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THE UNEQUAL DISTRIBUTION OF WAGES ON GENDER BASIS IN INDIA: CHALLENGES AND LEGAL FRAMEWORK

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ABSTRACT

The gender wage gap in India reflects a persistent inequality deeply entrenched in social structures and economic systems. Despite constitutional guarantees under Article 39(d) and legislative measures such as the Equal Remuneration Act, 1976 and the Code on Wages, 2019, women in India continue to earn significantly less than men for work of equal value. This disparity is not merely a reflection of differences in skill or education but a manifestation of systemic discrimination, patriarchal norms, and undervaluation of women's labour, both paid and unpaid. The problem is compounded by lack of wage transparency, weak enforcement mechanisms, and limited awareness of legal rights, particularly in the unorganised sector. Judicial pronouncements, including Randhir Singh v. Union of India (1982), have reinforced the constitutional mandate of "equal pay for equal work," yet the implementation remains inadequate. The COVID-19 pandemic further exacerbated the gap, disproportionately affecting women's employment and wages. Bridging this divide requires a multidimensional approach strengthening institutional accountability, promoting wage audits, ensuring workplace transparency, and addressing cultural biases that devalue women's contributions. True equality demands not only legal compliance but a societal transformation that recognises women's economic and social worth. Only through such comprehensive reforms can India align with its constitutional ideals and international commitments under the ILO and CEDAW, achieving genuine wage parity and inclusive growth.

INTRODUCTION

"I think women are foolish to pretend they are equal to men; they are far superior to men and always have been."

- *William Golding*

Imagine doing the same job, putting in the same hours, and carrying the same responsibilities, yet being paid less simply because you are a woman. For many women in India, this is not imagination but lived reality. The gender pay gap in India is not just an economic issue but a social one, where dignity and recognition are at stake. Surveys continue to reveal this gap, a 2024 report by Development Bank of Singapore and Credit Rating Information Services of India Limited found that nearly a quarter of salaried women perceive a pay gap at their workplaces, while official data from the National Sample Office shows that in rural India women often earn only about half to 93.7% of men's wages. Even in high-growth sectors like technology, women receive less than men despite having the same titles. These numbers represent real human stories of undervaluation and lost opportunities.

The persistence of this gap stems from multiple challenges. Women disproportionately carry the burden of unpaid care and household responsibilities, which limits their career progression and reduces their visibility in higher-paying jobs. Deeply embedded social stereotypes further reinforce the idea that a woman's income is supplementary rather than central, which discourages negotiation and allows employers to justify lower pay. Lack of wage transparency in workplaces, coupled with weak enforcement mechanisms, makes it difficult for women to even identify when discrimination is occurring, let alone contest it. For those who sit at the intersection of gender with caste, religion, or region, the disadvantage is even sharper, leaving them further behind.

Legally, India has strong provisions on paper. Article 39(d) of the Constitution[1] directs the State to ensure equal pay for equal work, while the Equal Remuneration Act, 1976[2], and the more recent Code on Wages, 2019[3], both enshrine non-discrimination in matters of wages and recruitment. The judiciary has also reinforced this principle, most notably in *Randhir Singh v.*

[1] The Constitution of India, art. 39(d)
[2] Equal Remuneration Act, 1976, No. 25, Acts of Parliament, 1976 (India)
[3] Code on Wages, 2019, No. 29, Acts of Parliament, 2019 (India)

Union of India (1982[4]), where the Supreme Court held that equal pay for equal work is a constitutional right flowing from Articles 14 and 16. However, enforcement remains the Achilles' heel. The majority of India's workforce is employed in the unorganised sector, where inspection and grievance mechanisms are limited, and even in the organised sector, women often remain unaware of their legal entitlements. Proving wage discrimination is complex, as it requires showing that work of equal value is being performed under comparable conditions.

India plays a crucial role in the story of global economic growth and structural transformation. For this potential to be fully realised, the benefits of economic progress must reach all sections of society, which means improving labour market outcomes and ensuring fair pay for all workers. Yet, in a country as large and diverse as India, imbalances and inequalities in the labour market remain widespread[5].

The COVID-19 pandemic has further highlighted these disparities. On September 18, 2022, the Third International Equal Pay Day served as a reminder of how much work remains to achieve the principle of "equal pay for work of equal value." The pandemic hit women particularly hard, causing disproportionate job and income losses. Many women were forced to step away from their careers to take on full-time caregiving responsibilities for children and elderly family members, amplifying pre-existing inequalities[6].

Reports from the International Labour Organization's Global Wage Report 2020-2021 show that the crisis exerted downward pressure on wages overall, but women bore the brunt of these losses. This widening of the gender pay gap illustrates how the pandemic reversed decades of progress. While the gap between men's and women's wages had declined from 48% in 1993-1994 to 28% in 2018-2019, preliminary data from the Periodic Labour Force Survey (PLFS) 2020-2021 suggests that it increased by 7% during the pandemic period, highlighting an urgent need for policy interventions[7].

Education, skills, and experience explain only part of the pay gap. A large portion stems from gender-based discrimination. Women are often paid less than men for equal work, their

[4] Randhir Singh v. Union of India, AIR 1982 SC 879
[5] National Sample Survey Office, Periodic Labour Force Survey (PLFS) 2020–2021, Ministry of Statistics and Programme Implementation, Government of India
[6] International Labour Organization, Global Wage Report 2020–2021: Wages and Minimum Wages in the Time of COVID-19 (ILO, 2021)
[7] Development Bank of Singapore (DBS) & Credit Rating Information Services of India Limited (CRISIL), Gender Pay Gap Report 2024 (DBS Bank & CRISIL, 2024)

contributions are undervalued in female-dominated sectors, and mothers face additional wage penalties compared to non-mothers. Addressing these disparities is not only a matter of fairness but also of fulfilling international commitments. The United Nations, through conventions such as CEDAW, and the International Labour Organization, through its Constitution and conventions, have enshrined the principle of equal pay for work of equal value as a global standard[8].

India has made several legislative and policy efforts to address the pay gap. The Minimum Wages Act of 1948 and the Equal Remuneration Act of 1976 laid the groundwork, with the Code on Wages (2019) further modernising the framework. Programmes like MGNREGA have had a direct and indirect impact on reducing gender pay disparities, raising wages for rural women and contributing to higher earnings in agricultural sectors. Amendments to the Maternity Benefit Act in 2017 extended paid leave from 12 to 26 weeks, helping to address the motherhood pay gap in the formal economy. Meanwhile, initiatives like the Skill India Mission are equipping women with market-relevant skills, bridging gaps between education, employability, and wages[9].

Despite these steps, progress remains slow. At the current pace, it could take more than 70 years to completely close the gender pay gap. Accelerated and bold action is urgently needed to prevent further widening of disparities. This is central to achieving UN Sustainable Development Goal 8, which calls for full and productive employment for all, decent work, and equal pay by 2030. Initiatives like the Equal Pay International Coalition (EPIC) bring together multiple stakeholders to push this agenda forward globally.

The cost of this inequality is borne not only by women but by society at large. Families lose financial security, the economy loses potential productivity, and India as a whole fall short of its constitutional vision of equality. Bridging this gap requires more than laws, it demands transparency in wage structures, institutional accountability, stronger grievance redressal systems, and social policies such as affordable childcare and flexible work arrangements that address the realities of women's lives[10].

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[8] United Nations, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979

[9] Ministry of Labour and Employment, The Minimum Wages Act, 1948, No. 11, Acts of Parliament, 1948 (India)

[10] The Maternity Benefit (Amendment) Act, 2017, No. 6, Acts of Parliament, 2017 (India)

Despite significant strides in education, workforce participation, and legal reforms, the gender wage gap in India remains a persistent and multifaceted issue. The economic growth and women's increasing participation in the workforce have not been sufficient to close the wage gap. The main reason is that labour markets mirror the patriarchal stereotypes and social biases already present in society. Women's work is often undervalued, they are clustered into low-paying jobs, and even with the same education and skills as men, they receive lower wages. Wage gaps are not just economic but are deeply rooted in social perceptions that undervalue women. Women's work is often invisible, encompassing domestic, caregiving, and unpaid labour, which is not recognized in formal wage structures. Despite gains in education, women continue to be pushed into "feminised" sectors such as teaching, nursing, and clerical jobs, which are typically lower-paying. Additionally, existing laws like the Equal Remuneration Act have had limited impact, as they fail to address the underlying mindsets and stereotypes that perpetuate the wage gap[11].

Together, these studies underscore that India's gender wage gap is not merely a consequence of differences in productivity or skills but is deeply embedded in structural discrimination, social norms, and systemic undervaluation of women's contributions.

This is largely due to the persistence of discriminatory practices and societal norms that undervalue women's work. For instance, women continue to be concentrated in lower-paying sectors and occupations, and their work in caregiving and domestic roles remains largely unrecognized and uncompensated.

Addressing the gender wage gap in India requires a multifaceted approach that goes beyond legal reforms. It necessitates a cultural shift that challenges patriarchal norms and recognizes the value of women's work across all sectors. This includes promoting women's participation in higher-paying industries, ensuring equal representation in decision-making roles, and valuing unpaid labour. Only through such comprehensive efforts can India hope to achieve genuine wage equality and empower women economically[12].

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[11] International Labour Organization, Equal Pay International Coalition (EPIC), *available at:* https://www.ilo.org/global/topics/equality-and-discrimination/epic/lang--en/index.htm (last visited Nov. 6, 2025)

[12] United Nations, Sustainable Development Goal 8: Decent Work and Economic Growth, *available at:* https://sdgs.un.org/goals/goal8 (last visited Nov. 6, 2025)

Awareness campaigns and wage audits could make the invisible gap more visible, while mentorship and negotiation support could empower women to claim what they deserve. Closing the gender wage gap is not just a women's issue, it is a question of justice, growth, and the kind of society India aspires to be.