

**GOVERNMENT OF INDIA
HUMAN RESOURCE DEVELOPMENT
LOK SABHA**

UNSTARRED QUESTION NO:5669
ANSWERED ON:07.09.2011
EQUAL PAY FOR EQUAL WORK
Das Gupta Shri Gurudas

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

- (a) whether the Government is aware about a ruling given by the Supreme Court of India that there can be no pay parity between teachers working in private un-aided schools and those employed in Government and Government aided schools;
- (b) if so, the details thereof and the Government's reaction thereto;
- (c) whether the Government proposes to enact laws as per Article 39 of the Constitution and exhort the States to ensure equal pay for equal work; and
- (d) if so, the details thereof and the other steps taken by the Government in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (Dr. D. PURANDESWARI)

- (a) & (b) Yes, Sir. The Supreme Court has ruled that there can be no pay parity between teachers working in private unaided schools and those employed in government and government-aided schools because the salary and allowances of teachers of a private unaided school is a matter of contract between the school and the teacher and is not within the domain of public law.
- (c) & (d) No, Sir. Article 39 of the Constitution provides that the State shall direct its policy towards securing equal pay for equal work for both men and women, and falls within the Directive Principles of State Policy. Teacher salary and allowances are in the domain of the State Governments, and this is reiterated through Section 23(3) of the Right of Children to Free and Compulsory Education Act, 2009, which provides that the salary and allowance payable to, and the terms and conditions of service of, teachers shall be such as may be prescribed by the appropriate government.