

13(2) The Equal Remuneration Rules, 1976

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**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 in 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

¹ Vide G.S.R. 119(E), dated 11th March, 1976.

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appointed under section 9 or 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.
- (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 alongwith such complaint or claim and shall form part of the record.

CHAPTER III REGISTERS TO BE MAINTAINED

¹[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, in Form 'D', at the place where workers are employed.]

¹ Subs, by G.S.R. 4095, dated 24th October, 1983.

The Equal Remuneration Rules, 1976

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 (alongwith 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).

*1 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.

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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.....Complainant(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/Messers..... (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 ofduring 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.

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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:
Official of a registered Trade Union

Legal practitioner

FORM D

(See rule 6)

Register to be maintained by the employer under rule 6 of the Equal Remuneration Rules, 1976

Name of the Establishment with full address.....

Total number of workers employed.....

Total number of men workers employed..... Total number of women workers employed.....

Category of workers	Brief Description of work	No. of men employed	No. of women employed	Rate of remuneration paid	Basic wage of salary	Dearness Allowances	House Rent allowances	Other Allowances	Cash value of concessional supply of

* Strike out whichever is inapplicable.

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									essential commodities
1	2	3	4	5	6	7	8	9	10

6. Cessation of membership.—If any member of the Committee not being an ex-officio member of the Committee, fails to attend three consecutive meetings of the Committee, without obtaining the leave of the Chairman for such absence, he shall cease to be a member of the Committee:

Provided that the Chairman may, if he is satisfied that such member was prevented by sufficient cause from attending three consecutive meetings of the Committee without obtaining such leave, direct that such cessation shall not take place and on such direction being made, such member shall continue to be member of the Committee.

7. Disqualification of membership.—

- (1) A person shall be disqualified on being nominated as, and for being, a member of the Committee if he,—
 - (i) is of unsound mind and stands so declared by a competent court; or
 - (ii) is an undischarged insolvent; or
 - (iii) has been or is convicted of an offence which, in the opinion of the Central Government involves moral turpitude.
- (2) If a question arises as to whether a disqualification has been incurred under sub-rule (1), the Central Government shall decide the same.

13(3) Central Advisory Committee on Equal Remuneration Rules, 1991

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THE CENTRAL ADVISORY COMMITTEE ON EQUAL REMUNERATION RULES, 1991¹

In exercise of the powers conferred by section 13 of the Equal Remuneration Act, 1976 (25 of 1976), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—

- (1) These rules may be called the Central Advisory Committee on Equal Remuneration Rules, 1991.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—

- (1) In these rules, unless the context otherwise requires,—
 - (a) “Committee” means the Central Advisory Committee constituted by the Central Government under sub-section (1) of section 6 of the Equal Remuneration Act, 1976 (25 of 1976);
 - (b) “Chairman” means the Chairman of the Committee.

- ### 3. Composition of the Committee.—
- The Committee shall consist of not less than ten persons and not more than twenty persons excluding the Chairman, to be nominated by the Central Government, of which one-half shall be women. Nomination shall be made from amongst the representatives of the Central Government, State Governments/Union Territory Administrations, Members of Parliament ‘Employers’ Organisations, Employees’ Organisations and Non-Governmental Organisations engaged in the study and welfare activities of women labour. The composition of the Committee shall not be invalid for the reason that representative belonging to any of the aforesaid categories has not been included in the Committee.

4. Term of office of members of the Committee.—

¹ Vide G.S.R. 514(E), dated 31st July, 1991, published in the Gazette of India, Extra., Pt. II, Sec. 3(i). dated 31st July, 1991.

13(3) Central Advisory Committee on Equal Remuneration Rules, 1991

- (1) Save as otherwise expressly provided in these rules, the term of office of a non-official member of the Committee shall be two years from the date of his nomination:

Provided that such member shall notwithstanding the expiry of the said period of two years, continue to hold office until his successor is nominated.

- (2) A non-official member of the Committee nominated to fill a casual vacancy shall hold office for the remainder period of the term of office of the number in whose place he is nominated.
- (3) The official members of the Committee shall hold office during the pleasure of the Central Government.

5. Allowances of members.—

- (1) The travelling allowances of an official member shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary.
- (2) The non-official members of the Committee shall be paid travelling allowance for attending the meeting of the Committee, at such rates as are admissible to Group 'A' officers of the Central Government and daily allowances shall be calculated at the maximum rate admissible to Group 'A' officers of the Central Government in their respective places.

- 6. Cessation of membership.—**If any member of the Committee not being an ex-officio member of the Committee, fails to attend three consecutive meetings of the Committee, without obtaining the leave of the Chairman for such absence, he shall cease to be a member of the Committee:
Provided that the Chairman may, if he is satisfied that such member was prevented by sufficient cause from attending three consecutive meetings of the Committee without obtaining such leave, direct that such cessation shall not take place and on such direction being made, such member shall continue to be member of the Committee.

7. Disqualification of membership.—

- (1) A person shall be disqualified on being nominated as, and for being, a member of the Committee if he,—
 - (i) is of unsound mind and stands so declared by a competent court; or
 - (ii) is an undischarged insolvent; or

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(iii) has been or is convicted of an offence which, in the opinion of the Central Government involves moral turpitude.

(2) If a question arises as to whether a disqualification has been incurred under sub-rule (1), the Central Government shall decide the same.
