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## **SHORT ARTICLE - WOMEN'S RIGHT TO EQUAL PAY IN INDIA: A CRITICAL ANALYSIS**

This short article is written by Divyansha Singh.

### **Abstract:**

The right to equal pay is a vital aspect of human rights, social justice, and constitutional fairness in India. Despite women's significant contributions across formal and informal sectors, wage gaps and workplace discrimination remain widespread. Recent surveys highlight that nearly one in four salaried women in Indian metropolitan areas perceive a pay disparity, and a significant portion reports experiencing bias in their workplaces. Empirical studies reveal that women in sectors like technology, banking, financial services, insurance, life sciences, and healthcare earn between 19% to almost 30% less than men performing comparable roles. With an economic participation score of about 40.7% and pay parity close to just 30%, India is ranked 131st among 148 countries in the 2025 Global Gender Gap Index, trailing behind neighboring South Asian nations. These statistics expose profound structural challenges such as occupational segregation, systematic undervaluation of women's roles, opaque pay practices, and persistent biases in career progression and leadership opportunities.

Additionally, intersecting factors including caste, class, religion, and migrant status exacerbate disparities for marginalized women. Addressing these inequalities requires more than legal mandates, it calls for diligent enforcement of laws like the Equal Remuneration Act and Code on Wages, comprehensive gender pay audits, transparent salary policies, workplace reforms, and awareness campaigns aimed at dismantling stereotypes. Closing the gender pay gap is imperative not only for upholding women's rights but also to foster broader economic growth and social equity in India. Meaningful progress will emerge from combined policy action, corporate accountability, and cultural transformation that genuinely values women's labor at par with men's.

**KEY WORDS:** Equal pay, Wage disparity, Gender bias, Occupational segregation, Pay transparency.

## **INTRODUCTION**

The right to equal pay is not merely an economic issue but a matter of human rights, social justice, and constitutional morality. Women in India contribute significantly to both the formal and informal sectors; however, their work is frequently undervalued and underpaid.

These disparities are not confined to statistics alone but are also reflected in workplace perceptions. A recent survey conducted by CRISIL(Credit Rating Information Services of India Limited) and DBS(Development Bank of Singapore) Bank India revealed that 23% of salaried women in metropolitan areas perceive a gender pay gap, while 16% reported experiencing gender bias at their workplace<sup>1</sup>. This highlights how wage inequality is deeply felt by women across urban India. Moreover, wages for similar work are often determined by prevailing market dynamics rather than principles of fairness, leading to significant disparities in remuneration for men and women performing comparable tasks.

Further, a recent study by TeamLease Digital has unearthed the depth of the gender pay gap in India's corporate sector. It found that women employed in Global Capability Centers (GCCs) in the technology industry are paid nearly 19% less on average than their male counterparts, while the gap widens to 23–29.5% in sectors like banking, financial services, insurance (BFSI), life sciences, and healthcare<sup>2</sup>. These figures reflect not just a legal and economic challenge but a systemic one, deeply rooted in occupational segregation and undervaluation of “women’s work.”

India, as a developing country, still has a score of 40.7% for economic participation and opportunity for women<sup>3</sup>. The pay parity in India is at approximately 29.9%, which states that women only earn 70 paise as compared to every rupee earned by a man for the same work<sup>4</sup>. India ranks 131st out of 148 countries in the Global Gender Gap Index 2025<sup>5</sup>, falling behind South Asian neighbors like Nepal and Sri Lanka. This is due not only to poor economic scores, but also health and political representation gaps. Such alarming realities expose the yawning gap between

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<sup>1</sup> CRISIL & DBS Bank India, *23% of Salaried Women in India's Metros Perceive a Gender Pay Gap, and 16% Report Gender Bias at Their Workplace: Survey*, D.B.S. (Mar. 6, 2024), [https://www.dbs.com/newsroom/23\\_of\\_salaried\\_women\\_in\\_indias\\_metros\\_perceive\\_a\\_gender-pay-gap\\_and\\_16\\_report\\_gender-bias-at-their-workplace-survey-by-crisil-and-dbs-bank-india](https://www.dbs.com/newsroom/23_of_salaried_women_in_indias_metros_perceive_a_gender-pay-gap_and_16_report_gender-bias-at-their-workplace-survey-by-crisil-and-dbs-bank-india)

<sup>2</sup>Trisha Tiwari, *Equal Titles, Unequal Pay: Gender Pay Gap Widens in India's Tech Nerve Centers*, Times of India (Education), May 1, 2025, at 1

<sup>3</sup>World Economic Forum, Global Gender Gap Report (June 2025), at 18.

<sup>4</sup> World Economic Forum, Global Gender Gap Report (June 2025), at 39.

<sup>5</sup> World Economic Forum, Global Gender Gap Report (June 2025), at 38.

constitutional guarantees, statutory mandates, and workplace practices, making it imperative to revisit the framework of women's right to equal pay in India.

## **GENDER DISCRIMINATION AT WORK IN INDIA**

Gender discrimination in Indian workplaces extends far beyond unequal pay. It is often embedded in everyday professional interactions, organizational hierarchies, and recruitment practices that collectively restrict women's access to equal opportunities and advancement.<sup>6</sup>

### **Hiring Bias.**

At the recruitment stage, women are frequently subjected to intrusive questions about their marital status, maternity plans, or ability to balance family and work responsibilities. Such assumptions lead to discriminatory hiring choices and contravene the constitutional guarantee of equality in employment.

### **Glass Ceiling Effect.**

Even when women possess qualifications equal to or greater than their male colleagues, they remain underrepresented in senior managerial and executive roles. The existence of this "glass ceiling" reflects structural barriers and entrenched cultural norms that continue to limit women's upward mobility.

### **Unequal Promotion Opportunities.**

Women often find their career progression stunted due to gendered assumptions about their dependability or professional ambition. Men, on the other hand, are more readily promoted or given leadership responsibilities, perpetuating a cycle of occupational inequality and pay disparity.

### **Occupational Segregation.**

Women are disproportionately concentrated in low-paying and undervalued occupations such as teaching, caregiving, and administrative work—sectors traditionally labelled as "feminine." In

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<sup>6</sup> Garima Bhardwaj, *Laws on Paper, Inequality in Practice: The Paradox of Women's Right and Equal Pay in India* (Sept. 25, 2025), <https://ssrn.com/abstract=5560124> or <http://dx.doi.org/10.2139/ssrn.5560124>

contrast, men dominate higher-paying fields such as finance, engineering, and technology. This division of labour perpetuates systemic undervaluation of women's work and reinforces economic inequality.

## **CONSTITUTIONAL FRAMEWORK ON EQUAL PAY**

The Indian Constitution lays a strong normative and legal foundation for gender equality and the right to *equal pay for equal work*.

- **Article 14** ensures *equality before the law* and *equal protection of the laws* for all individuals.<sup>7</sup>
- **Article 15(1)** prohibits discrimination on the grounds of sex, thereby securing substantive equality for women.<sup>8</sup>
- **Article 16(1) and 16(2)** guarantee *equality of opportunity* in matters of public employment and explicitly forbid discrimination based on gender.<sup>9</sup>
- **Article 39(d)**, part of the Directive Principles of State Policy, directs the State to promote *equal pay for equal work* for both men and women.<sup>10</sup>

These provisions collectively establish a constitutional commitment to wage parity and fairness in employment.

## **JUDICIAL INTERPRETATION OF THE RIGHT TO EQUAL PAY**

Indian courts have consistently expanded the scope of wage equality through progressive interpretation of these constitutional provisions.

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<sup>7</sup> INDIA CONST. art. 14.

<sup>8</sup> *Id.* art. 15(1).

<sup>9</sup> *Id.* art. 16(1)–(2).

<sup>10</sup> *Id.* art. 39(d).

In *Randhir Singh v. Union of India*,<sup>11</sup> the Supreme Court held that although Article 39(d) appears within the Directive Principles, the concept of *equal pay for equal work* can be read into Articles 14 and 16, making it judicially enforceable.

In *Mackinnon Mackenzie & Co. Ltd. v. Audrey D'Costa*,<sup>12</sup> the Court found that paying female stenographers less than their male counterparts for identical duties violated both the Equal Remuneration Act, 1976 and the constitutional right to equality.

In *Air India v. Nargesh Meerza*,<sup>13</sup> the Court struck down arbitrary employment conditions that allowed termination of air hostesses upon pregnancy or set lower retirement ages for women, recognizing such measures as unconstitutional discrimination.

More recently, *State of Punjab v. Jagjit Singh*<sup>14</sup> extended the principle of equal pay to temporary and contractual employees, ruling that all workers performing identical duties deserve equal remuneration irrespective of employment status.

### **SOCIO-LEGAL CONTEXT AND STRUCTURAL BARRIERS**

Despite these constitutional and judicial safeguards, gender discrimination in pay and employment persists due to weak enforcement and enduring social biases. Patriarchal norms, informalisation of women's labour, and lack of transparency in pay structures have collectively undermined the promise of equality. As noted in recent socio-legal analyses, most women in India remain concentrated in informal sectors such as domestic work, agriculture, and small-scale manufacturing, where legal protections rarely apply.

Bridging this divide requires not only strong statutory enforcement and institutional accountability but also a deeper cultural transformation that values women's economic contributions equally. Only through such systemic reform can the constitutional promise of "equal pay for equal work" evolve from a legal aspiration into a lived reality for India's women workers.

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<sup>11</sup> *Randhir Singh v. Union of India*, (1982) 1 S.C.C. 618 (India).

<sup>12</sup> *Mackinnon Mackenzie & Co. Ltd. v. Audrey D'Costa*, (1987) 2 S.C.C. 469 (India).

<sup>13</sup> *Air India v. Nargesh Meerza*, (1981) 4 S.C.C. 335 (India).

<sup>14</sup> *State of Punjab v. Jagjit Singh*, (2017) 1 S.C.C. 148 (India).

## **INTERSECTIONALITY AND MARGINALIZED WOMEN**

1. Caste, class, and religion intersect with gender to further marginalize Dalit, tribal, and religious-minority women in hiring, pay, and promotion. These groups are disproportionately represented in the lowest-paid work and are at heightened risk of harassment and wage violations.
2. Migrant women face language barriers, lack of union access, and are sometimes excluded from urban employment schemes, worsening their economic vulnerability.

## **GOVERNMENT AND CORPORATE INITIATIVES**

Efforts to bridge India's gender pay gap have emerged through a combination of state-driven welfare programs and corporate-level interventions promoting gender equity. Although progress remains uneven, these initiatives demonstrate growing recognition of the economic and social costs of wage inequality.<sup>15</sup>

### **1. Gender Equality Indexing and Gender Audits**

A number of multinational corporations and Indian enterprises have begun implementing Gender Equality Indexing and periodic gender audits to assess gender representation, pay structures, and workplace inclusivity. These audits evaluate disparities in salaries, promotions, and leadership representation, creating data-driven accountability frameworks.<sup>16</sup>

The Gender Equality Index, used by several international employers in India, aligns with environmental, social, and governance (ESG) reporting metrics and helps investors assess a company's gender inclusivity. However, the lack of a national regulatory mandate requiring uniform disclosure across industries limits transparency. Introducing government-backed, standardized gender audits could ensure consistent reporting, thereby exposing and addressing systemic wage inequities.<sup>17</sup>

<sup>15</sup> Garima Bhardwaj, *Laws on Paper, Inequality in Practice: The Paradox of Women's Right and Equal Pay in India* (Sept. 25, 2025), <https://ssrn.com/abstract=5560124> or <http://dx.doi.org/10.2139/ssrn.5560124>

<sup>16</sup> Ministry of Corporate Affairs, *National Guidelines on Responsible Business Conduct* (2019) (India)

<sup>17</sup> NITI Aayog, *Women Entrepreneurship Platform Annual Report* (2023) (India).

## 2. Support to Training and Employment Programme for Women (STEP)

Launched by the Ministry of Women and Child Development, the Support to Training and Employment Programme (STEP) aims to enhance employability among women by providing technical and vocational training in non-traditional and underrepresented trades.<sup>18</sup> The program operates in sectors such as agriculture, handicrafts, hospitality, information technology, and services. By equipping women with industry-relevant skills, STEP facilitates access to higher-paying formal sector employment and reduces dependency on informal work.

Moreover, STEP's emphasis on entrepreneurial training and credit linkage enables women to participate in micro and small enterprises, thus fostering economic independence and promoting long-term financial security.<sup>19</sup>

## 3. Corporate Gender Wage Audits and Pay Transparency Mechanisms

Several large employers, including major technology and financial firms, now conduct internal gender wage audits to identify pay disparities and discrimination in compensation structures. Many have introduced anonymous pay review tools that allow employees to confidentially report wage discrimination or bias.<sup>20</sup>

Such initiatives foster an environment of pay transparency, a critical step toward ensuring accountability and equity in compensation. When companies publish the outcomes of wage audits, they not only promote fairness but also enhance reputation, employee trust, and talent retention. However, only a minority of corporations currently make these reports public or act decisively upon their findings, indicating the need for mandatory disclosure norms under labour compliance frameworks.<sup>21</sup>

## 4. Potential Impact and Way Forward

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<sup>18</sup> Ministry of Women & Child Dev., *Support to Training and Employment Programme for Women (STEP) Scheme Guidelines* (2023), <https://wcd.nic.in>.

<sup>19</sup> Id.

<sup>20</sup> Garima Bhardwaj, *Laws on Paper, Inequality in Practice: The Paradox of Women's Right and Equal Pay in India* (Sept. 25, 2025), <https://ssrn.com/abstract=5560124> or <http://dx.doi.org/10.2139/ssrn.5560124>

<sup>21</sup> Id

When effectively implemented, these initiatives can empower women in multiple ways:

- **Economic Empowerment:** Skill development and equal pay practices increase women's participation in higher-paying, skilled employment.
- **Institutional Accountability:** Audits and pay transparency hold employers accountable for discriminatory structures.
- **Cultural Change:** Public awareness of gender gaps fosters organizational change and challenges patriarchal norms.
- **Policy Integration:** Linking such corporate disclosures to ESG reporting and national gender indices could mainstream gender justice into corporate governance.

In sum, while India has initiated important policy and corporate measures toward pay equity, meaningful transformation depends on mandatory audit frameworks, transparency in outcomes, and public private collaboration that embeds gender equality into both law and practice.<sup>22</sup>

## **STRUCTURAL BARRIERS CONTRIBUTING TO GENDER PAY GAP IN INDIA**

### **1. Occupational Segregation**

Women are often concentrated in lower-paying, undervalued sectors such as teaching, caregiving, agriculture, and domestic work. These roles are traditionally seen as "women's work" and are generally compensated less. Meanwhile, men dominate higher-paying industries like engineering, technology, finance, and management. This segregation limits women's access to well-paid jobs and career growth opportunities. It

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<sup>22</sup> Ministry of Labour & Employment, *Code on Wages, 2019* (India).

also perpetuates stereotypes about what work is suitable for women, restricting their entry into lucrative sectors and leadership roles.

## 2. Lack of Pay Transparency

Most companies in India do not make salary structures or compensation packages public. This opacity hides wage disparities, making it difficult for women to identify or challenge unequal pay. Without transparent pay bands, employees cannot effectively negotiate fair salaries or detect discriminatory pay practices. This problem is magnified in the informal sector and small enterprises where formal pay scales and audits are limited or absent.

## 3. Undervaluation of Women's Work

Jobs predominantly held by women including nursing, caregiving, teaching, and administrative support are often considered "low-skilled" or less important, regardless of the actual skill, responsibility, or societal need involved. As a consequence, these roles receive lower compensation compared to male-dominated professions with similar skill levels. Additionally, unpaid care work done by women within households remains unrecognized and unremunerated, reducing women's overall economic value and bargaining power.

## 4. Workplace Discrimination and Bias

Gender stereotypes influence hiring, appraisal, promotion, and pay decisions. Women are frequently assumed to be less committed or available due to family and caregiving responsibilities. These biases result in women facing barriers to promotion and leadership roles, the "glass ceiling" effect despite equal or better qualifications and performance. Gender bias also affects performance evaluations and access to high visibility assignments, which are crucial for career advancement.

## 5. Limited Representation in Leadership

Women remain severely underrepresented in senior and boardroom positions. This underrepresentation means fewer advocates within organizational decision-making structures to push for gender-equal policies, pay equity, and mentoring, reinforcing systemic bias.

## 6. **Unequal Access to Career Development**

Women often have less access to professional development, networking opportunities, and training programs. The lack of sponsorship and mentorship compounds challenges to career progression and fair pay.

## 7. **Impact of Unpaid Care Responsibilities**

Indian women spend significantly more time on unpaid domestic and caregiving work than men, restricting their ability to pursue full-time employment or demanding roles. This unpaid labor, while vital, limits women's economic participation and contributes indirectly to wage disparities.

## **WAY FORWARD: RECOMMENDATIONS**

1. **Stricter Enforcement of the Code on Wages, 2019** – Laws alone are insufficient without implementation. Regular inspections, penalties for non-compliance, and active monitoring are essential to ensure that the promise of equal pay is not confined to paper.
2. **Gender Pay Audits** – Companies, particularly in the formal sector, should be mandated to conduct and publish annual gender-disaggregated pay audits. This will help identify wage disparities and push employers toward corrective measures.
3. **Pay Transparency** – Introducing transparent pay structures and disclosure norms can help reduce hidden forms of discrimination, empowering employees to challenge unjust practices.
4. **Empowering Informal Sector Workers** – With nearly 90% of working women employed in the unorganized sector, mechanisms such as local monitoring bodies, accessible grievance redressal systems, and inclusion in social security schemes are crucial.
5. **Awareness & Sensitization** – Regular workplace training, campaigns, and gender-sensitization workshops can dismantle stereotypes that undervalue women's work and hinder their career progression.

6. **Judicial Oversight** – Courts should continue to play a proactive role by interpreting wage equality provisions in a progressive manner, ensuring that temporary, contract, and informal workers are not excluded from the principle of equal pay for equal work.

## CONCLUSION

The right to equal pay for equal work is not just a legal concept but a vital expression of gender justice and social equality. Although India's Constitution guarantees equality through Articles 14, 15, 16, and 39(d), wage disparities between men and women continue to persist across sectors. Despite progressive judicial rulings and policy measures, structural barriers such as occupational segregation, lack of pay transparency, and weak enforcement still hinder progress. Recent reports show that India ranks among the lowest globally in gender pay parity, highlighting the urgent need for stronger institutional action. True equality requires more than legal recognition; it calls for consistent enforcement, gender-sensitive corporate practices, and a shift in societal attitudes that undervalue women's work. Ensuring pay equity is not only an economic necessity but also a constitutional and moral responsibility to uphold fairness, dignity, and equal opportunity for all.

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