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ANALYSING THE GENDER PAY GAP IN INDIA: EXPLORING CURRENT LEGAL EFFICACY

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I. ABSTRACT

For centuries, women in India have endured atrocities and injustices in the exercise of social and patriarchal norms. After the independence, legislative laws were enacted to safeguard women's rights and bring them into the mainstream of society. Discrimination at workplaces, particularly concerning pay discrepancies between genders, has been outlawed in articles 14, 16, and 39 under the Indian Constitution, and the equal pay for equal work principle has been followed in legislative measures aiming to improve the equal representation of women in the economic sector too.

Despite such continuing efforts, the gender pay gap in India continues unabated, with women continuing to pocket far fewer earnings than their male counterparts. According to the 2024 edition of the Global Gender Gap Report from the World Economic Forum, India is placed at 129th out of 146 countries with a parity score of 0.641, and Indian women make on average Rs 40 compared to the Rs 100 men earn doing the same job.

This paper will look at the effectiveness of gender pay gap legislation through interpreting the judicial pronouncements on the socio-economic landscape, as well as the actual impact of legislation in terms of economic participation. The study makes use of a doctrinal approach by examining the text of the constitution, laws, and major judicial verdicts, as well as looking at empirical data and comparing it with other countries.

Such a study would focus on the role of cultural attitudes and social expectations in wage gaps, especially in the informal sector where more females are employed. Ultimately, contributing to the debate over true gender pay equity in India and

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putting focus on very overarching approaches that include legislative enforcement and societal changes.

II. KEYWORDS

Gender Pay Gap, Discrimination, Equal Pay for Equal Work, International Labour Organisation (ILO), Wage Equity, Women's Rights, Article 39(d), Code on Wages 2019, Constitutional Principles, Judicial Interpretation.

III. INTRODUCTION

"The best thermometer of the progress of a nation is its treatment of its women."-Swami Vivekananda.³ For thousands of years, the classification of labour based on gender has placed women squarely in the role of homemaker while the man are considered the earning class, ultimately contributing to large pay gaps and few opportunities for women in the economy. Many people believe that because women are responsible for households and caring for their children, they are less focused on work. Often, it is assumed that women have less experience and skill than men, yet no proof for this.⁴

But now, as there is a shift in society, women are encouraged to represent themselves in the country's economically active class. However, even if they are doing equal work and putting in efforts in the market, there is still disparity between what they are paid as compared men are paid. The results of a survey indicated that 23 percent of salaried women in Indian metros believe there is a gap in pay based on gender, and 16 percent note gender bias in their workplaces.⁵

Efforts have been made around the world to counter this problem. In the Indian constitution, the principles advocate the right to equality and equal opportunity, and

³ Vivekananda, S. (1893). Women of the East. In The Complete Works of Swami Vivekananda (Vol. 8). Advaita Ashrama.

⁴ Breaking Through the Self-Doubt That Keeps Talented Women from Leading. (2024, February 13). HBS Working Knowledge. <https://hbswk.hbs.edu/item/breaking-through-the-self-doubt-that-keeps-talented-women-from-leading> accessed 22 May 2025

⁵ DBS Bank India and CRISIL, 23% of salaried women in India's metros perceive a gender pay gap and 16% report gender bias at their workplace: Survey by CRISIL and DBS Bank India (DBS, 8 March 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 accessed 5 June 2025.

this is applied to equal wages too. This DPSP provides that the State shall direct its policy towards ensuring that there is equal pay for equal work for both men and women.

It is of paramount consideration that the doctrine of equal pay for equal work should be applied because the gender discrimination has existed long enough and women have faced social abuses throughout their lifespan be it the Sati, the dowry deaths, rapes and domestic violence.

In light of the constitutional provisions, continuous legislation has been practised to ensure that women are treated equally in the workplace. The government has been successful in doing so up to some extent; however, there are still some loopholes in the system, causing the violation of the very principles that are guaranteed in the constitution. The paper will examine these concerns, with a strong focus on the division of labour, wage inequality, and the actions taken by the lawmakers to secure equality at work.

IV. THE CONSTITUTIONAL PRINCIPLES

Article 39(d) under Directive Principles and State Policy of the Indian Constitution lays down that the State shall, in framing policy, endeavour to ensure that there is a provision of equal wages for equal work to males and females. The provision, in its very premise, is pledged to equality of opportunities between women and men regarding employment, stating that any man and any woman doing the same job shall be paid equal remuneration.⁶

It, of course, forms part of the suite of legislation designed to address social and economic justice as stated in the Preamble to the Constitution. Preamble expresses the desire of the framers of this Constitution to see a society in which social, economic, and political justice prevails for all citizens of this great country. Article 14 on equality before the law, coupled with Article 15 that deals with non-discrimination on several grounds, among them being sex, also supports its vision.

⁶ Testbook, Article 39 of Indian Constitution: Directive Principles of State Policy (4 October 2024) <https://testbook.com/constitutional-articles/article-39-of-indian-constitution> accessed 5 June 2025.

Article 39(d) does not, as such, create a right as Article 14(1) but has been held to make achievement of the directive a constitutional imperative which can be sought under Article 32. In the landmark case of *Randhir Singh v. Union of India*⁷ The Supreme Court acknowledged that although this doctrine is part of the DPSP, it holds significant importance in advancing equality. The Court clarified that the principle of equal pay could only be invoked when there is a clear similarity in job nature and qualifications. The court held:

‘Construing Articles 14 and 16 in the light of the Preamble and Art. 39(d), we are of the view that the principle ‘Equal pay for Equal work’ is deducible from those Article and may be properly applied to cases of unequal scales of pay based on no classification or irrational classification, though those drawing the different scales of pay do identical work under the same employer.’

True, the phrase ‘equal pay for equal work’ may be a mere political catchphrase; it is far more than a saying: it is the right of justice received and justice given in employment. Article 39 (d) on sensible remuneration seeks to eradicate gender inequality and discrimination touches have influenced the payment of wages in the past, giving men higher wages compared to women. This is a common provision assuming that whenever persons perform similar duties and have similar standing, they should not be discriminated against on the basis of their sex. This, I concluded by the observation that the court itself in the aforementioned case used the provision of Article 39(d) as an important directive in dealing with unfairness in remuneration. This decision made the ruling that people could sue for wage disparities when they were in similar classifications of jobs.

In *Mewa Ram v. All India Institute of Medical Sciences* (1989)⁸ The Supreme Court referred to the *Randhir Singh* case and stated that the principle ‘equality pay for equal work’ is one of substance, which is not merely for the sake of it. The court found that reasonable variations in pay structure for differences in experience, training, and job

⁷ *Randhir Singh v Union of India* (1982)1 SCC 618

⁸ *Mewa Ram v All India Institute of Medical Sciences* (1989) Supp (1) SCC 204 (SC)

remuneration for similar work amount to discrimination prohibited by the constitution.

‘It has to be borne in mind that it is open to the State to classify employees on the basis of qualifications, duties, and responsibilities of the posts concerned. If the classification has reasonable nexus with the objective sought to be achieved, efficiency in the administration, the State would be justified in prescribing different pay scale but if the classification does not stand the test of reasonable nexus and the classification is rounded on unreal, and unreasonable basis it would be violative of Articles 14 and 16 of the Constitution.’

This case was reasonable in the differentiation in employment compensation and got high political compliance with the provisions of the constitution- Article 14, 16, and 39(d) on equality and non-discrimination in employment.

Moreover, in the most recent judgement of Rattan Lal Bharadwaj v. State of Himachal Pradesh, 2022⁹ It was decided by the Himachal Pradesh High Court that the provision of equal pay for equal work in Article 39(d) has the force of law. The Court wanted the state to grant equal pay to a librarian who performed duties the same as other librarians in the education department.

V. LEGISLATIVE HISTORY OF FRAMEWORKS ADDRESSING THE GENDER PAY GAP IN INDIA

The legislative development concerning the gender pay gap in India has been substantially significant, characterized by a succession of landmark laws aimed at equal pay and protecting employees from harmful practices. Such developments suggest an increasing recognition of gender equality within the labour market and the consequent need for legal frameworks to address wage disparities.

India had already ratified the special charters of the United Nations and its laws were expected to be in consonance with the norms determined by the Universal Declaration of Human Rights (UDHR), the International Labour Organisation (ILO) and the Convention on Elimination of All Forms of Discrimination Against Women, 1979

⁹ Rattan Lal Bharadwaj v State of Himachal Pradesh LPA No.27 of 2023

(CEDAW). Article 23 of the UDHR guarantees that everyone, regardless of any classification, has the right to equal pay for equal work.¹⁰

Among the early pieces of legislation that were concerned with remuneration was the Workmen's Compensation Act, 1923. It was enacted to give monetary compensation to the dependents of the deceased/injured if any accident or injury occurred to workmen due to the default of employer. However, it failed to mention any such provision for women or any gender concern.

After independence, the Minimum Wages Act, 1948, was one of the earliest laws designed for the protection of labourers' wages in India. Originally passed in 1948, the ultimate goal of this Act was to help shield employees from being overworked and underpaid for services rendered by pegging wages at a statutory floor.

The International Labour Organization (ILO) held a Convention with regards to the Equal Remuneration for Men and Women Workers for the Work of Equal Value in 1951. It was the 100th convention held by the ILO. Signatory States were given the choice to achieve the goals of the convention either through legislation, the introduction of a mechanism for wage determination, or collective bargaining agreements. This convention is among the eight fundamental conventions of the ILO.¹¹ The minimum wage act was not in compliance with the ILO's contentions.

The Equal Remuneration Act, 1976, was implemented to ensure that men and women workers receive fair and equal pay, and to eradicate any form of gender-based discrimination. While specifically aimed to tackle gender-based wage discrimination and mandating equal pay for men and women performing the same work or work of a similar nature, the key features of this Act included: Non-discrimination in remunerations for work mainly on the ground of sex. It provided assurances that the existing wages could not be touched by employers in a bid to make them meet the provisions of the Act. This law was very important to bring conformity with the ILO Equal Remuneration Convention 1951 by formulating employee policies of India.

¹⁰ Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III)) (UDHR) art 23.

¹¹ ILO Equal Remuneration Convention, 1951 (No 100).

This act sends responsibilities of paying men and women workers with the same wages for doing the same or equally demanding jobs, and employing men and women workers, there shall be no discrimination. Some input methods claim that a more effective model should focus on ensuring that workers completing jobs of equal worth are paid the same regardless of their occupation.¹²

In 2019, the Code of Wages Act, 2019¹³ was passed in India, which subsumed the Equal Remuneration Act within it. With this legislation, the government sought to take the principle of gender pay equity beyond the sexes to include the LGBTQI+ community too. Key developments included the erasure of sections that justified disparity in their wages, for instance, for women employees, and giving the interpretation of “work of equal value” to the courts, which have in one way or the other interpreted it in the narrowest of senses.

Despite receiving presidential approval in August 2019, the Code on Wages has still not been enforced by the central government. Since the rules have not yet been finalized and announced under the Code, practical use of the Code has been halted nationally. Therefore, until the new code becomes effective, the Equal Remuneration Act, 1976, will remain in force. Because these recommendations are not followed, complete progress towards equal pay remains difficult to achieve in all parts of the labour sector.

VI. THE INTERPRETATION OF EQUAL PAY PRINCIPLES

The principle of Equal Pay for Equal Work was first discussed in the case of Kishori Mohanlal Bakshi vs. Union of India (1961)¹⁴, in which the Supreme Court considered it unenforceable in a court of law. Later, it was only in the year 1987 when Mackinnon Mackenzie's case was.¹⁵ It was a place where the court believed in the concept of equal pay. The brief facts of the case were a claim for equal remuneration for lady and male

¹² Equal Remuneration Act, 1976 – Canonsphere. (n.d.).

<https://canonsphere.com/archive/blogs/equal-remuneration-act-1976/> accessed 23rd May 2025

¹³ The Code on Wages Act, 2019 (No 29 of 2019).

¹⁴ Kishori Mohanlal Bakshi vs. Union of India 1962 SC 1139

¹⁵ Mackinnon Mackenzie & Co. Pvt. Ltd. v. Ibrahim Mahommed Issak 1970 AIR 1906

Stenographers that was brought before the court, and thereafter, the Court ruled in favour of female stenographers, adjudicating for the principle of equal pay.

Similarly, in the case of *Frank Anthony Public School Employees Association v. Union of India* (1986)¹⁶ The court declared section 12 of the Delhi School Education Act unconstitutional as it violated Article 14 of the Constitution because it discriminated against school teachers in pay and other conditions of service, primarily on being aided or unaided minority schools.

The learned Judge in *Sita Devi & Ors v. State of Haryana & Others*¹⁷ held that the “doctrine of equal pay for equal work is recognized as a facet of the equality clause contained in Article 14 of the Constitution.” Although it does not always apply as a strict rule, the court stated that any unfair wage difference due to arbitrary classifications could be considered a violation of Articles 14, 15, and 16.

In the recent judgement of, *State of Gujarat v. Dr. P.A. Bhatt*, 2023¹⁸ The Court maintained that the different qualifications and tasks of Allopathic and AYUSH doctors explain the unbalanced pay structure. It shows that for equal pay claims to be valid, the jobs and responsibilities should be largely the same.

In the case of *Kundan Singh v State of Uttarakhand* 2024¹⁹ The Supreme Court accepted the Uttarakhand High Court’s order that guaranteed outsourced workers employed by UPNL the same wages as government workers doing the same tasks. The Supreme Court decided that the state government must give equal pay to all employees.

The case rulings demonstrate the judiciary’s shift in upholding Equal Pay for Equal Work as part of the constitution. The courts now more often require equal pay when jobs are similar in nature, keeping the promise of fairness and non-discrimination made in the Constitution.

¹⁶ *Frank Anthony Public School Employees Association v Union of India* (1986) 4 SCC 707

¹⁷ *Sita Devi and Others v State of Haryana & Ors* JT 1996 (7)

¹⁸ *State of Gujarat v Dr P A Bhatt* 2023 SCC OnLine SC 503

¹⁹ *Kundan Singh v State of Uttarakhand* [2024] arising out of Writ Petition No. 116 of 2018 (PIL)

VII. IS EMPLOYING WOMEN A COMPROMISE? ANALYSING TRUTHS

Women encounter discrimination often because it is widely believed that their chief job is to look after the home and family. In many workplaces, they are seen as somewhat less committed to their jobs. In different situations, these attitudes have been challenged, since they are centered on the belief that women's hiring would negatively impact workplace output.

In the case of *Mary Ann Turner v. Department of Employment Security*²⁰ The Supreme Court of the United States voiced sufficient disapproval of the maternity leave regulations that required a teacher to resign several months before her anticipated childbirth.

In case of *Mohd. Ramjan & Another vs State Of U.P. & Others*²¹ The court referred the *Bhagwan Dass* case and recorded that, in a claim for equal compensation, the length of time an employee would remain (or has remained) employed would not be relevant. Additionally, there would be no distinction in the process of appointment and selection.²²

In *Bombay Labour Union Representing M/s. International Franchises Pvt. Ltd. v. M/s. International Franchises Pvt. Ltd.*²³ While considering a statute that prohibited a married woman from working in a particular venture, the Court eloquently expressed views almost akin to those asserted by the United States. In the above judgment by the Supreme Court, a certain rule provided that an unmarried woman had to resign from service upon marriage rule was also found in the Corporation's Regulations, although it now appears to have been withdrawn. In considering the validity of such regulation, this Court made the following observation-

²⁰ *Mary Ann Turner v. Department of Employment Security and Board of Review of the Industrial Commission of Utah*, 423 U.S. 44, 96 S. Ct. 249, 46 L. Ed. 2d 181 (U.S. 1975)

²¹ *Mohd. Ramjan & Another v State of U.P. & Others* 2019 0 Supreme ALL 2189

²² *Bhagwan Dass And Others vs State of Haryana* 1987 AIR 2049

²³ *Bombay Labour Union Representing the Workmen of Messrs International Franchises Pvt Ltd v Messrs International Franchises Pvt Ltd* AIR 1966 SC 942.

‘There is nothing to show that married women would necessarily be more likely to be absent than unmarried women or widows. If it is the presence of children that may be said to account for greater absenteeism among married women, that would be so more or less in the case of widows with children also. The fact that the work has got to be done as a team and the presence of all those workmen is necessary, is, in our opinion, no disqualification so far as married women are concerned.’²⁴

In *People’s Union for Democratic Rights v. Union of India*²⁵ It was held that when one is receiving less than the minimum wage, then the person is acting under the force of some compulsion, which is a direct violation of Article 23, which talks about forced labour. In the *Air India v. Nargesh Meerza*²⁶ The court observed that the Corporation's decision to consider pregnancy as a bar to continue offering service for an air hostess seems to reflect a very personal evaluation of a woman's physical ability to sustain her employment after conception, which is unmistakably an unreasonable position.

This is a landmark case of a flight hostess, Nargesh Meerza, who had challenged discriminatory service conditions that compelled women working in cabin crews to resign upon getting married or becoming pregnant, which was not applicable to their male counterparts. The Supreme Court opined that these conditions were "hostile discrimination" under Articles 14, 15, and 16 of the Indian Constitution. The provisions about marriage and pregnancy were struck down by the court.

The Indian government has also introduced amendments to existing laws, such as increasing maternity leave under the Maternity Benefit Act, 1961, from 12 weeks to 26 weeks in 2017. This change aims to reduce the motherhood pay gap among working women.

Post 2017 amendment, in the case of *Shalini v. Union of India*²⁷ Because her employment agreement was made post-amendment, she did not get the full maternity leave. Still, the Court concluded that she deserved the full protections granted by the

²⁴ Ibid

²⁵ *People’s Union for Democratic Rights v Union of India* AIR 1982 SC 1473.

²⁶ *Air India v Nargesh Meerza* AIR 1981 SC 1829.

²⁷ *Shalini Dharmani v. State of Himachal Pradesh & Ors.*, Special Leave Petition (Civil) No. 16864 of 2021 (Supreme Court of India).

new law, confirming the state's duty to help mothers at work and stop wage gaps based on their childcare responsibilities.

By adding the 106th Constitutional Amendment Act, 2023, which provides one-third of seats in the Lok Sabha and State Assemblies to women, the nation is making a significant step towards gender equality. This bold choice reflects the idea that the Constitution counts women as key members of society's workforce and leadership. Due to legal precedents outlawing discrimination and new laws supporting mothers and fair work, hiring women is now seen as non-compromising. Additionally, in an important judgment of *P. Yasotha v. The Government of Tamil Nadu*²⁸, issued on May 23, 2025, the Supreme Court recognized that maternity leave belongs to as a fundamental right of women employees under the constitution and extends to the birth of either the first, second, or third child. A judgment by the Madras High Court stating that maternity leave was not possible because the teacher had many children was overturned based on this ruling.

VIII. EFFECTIVENESS OF THE FRAMEWORKS

Over the years, the frameworks, in their core, have filled their parts in defending the rights of women at work and remuneration, and combating the oppressive customs. However, it has been noted only up to a very limited measure of the enormous size of the Indian labour market. In 1993-94, the average pay gap between an Indian man and a woman was 48%.²⁹ This gap came down to 28 percent by 2018-19, revealed the NSSO data of the country.³⁰ The pandemic has unwound years of progress, with initial data from the Periodic Labour Force Survey (PLFS) for 2020-21 reflecting a 7% gap in

²⁸ *P. Yasotha v. The Government of Tamil Nadu* W.P.No.23983 of 2022

²⁹ International Labour Organization, *India Wage Report: Wage policies for decent work and inclusive growth* (ILO, 2018) p 19.

³⁰ Payal Seth, 'The Gender Pay Gap: Hard Truths and Actions Needed' (Op-Ed, International Labour Organization, 18 September 2023) <https://www.ilo.org/resource/article/oped-gender-pay-gap-hard-truths-and-actions-needed> accessed 5 June 2025.

comparison between the 2018-19 and 2020-21 periods.³¹ It has been found that COVID-19 also impacted the pay disparity significantly in various sectors.³²

As of 2024, India ranks 129th out of 146 countries, ranking 2 positions lower than the previous report.³³ Some observers, for this reason, have pointed out that the legislative frameworks do not adequately tackle the age-old issue of wage inequality faced by women. Studies reveal that women are paid less than men, and the disparity is 34% on average prior to the early months of 2017. It is found that this disparity decreases as women move up the career ladder.³⁴

Such can be inferred because the penalties prescribed in the Equal Remuneration Act for non-compliance were not strong enough to act as a deterrent for employers who take part in wage discrimination. Hence, some employers may not be disposed to respect the Act, or they may continue to engage in discrimination in defiance of the provisions of the Act. While the Code on Wages 2019 has sought to replace the ERA in a way that extends and expands its coverage to all genders, it retained the language of 'same work or work of similar nature', which had caused much trouble.

Across the sectors, the steps have been taken. Research indicates that the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), instituted in 2005, has positively impacted female labourers in rural areas and contributed to the mitigation of the gender wage disparity, both in direct and indirect ways.

In India, the majority of women work in the informal economy, where legal protections are minimal and pay disparities are stark.³⁵ Another study examined the influence of cultural restrictions on changes in female labour supply and the influence

³¹ Anshuman Das. (2023, October 9). Gender pay gap: It's real. Deccan Herald.

<https://www.deccanherald.com/education/gender-pay-gap-its-real-2719145> accessed 5 June 2025

³² 'India: Gender pay gap increased during pandemic' (GPA, 13 December 2021)

<https://gpa.net/blogs/emea/india-gender-pay-gap-increased-during-pandemic?hl=en-IN> accessed 5 June 2025

³³ World Economic Forum, Global Gender Gap Report 2024 (2024)

https://www3.weforum.org/docs/WEF_GGGR_2024.pdf accessed 5 June 2025.

³⁴ Only one woman in every eight full time employees among organizations, reveals a gender gap study in financial services by CFA Institute and CFA Society India. CFA Institute.

<https://www.cfainstitute.org/en/about/press-releases/2023/gender-gap-study-india-2023>

³⁵ Roy, S. (2024, September 18). Gender pay parity for India's diverse landscape. India Leaders for Social Sector. <https://indialeadersforsocialsector.com/gender-pay-parity-india-diverse-landscape/>

of non-farm employment opportunities on male labour supply in the agriculture sector. The results³⁶ The study explained 55% of gender wage differences among the northern and southern states of India, and the rest 45% variations were unexplained.

Take, for instance, field labourers who earn their most in this region from Kerala. If a man is paid ₹789 per day, a woman is paid ₹537. However, this has only received the highest amount paid to a woman labourer in a State and ₹252 less than the amount paid to the male labourer.³⁷ Even in the film industry, this is found to be prevalent. “My male counterparts are paid thrice the amount. No one can guarantee the success of a film, so why such discrimination?” asked the actress.³⁸

According to a UN report of 2016, around 120 million female workers are employed in the informal sector, which roughly equates to 95 per cent of the female working population of India. The disadvantage of working in the informal sector is that women are not only paid lower rates than men, but also do not receive any social security benefits.³⁹

Closing the pay gap needs cooperation between the government, civil society, and employers and employees within the business world. Whilst the legal framework, through the government, passed laws and employed authority agencies to put into practice the anti-wage discrimination laws, CSOs educate the public, campaign on policy reforms, and empower women in workplaces. Self-employed persons and organizations are also required to follow fair pay practices and equality between males and females at their workplaces.⁴⁰

³⁶ Kanika, M., Ramaswami, B., & Indian Statistical Institute. (2004). Caste, female labour supply and the gender wage gap in India: Boserup revisited. In Indian Statistical Institute.

³⁷ Benu, B. P. (2023, October 25). In India, women struggle with pay gap across sectors. BusinessLine. <https://www.thehindubusinessline.com/data-stories/data-focus/in-india-women-struggle-with-pay-gap-across-sectors/article67457643.ece>

³⁸ D'Cunha, S. D. (2017, August 30). In India, the gender pay gap extends even to Bollywood. Forbes. <https://www.forbes.com/sites/suparnadutt/2017/08/30/in-india-the-gender-pay-gap-extends-even-to-bollywood/>

³⁹ Sengupta, P., & Puri, R. (2021). Gender Pay Gap in India: A Reality and The Way Forward – An Empirical approach using quantile regression technique. *Studies in Microeconomics*, 10(1), 50–81. <https://doi.org/10.1177/232102221995674>

⁴⁰ Sandra Fredman, “The Right to Equal Pay for Work of Equal Value” Background Paper for The World Development Report 2013 Anti-discrimination laws and work in the developing world: A thematic overview.

IX. CONCLUSION AND SUGGESTIONS

It is about time that addressing the disparities does not only stand for the right thing to do, but also as a mandate. The above findings clearly indicate that gender pay discrimination is rife, especially in India's largest informal economy. Labour force participation by women has enabled them and given them the necessary means to be economically productive. Hence, given the plight of women, we need to ensure women are paid fairly for their work in a bid to foster justice in society.

Awareness programs should be conducted frequently among the respective workers, so that they can be made aware of their freedom and Human Rights, and to fight for their rights. Through knowledge, the workers can fight discrimination and insist on being paid as any other group of people.

Self-employed individuals should ensure that organizations and businesses practice open ways and establish policies on pay systems that are reasonable. Hiring women is a great way to achieve this, not only because it upholds the aspect of equal work and equal pay, but it also creates a good working climate that boosts the spirit of employees, increases productivity, and, in effect, boosts the general performance of the business.

If true equality between men and women is to be achieved, the gender pay gap can only be effectively tackled by dealing with promotion discrimination and career progression. About two out of five women report that promotions come with lower pay rates, with the result that they earn comparatively less upon being promoted. Therefore, to help mitigate or even eliminate a gender pay gap in organizations, there should be the promotion of fair promotion policies, equal opportunities to grow within a family or an organization.

Looking at the Korean Equal Employment Act and the Equality Act⁴¹ of the UK, it is possible to derive information on what the phrase "work of equal value"⁴² means.

⁴¹ Participation, E. (n.d.). Equality Act 2010.

<https://www.legislation.gov.uk/ukpga/2010/15/section/65>

⁴² Sahgal, R. (n.d.). Equal pay for equal work? Flaws in the Indian law | OHRH.

<https://ohrh.law.ox.ac.uk/equal-pay-for-equal-work-flaws-in-the-indian-law/>

Skills, efforts, responsibility, working conditions, dealt with, and all other essentials, which it is necessary to carry out the work. Such criteria can also be applicable in India to create more fairer basis for the determination of the worth of various jobs and consequently, the pay in such jobs.

The solutions being proposed follow the principles of equality and non-discrimination given by the Indian Constitution. The Constitution of India, in Article 39(d), Directive Principle of State Policy, asks the government to ensure equal pay for men and women who do the same work. The aim also aligns perfectly well with the SDG goals of Gender equality and Decent work and Economic growth in pursuance of a prosperous future of a progressive society.

It is worth noting that the elimination of the gender pay gap will involve cooperation across the different parties. Thus, society has to advance the legislation governing employment, increase people's awareness, and encourage employers to cease discriminating against women in terms of their wages and promotions.

X. REFERENCES

A. Primary Sources

Legislation

- Code on Wages Act 2019
- Constitution of India 1950
- Equal Remuneration Act 1976
- Maternity Benefit Act 1961
- Mahatma Gandhi National Rural Employment Guarantee Act 2005
- Minimum Wages Act 1948
- Workmen's Compensation Act 1923

International Instruments

- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979
- International Labour Organization, Convention No. 100: Equal Remuneration Convention, 1951

- Universal Declaration of Human Rights, 1948

Cases

- Air India v Nargesh Meerza AIR 1981 SC 1829
- Bombay Labour Union v International Franchises Pvt. Ltd. AIR 1966 SC 942
- Frank Anthony Public School Employees' Association v Union of India (1986) 4 SCC 707
- Kishori Mohanlal Bakshi v Union of India AIR 1962 SC 1139
- Kundan Singh v State of Uttarakhand 2024 Writ Petition No. 116 of 2018 (PIL)
- Mackinnon Mackenzie & Co Ltd v Audrey D'Costa (1987) 2 SCC 469
- Mary Ann Turner v Department of Employment Security 423 US 44 (1975)
- Mewa Ram v All India Institute of Medical Sciences (1989) Supp (1) SCC 204
- People's Union for Democratic Rights v Union of India AIR 1982 SC 1473
- Randhir Singh v Union of India (1982) 1 SCC 618
- Rattan Lal Bharadwaj v State of Himachal Pradesh 2022 SCC OnLine HP 1056
- Shalini Dharmani v. State of Himachal Pradesh & Ors., Special Leave Petition (Civil) No. 16864 of 2021 (Supreme Court of India).
- P. Yasotha v. The Government of Tamil Nadu 2025, W.P.No.23983 of 2022
- Sita Devi v State of Haryana JT 1996 (7)
- State of Gujarat v Dr P A Bhatt 2023 SCC OnLine SC 503

B. Secondary Sources

- International Labour Organization, *Gender Equality and Women's Empowerment in India* (ILO)
- National Sample Survey Office, *Employment and Unemployment Survey 2018–19* (Government of India)
- Periodic Labour Force Survey, *Annual Report 2020–21* (Government of India)
- United Nations, *The World's Women 2016: Trends and Statistics* (UN Statistics Division 2016)
- World Economic Forum, *Global Gender Gap Report 2024* (WEF 2024)