualifications, responsibilities and service conditions may be relevant. Therefore, the hypothesis is supported, subject to the facts and circumstances of individual cases.

6.1 Findings of the Research

1. Constitutional Recognition: The principle of equal pay for equal work derives support from the constitutional framework, particularly Articles 14, 16 and 39(d).

2. Role of the judiciary: Courts have played an important role in explaining the scope and application of the principle.

3. Comparable work: Equal remuneration depends on a proper comparison of duties, responsibilities, qualifications and other relevant employment conditions.

4. Limits of the principle: Employees performing some similar duties are not automatically entitled to identical remuneration.

5. Statutory protection: The Code on Wages, 2019, provides statutory protection against gender-based wage discrimination for the same work or work of a similar nature.

6.2 Suggestions

1. Employers should establish transparent and objective criteria for determining wages and salaries.

2. Courts should clearly explain the relevant factors used to assess claims for equal pay.

3. Appropriate authorities should effectively enforce existing wage and antidiscrimination laws.

4. Employees should have access to clear information about wage structures and available legal remedies.

5. Greater awareness should be created about legal protections against gender-based wage discrimination.

6.3 Conclusion

The principle of equal pay for equal work is an important aspect of equality and fairness in employment. In India, its development reflects the combined influence of constitutional provisions, judicial interpretation and statutory protections. However, the principle does not require identical remuneration in every situation. Its application depends on whether the work performed is genuinely comparable and whether differences in pay are supported by relevant considerations. The Code on Wages, 2019, further provides statutory protection against gender-based discrimination. Ultimately, the effectiveness of the principle depends not only on legal recognition but also on transparent wage practices, consistent judicial reasoning and proper enforcement of the law.

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