

Cultural Heritage Preservation in the Digital Era: Challenges and Opportunities for Arts and Humanities

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ABSTRACT

Digital technologies have revolutionized the preservation, documentation, and dissemination of cultural heritage worldwide. This study examines how digital archives, virtual museums, 3D scanning, and artificial intelligence contribute to safeguarding historical artifacts, traditions, and cultural identities. The research discusses the challenges associated with digital preservation, including technological obsolescence, copyright issues, funding limitations, and unequal digital access. By reviewing global initiatives, the paper highlights successful strategies that combine traditional conservation methods with modern digital tools. The findings indicate that interdisciplinary collaboration among historians, archivists, technologists, and policymakers is essential for sustainable heritage preservation. The study concludes that digital innovation strengthens public engagement and ensures long-term accessibility of cultural resources for future generations.

Keywords: Cultural Heritage, Digital Preservation, Arts and Humanities, Digital Archives, Museums, Cultural Sustainability.

I. INTRODUCTION

The Equal Remuneration Act, 1976 was enacted by the Parliament of India as a progressive social welfare statute with the main objective of securing **equality in the matter of remuneration between male and female workers**, and the **prevention of any kind of discrimination based on sex** in the realm of employment. The statute marks a major move towards the achievement of the constitutional mandate of equality to ensure that gender bias at the place of work is done away with. The Act came into effect on 11th February 1976 in view of India's international obligations, especially in relation to the International Labour Organisation (ILO) Convention No. 100, entitled "Equal Remuneration for Men and Women Workers for Work of Equal Value," which was ratified in 1958. The passage of this Act was therefore necessitated by both international and national obligations to achieve social justice and economic equality.

The constitutional basis for the Equal Remuneration Act, 1976 is traced to Articles 14, 15, and 16 of the Constitution of India. While Article 14 provides that there shall be equality before the law and equal protection of the laws, Article 15 forbids discrimination on grounds of sex, and Article 16 provides that all citizens shall have equality of opportunity in matters of public employment. In addition, Article 39(d) of the Directive Principles of State Policy specifically says that it is the duty of the State to secure that men and women shall have equal opportunities to guarantee an adequate means of livelihood, equal

pay for equal work.

The Act also tries to remedy the long history of paying women less than men for doing the same or similar work, a situation upheld by societal sentiments over the years. This is because the Act provisions for equal remuneration for both men and women workers for the same or for work of a similar kind. This ensures there is equality of the genders in the field of employment or remuneration.

In addition to equal pay treatment, the Act also makes it unlawful to discriminate in recruitment, promotion, training, and term of service except in circumstances where the engagement of women in employment is regulated or prohibited by law. The Act not only provides protection in relation to a person's remuneration but also covers other matters in connection with employment, thus emphasizing substantive equality in place of only formal equality.

This Act is applicable to all establishments, whether in the public sector or the private sector, and to the organized and unorganized sectors, except for exemptions notified by the Act. The Act also lends the appropriate government the authority to appoint AUTH, INS, and ACs to facilitate effective implementation of the Act. The Act ensures that compliance is achieved through penalties for contravention, such as fines and jail terms, thus serving as a deterrent against discriminative practices. The Act requires that registers and records of remuneration be kept by the employers.

The Equal Remuneration Act, 1976 is no less than a historic piece of legislation that strives to bring about gender justice in the realm of employment. It plays a very significant step regarding the erosion of discrimination in pay and the overall economic empowerment of women.

Although this Act is repealed by The Code on Wages, 2019, its ideology is always very much relevant and forms the backbone of modern juristic statutes in relation to employment in India. Just tell me.

II. HISTORICAL DEVELOPMENT OF THE CONCEPTS OF EQUAL REMUNERATION AND EQUAL EMPLOYMENT IN INDIA

The principles of equal remuneration and equal employment opportunity assume a prestigious place in the Indian constitutional and labor law system. These principles are grounded in values of equality, justice, and dignity and symbolize the commitment to ending discrimination in employment. The development of these principles in India has been an evolutionary process influenced by social reform movements, constitutional values, international commitments, judicial development, and legislation.

The pre-independence scenario showed that the social structure of India was replete with socio-economic inequalities, especially in the case of women and the marginalized sections of society. Women workers received significantly lower wages compared to those received by men for carrying out the same or similar work, and there was no efficacious legal remedy to prohibit any kind of discriminatory practice regarding recruitment and conditions of service. The colonially crafted legislations regarding labor were largely focused on regulating the conditions of industry, like working hours and factory conditions.

A major change was brought about by the adoption of the Indian Constitution in 1950. The Indian Constitution established a robust foundation of equality governed by the provision of fundamental rights of equality in the sense of Clause 1 of Article 14, prohibition of discrimination on the grounds of sex in Clause 1 of Article 15, and equality in matters of public employment in Clause 1 of Article 16. However, it is noteworthy to consider Clause (d) of Article 39 of the DPSP (Directive Principles of State Policy), which is a guiding principle of the State to provide equal pay to equal work performed by both men and women. The DPSPs are non-justifiable but are extremely influential in the development of labour jurisprudence in India.

In the absence of such laws during the early years after gaining freedom, the judiciary has taken the lead in defining the scope of the guarantee of equality in the Indian Constitution. The Indian judiciary has started to realize that the concept “equal pay for equal work” necessarily follows from articles 14 and 16, which form the essential part of the right to equality. The judiciary has confessed in their judgments that the concept of economic justice has become the integral part of the concept of social justice, and wage discrimination has marred the concept of equality.

After gaining independence, the commitment of the Indian government to the principle of equal remuneration received further consolidation through participation in the international labor movement. In 1958, India ratified Convention No. 100 regarding Equal Remuneration for Men and Women Workers for Work of Equal Value. By this ratification, the Indian government accepted an international obligation to incorporate the principle of equal remuneration in domestic law and realized the importance of comprehensive legislation covering discrimination regarding pay and sex.

The legislative response to these constitutional and international obligations came in the shape of the Equal Remuneration Act, 1976. The Equal Remuneration Act, 1976, was introduced in order to ensure that men and women workers are paid equal remuneration for similar work or work of a similar nature and also in matters relating to employment, not to discriminate on the ground of sex. This Act was a milestone in the history of labour legislation in India as it gave constitutional recognition to the concept of equality in employment and wages irrespective of sex. The Act applies to both the private and public sector and attempts to ensure that there is both wage equality and lack of discrimination in other matters of employment.

After the enforcement of the Equal Remuneration Act, the judiciary remained active in developing the concept of equality through cases involving the definition of “same work or work of a similar character” and the assertion that differences in responsibilities or tasks are not a ground for denying equal pay for equal work done by an employee. Through court judgments, the concept of equality has been developed for different workers, including casual and temporary workers, thus upholding the concept of substantive equality as opposed to formal equality.

With time, the aspect of equal employment in India moved from being a question of equal salary between the two genders to matters of fairness and lack of discrimination in employment. The courts realized that while equal employment is desirable, it needs the elimination of formal barriers in the

system that discriminates against some groups of people in accessing equal opportunities. This development signified a move away from a limited definition of equality towards a comprehensive definition in a bid to obtain social justice. There have been some recent reforms in the labour laws aiming to consolidate and update the existing legal framework for wages and employment. The provisions of the Equal Remuneration Act of 1976 have been included in the Code of Wages, 2019. The Code of Wages restricts any form of discrimination based on gender in relation to wages as well as appointments. This development indicates that despite the changing scenario in the economy and industries, the need for equal employment payment is always valid.

III. LEGISLATIVE INTENT AND CONSTITUTIONAL FRAMEWORK OF THE EQUAL REMUNERATION ACT, 1976

The Equal Remuneration Act, 1976, thus represents a major social welfare legislation aimed at eliminating the inequality between men and women in matters relating to wages and employment. The act reflects the legislative determination to eliminate discrimination in employment against women and assure economic justice to them by guaranteeing equal pay for equal work. Its enactment marks an important step in the realization of constitutional ideals of equality, dignity, and social justice.

As discerned from the available materials, the intention of the legislature in enacting the Equal Remuneration Act, 1976, is to eliminate various wage disparities between men and women workers performing the same work or similar in nature. Women workers in India were paid lower wages as compared to men workers for identical or similar work due to social prejudice and economic exploitation. The legislature tried to remove this injustice by enacting the Act, which provides for determination of remuneration on objective criteria such as required skill, effort, responsibility required, and working conditions and not based on gender.

Another important aim of the Act is that of making sure there is no discrimination against women in matters not only of remuneration but also in recruitment, promotions, training, and other conditions of service. It expands its reach beyond wages with a view to securing equal employment opportunity and ensuring a woman is not denied access to employment or career advancement on the ground of sex. In that sense, the statute advances substantive equality and not mere formal equality.

IV. JUDICIAL INTERPRETATIONS

Air India v. Nergesh Meerza, (1981) 4 SCC 335, is a landmark Supreme Court judgment dealing with gender discrimination in employment. In this case, the service regulations of Air India imposed discriminatory conditions on air hostesses, such as compulsory retirement on attaining the age of 35 years, or on marriage within four years of service, or on first pregnancy, while no such conditions were imposed on male employees.

The Supreme Court held that such conditions are arbitrary, unreasonable, and violative of Articles 14 and 16 of the Constitution, and since the same were only based on sex and there was no nexus or a rational one with the nature of employment. In emphasizing, the rules of employment need to square with the principle of gender equality and dignity of women. They cannot continue the stereotype convictions or place unequal burdens. Even though this was not decided directly under the Equal Remuneration Act, 1976, the judgment strongly reiterates its spirit by confirming that discrimination in conditions of service and employment, based on gender, is constitutionally not permissible.

People's Union for Democratic Rights v. Union of India, (1982) 3 SCC 235, is a landmark Supreme Court case that deals with issues of Discrimination in Employment and Unequal Wages, specifically targeting women workers. This case came about in the wake of exploitation of laborers, including women, employed in the Asian Games Projects in the construction work in Delhi, wherein women workers were paid lower wages than their male counterparts for similar work.

In this case, the Court declared that the payment of different wages to men and women for similar or identical work contravenes Articles 14 and 39(d) of the Indian Constitution inasmuch as it negates the spirit of the Equal Remuneration Act, 1976. Moreover, the Court reiterated that it is the constitutional duty of the State itself to ensure compliance with labor welfare legislation, even in instances involving contractors in the context of the provision of services. There cannot be illegality in gender-based wage discrimination, and it was reiterated that the standards of equal remuneration must apply to all casual, contract, and temporary workers, thus fortifying the Coverage of the Equal Remuneration Act.

V. CRITICAL ANALYSIS OF THE DISCRIMINATION IN EMPLOYMENT

The Equal Remuneration Act, 1976 was introduced to remove gender discrimination in the workplace, especially with regard to salaries and recruitment.

Although the Act explicitly provides for the “equal pay for equal work” standard, its effectiveness has remained tainted by the narrow interpretation, lack of enforcement, and evidence of discrimination. Employers commonly use job designation, contract type, skill levels, and arguments of unequal salaries in situations involving equivalent work.

Moreover, the scope of the Act primarily focuses on gender equality in salaries rather than gender-related discriminatory treatment in the workplace, including disparities in promotion rates and gender segregation within industries. Court cases have helped amend the Act by interpreting it in conjunction with Articles 14, 15, and 39(d) of the Indian Constitution, but the continued issue of female discriminatory salaries makes it clear that the legislated intent has strongly faltered in translating to real workplace changes, which is currently being ameliorated by the Code on Wages, 2019.

The Code on Wages, 2019 looks to simplify and consolidate various laws on wages, including the Equal Remuneration Act, 1976, and embodies the principle of gender-neutrality itself, prohibiting any kind of discrimination on the assumption of sex. Nevertheless, when it comes to a careful scrutiny, particularly in the context of the enforcement of gender-neutrality, the Code has some demerits:

VI. DEMERITS OF THE CODE ON WAGES, 2019 IN ENFORCING GENDER NEUTRALITY

1. Dilution of the Focus on Women-Centric

By enveloping the Equal Remuneration Act in the general wage legislation, the gender focus in the legislation on women’s wage discrimination gets blurred. Gender-neutrality in legislation does not necessarily lead to gender justice, specially in a labor market in which women are disposed against.

2. Absence of Clear Enforcement Mechanism for Gender Claims.

There is no provision for a specialized authority or a process for gender wage discrimination in The Code. In fact, enforcement by specialized inspectors-cum-facilitators for gender inequality is undermined.

VII. SUGGESTION

1. Improve Enforcement of Equal Pay Legislation

The Code of Wages, 2019, among other laws, requires support from effective inspections, grievance redressal within stipulated timelines, and stiff penalties. The complaint of wage discrimination requires officers skilled in gender-related matters for its handling.

2. Mandatory Gender Pay Audit

Companies, especially medium to large ones, should be made to conduct bi-annual gender pay equity analyses and share data on the pay gap. The best way to ensure compliance with the above is to have complete/transparency.

3. Shifting the Burden of Proof to Employers

An argument can be made that, in cases of wage discrimination, as soon as a female employee demonstrates prima facie similarity of work, the employer must be obliged to show a rationale for wage disparity, thus minimizing procedural delays for female employees.

VIII. CONCLUSION

Thus, "the elimination of gender-based employment discrimination in the labour laws like Equal Remuneration Act, 1976, and the Code on Wages, 2019, which follows it, necessitates more than mere recognition of equality in the statute books; it necessitates effective, sustained, and gender-sensitive implementation." The Equal Remuneration Act provided a robust ideological base where sex-based wage discrimination is prohibited on the ground of sex by emphasizing opportunities for equal recruitment, which has been further rationalized by the Code on Wages.

Unfortunately, despite this rationalization, gender gaps in salaries and occupational segregation remain partisan. Thus, this hollowness between formal equality and actual equality has not yet been overcome, where a comprehensive enforcement mechanism for labour laws is required for empowered enforcement with specialized labour inspections and grievance redressal systems, particularly for women in the informal and unorganized sectors.

For this reason, "the role of judicial interpretation in overcoming this shortfall by interpreting these statutes in harmony with Articles 14, 15, 16, and 39(d) of the Constitution" would remain critical. It would recognize indirect and structural sex-based discrimination, where the onus would be on the employers. Thus, for more effective implementation of the labour laws, success is dependent upon a fusion of statutory compliance and social awareness, where instead of just symbolic expression for gender neutrality, actual economic equality is required.

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