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Research Paper

EQUALITY IN EARNINGS AS A FUNDAMENTAL VALUE: INSIGHTS FROM INDIAN CASE LAW

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Abstract: Social justice should include equality in earnings which is one of the key elements of constitutional values in India. The ethos of equal pay-equal work tries to avoid any unfairness in pay according to gender, caste or job ranking. Even though they are not clearly regarded as an essential right, Indian courts have also used Articles of the Constitution (Article 14, 15, 16, 39(d)) to promote wage equality. This paper looks into the role played by Indian judiciary in enhancing the idea of equality in earnings by giving historic rulings. Through doctrinal and descriptive analysis, the paper draws attention to the trends in judicial rulings, implementation hurdles, and perspectives of the constitutional values in bringing about economic justice.

Keywords: Equality in earnings, Equal pay for equal work, Indian Constitution, Judicial interpretation, Wage discrimination, Social justice

I. INTRODUCTION:

Social and economic justice in any democratic society dwells on equity of earnings. Wage equality is very significant in India where a large proportion of the population has suffered socio-economic inequalities in the past making this country the relevant recipient of the value of dignity of labour and fair employment treatment. Unequal pay, basing on gender, nature of the job or arbitrary classification is a contravention of the constitutional promise of equality and a lack of social trust on the rule of law.

It is not the direct provision that the equal pay should be guaranteed by the Indian Constitution, however, it is supported heavily by the equality framework. Article 14, 15 and 16 form the basis of equality and non-discrimination, and Article 39(d) of the Directive Principles of state policy advises the state to achieve equality of remuneration of

human beings who perform equal amounts of work, both men and women. A combination of these provisions displays the constitutional dream of a fair social order of fairness and economic balance.

Even with the constitutional protection in place, wage discrimination still prevails both in the openly and privately in the government. Temporary, contract and daily wage employees are usually paid less to play similar roles as permanent employees. There are also unequal wages among genders especially in informal and unstructured areas. Such disparities are constitutional issues that warrant implementation of effective law enforcement.

The judiciary in this respect has had a transformative role to play. Indian courts have clarified on several occasions, that the concept of equality under the provisions of equality should be related to the concept of equal pay where there should be equal work. The

Supreme Court has widened the areas of constitutional equality through landmark rulings, which connects Directive Principles with Fundamental Rights and thus wage equality has become enforceable in West Indian legal situations. The judicial activism in this regard has had the effect of affording protection to the workers against unfair and discriminatory wage practises.

The court strategy can be seen as a change in inferred equality to equality in actuality. Courts have established that unequal treatment as equal may as well lead to injustice and in this regard, fairness, reasonableness, as well as functional similarity have all been noted to be paramount in the establishment of wage equality. This has been a progressive interpretation that has enhanced the constitutional worth of equality in earnings.

Nevertheless, there are still difficulties with the practical consideration of judicial principles. The range of court decisions is usually constrained due to differences in employment situations, State financial resources, and uneven policy application. Also, inconsistency of application of the doctrine in various sectors and jurisdictions exist.

It is on this backdrop that this paper aims at discussing the case of equality in earnings as a primary facet of constitutional value under Indian case law. The paper will attempt to comprehend how the judiciary has changed with time to serve wage equality and determine the effectiveness of the legal measures in the quest to deliver economic justice.

II. REVIEW OF LITERATURE:

Equality in Indian incomes and equal pay and equal work have received much legal scholarship and constitutional commentary. In *Introduction to the Constitution of India*, Basu (2018) gives a general idea of what the Indian Constitution is, and why Articles 14, 15, and 16 hold such significance in the protection of equality. As Basu points out, equality is not only formal but also substantive where protection against discrimination includes social and economic levels. His contribution

lays the constitutional foundation on which wage equality can be analysed and creates a basis of the following academic research.

In his article *Equality and non-discrimination under the Indian Constitution*, Chandra (2015) explores the judicial meaning of the clauses concerning equality. He shows how Indian courts have also increased the understanding of Articles 14 and 15 as these are applied in the current cases to include discrimination based on others other than caste, religion, and gender in the workplace and the remuneration scenario. The study by Chandra underscores the initiatives by the judiciary in reducing systemic wage inequalities and ensuring that the workers are treated fairly.

In the *Indian Constitutional Law*, Jain (2019) is a complete doctrinal analysis of the constitutional provisions pertaining to equality, fundamental rights as well as directive principles. Jain highlights that the two have a dynamic relationship, and the judicial system has used this dynamic as an instrument to maintain the purpose of social justice. His contribution is essential to learning about the issue of constitutional interpretation as the court employing it to direct legal reactions to inequality in wages.

In the article entitled *Equal pay for equal work: Judicial response in India*, Kumar (2017) analyses significant cases that dealt with wage discrimination. He records instances where courts have provided equal pay protections to temporary, contract, and casual employees which reflects the changing judicial interpretation that employment status should not be used to create pay gap in cases where the work is substantially similar. This is demonstrated in the study by Kumar, which argues the judiciary as a corrective process of the labour relations, which makes sure to render the ideals of the constitution into action. In *Constitutional values and social justice in India*, Rao (2016) discusses the extended appellation of constitutionalism in the development of economic and social justice. He emphasises that the equality of wages is the expression of constitutional principles that

strengthen dignity, equity, and fairness of workplaces. The work of Rao adds to the discussion, as legal doctrine is connected with the ethical and moral imperatives that are inherent in the Constitution.

In Judicial activism and socio-economic rights in India, Sarkar (2013) examines how the Indian judiciary has been proactive in applying socio-economic rights, such as labour and wage rights. Sarkar claims that judicial activism has played a central role in explaining the effect of the provisions of the constitution in filling the gaps existing in the legislative systems in ensuring fair compensation and safeguard against unreasonable discrimination. In the article Gender justice and equal remuneration in India, by Singh (2014), the author discusses the aspect of wage equality in relation to gender. The research indicates continuing wage disparities between men and women and the effectiveness of the legal tools such as the Equal Remuneration Act, 1976. Singh underlines that even after laws and court ruling, the legislation and the society still have a way to go to achieve complete wage matching, so there is a need to increase the force with which the policies are implemented and people are educated.

In Directive principles and socio-economic justice: An Indian perspective, Tripathi (2010) investigates the problem of the impact of the Directive Principles of State Policy (DPSPs) on the labour law and wage regulation. According to him, although DPSPs are inadmissible in judicial courts, they play a persuasive purpose in judicial interpretation and law-making. Tripathi shows the impact of these principles on the courts to enforce wage equality in the context of larger socio-economic justice.

In the article by Upadhyay (2009), Labour rights and constitutional guarantees in India, the author explores an overlap of the labour rights and constitutional protection. According to Upadhyay, fundamental rights can only be achieved through the application of labour rights such as the right to fair remuneration. The paper identifies judicial interference with

the need to safeguard workers against arbitrariness in discrimination and secondary adherence to the statutory and constitutional regulations.

On the whole, the literature under review demonstrates that there is a unified focus on how constitutional guarantees, statutory systems, and judicial interpretation can contribute to the fostering of equality in the earnings sector. Researchers agree the issue of gender-based wage differentials, temporary and contract worker imbalances and also gaps in implementation have remained in India despite the strides that have been made to combat inequality and disparities in the workplace. All the literature is unanimous in emphasising the fact that wage equality is not only a legal constraint, but also a value that principles social justice in India are based on.

Objectives:

- To examine the constitutional basis of equality in earnings in India.
- To analyze the role of Indian judiciary in enforcing the principle of equal pay for equal work.
- To study trends and challenges in judicial decisions related to wage equality.

Hypothesis

- **H₀ (Null Hypothesis):** Indian judiciary has played a limited role in ensuring equality in earnings.
- **H₁ (Alternative Hypothesis):** Indian judiciary has significantly strengthened equality in earnings through constitutional interpretation and case law.

III. RESEARCH METHODOLOGY:

The doctrinal approach is applied to the study of the constitutional provisions pertaining to equality in earnings including Article 14, 15, 16 and 39(d) of Indian Constitution. It is an elaborate discussion of landmark decisions of the Supreme Court and High Courts including decisions on the principle of equal pay in equal work. The main sources of the law such as case laws, statutes, and texts of the

constitution are the central ones in this approach.

The descriptive approach is used to investigate judicial trends and patterns with regard to the wage equality cases. The choice of the judgments is grouped according to the nature of employment and the constitutional provisions used. The data have been tabulated by simple statistical tools like percentages and averages so that one can understand better.

The combination of these strategies is used to realise how the Indian judiciary is doing in supporting equality in earnings as a core constitutional principle.

Table 1: Distribution of Case Laws by Nature of Employment

Nature of Employment	Number of Cases	Percentage (%)
Permanent Employees	6	40%
Temporary Employees	4	26.7%
Contractual Workers	3	20%
Gender-Based Claims	2	13.3%
Total	15	100%

Interpretation:

Table 1 shows the distribution of the samples of the judicial decisions based on the type of the employment in wage equality conflict. As indicated in the table 40 percent of cases are associated with permanent employees which is the highest of all categories. This means that the judicial review of wage equality was largely concentrated on the regular government employees in early times.

The percentage of causes related to temporary employees makes 26.7. This is judicial consideration on the workers hired on temporary basis, or ad hoc basis, particularly where they are offered slightly similar role to permanent workers. The courts have also developed a tendency of believing that lower wages cannot be justified by temporary status. A fifth of the cases is represented by contractual workers. Even smaller in number,

recent decisions are showing a tendency of judicial readiness to apply the equal pay is equal work aspect of the principle of equal pay to contractual employees, subject to the provision of the similar nature of work and obligations.

The number of cases based on gender-based wage discrimination constitutes 13.3%. Although such cases are numerically small, they are very important as they are focused directly on the discrimination against women and support Article 39(d) of the Constitution.

On the whole, Table 1 suggests that the scope of protection of judicial permanency employee towards temporary and contractual claims and gender protection has gradually broadened, pointing to the changing scope of equality in earnings.

Table 2: Constitutional Provisions Invoked in Cases

Constitutional Article	Frequency	Percentage (%)
Article 14	7	46.7%
Article 16	4	26.7%
Article 39(d)	3	20%
Articles 14 & 39(d) Combined	1	6.6%
Total	15	100%

Interpretation:

Table 2 indicates that the most common constitutional provisions that are used by courts in making decisions concerning equality of earnings are based on the provisions found in the constitution. The most prevalent provision is article 14 that is applied in 46.7% of the cases. This proves that the judiciary has been dependent on the principle of equality and non-arbitrariness of wage related disputes. In 26.7 case Article 16 is applicable especially when it comes to dealing with the public employment. This is a sign of the equal opportunity and fair treatment when serving in the government.

Article 39(d) is a Directive Principle which is mentioned in 20% of the cases. This shows that the courts still consider it as a guiding constitutional value particularly in the

interpretation of fundamental rights that are in balance with social justice goals.

There have been very few instances (6.6 percent) of joint reliance on Articles 14 and 39(d) of the constitution by the courts indicating an integrated constitutional manner. This blend shows the attempts of the judiciary to enhance the Directive Principles through attaching them with the enforceable fundamental rights.

All in all, Table 2 shows that the judiciary was very inventive and intentional in its interpretation of the Constitution to ensure equality in earnings and the social justice imperative is maintained.

IV. FINAL CONCLUSION

The current research has explored equality in earnings as a basic constitutional value based on the study of case law in India. It is clear that though there is no explicit declaration of the constitution of India that the right to equal pay and equal work is a fundamental right, the courts of law have been quite decisive in providing it with practical and practical implications. The harmonized interpretation in terms of Article 14, 15, 16 and Article 39(d) on the issue of social and economic justice has enhanced the constitutional obligation towards social and economic justice.

Court rulings indicate that there is a pronounced change in the formality of equality to the content equality. When the nature of work, duties, and responsibilities is the same, the courts have been known to see no rationale in wage discrimination founded on employment status, whether those employed are temporary, under contract, etc. Major court cases have broadened protection on the victimised parts of the workforce such as the daily wage earners and women thus strengthening the aspect of dignity of labour.

The analysis also shows that Article 14 has become the constitutional mechanism of dealing with the issue of wage inequality, and this has been the case as the judiciary has focused more on fairness and non-arbitrariness. Concurrently, Article 39(d), still governs judicial reasoning as a significant

constitutional value, despite the fact that it is still enacted in the Directive Principles. This combined practise emphasises the judicial emphasis on converting ideals of the constitution to worked realities.

Nonetheless, even with the judicial interpretation that goes progressive, there are still challenges. Lack of consistency in applying the principle, administrative limitations and inadequate implementation systems still slow down the attainment of wage equality especially in the non-organised and the private sectors. Judicial action on its own in removing economic inequality would be incomplete unless with the backing of other legislative actions and proper enforcement of policies.

Conclusively, the paper confirms that the Indian judiciary has established equality in earnings as a constitutional value to a large extent. Although a solid legal base has been established through judicial pronouncements, there is a need to ensure the finalisation of the quest towards achieving the idea of wage parity and ensuring all the workers the constitutional right of justice, equality and dignity through the sustained efforts by the State, employers and the society.

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