



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

GENDER EQUALITY AND INCLUSION IN INDIAN CORPORATES: FROM LEGAL RECOGNITION TO WORKPLACE REALITY

~ Rudrakshi Gupta

ABSTRACT

Gender equality and inclusion in corporate workplaces have become an important aspect in India. The concept has been backed by the Constitution, various laws, case laws, and corporate policies adopted. However, in reality, actual implementation is far from truth; mere legal recognition is only the first step, whether companies will actually implement these principles in their work policies is what will shape the fair and equal work environment in Indian corporate. This article examines the actual implementation of gender equality and inclusion. It examines the different laws, corporate initiatives, policies, judicial precedents, reports to understand the existing challenges and suggest certain measures to overcome them. It argues that there is a need to move beyond legal compliance towards effective implementation and ensure an equal and safe working environment.

RESEARCH QUESTION

To what extent India's legal and regulatory framework has adopted gender equality and LGBTQIA+ inclusion in the workplace within the Indian Corporate?

RESEARCH METHODOLOGY

This study adopts a doctrinal research methodology, wherein existing sources are studied. The primary sources used include Constitution of India, government reports, existing statutes, judicial precedents, and acts. Secondary sources include legal research articles, reports, companies' press releases, and commission reports relating to gender equality and LGBTQIA+ inclusion. It also includes relevant statistical data from institutional reports to bridge the gap between legal recognition and actual implementation. It relies mainly on

publicly available data to identify challenges, analyze legal framework and suggest measures to overcome those challenges.

INTRODUCTION

Gender Equality has been a continuous concern for a long time. It does not just include men and women but also the LGBTQIA+ community, which has faced discrimination for a long time. Gender Equality does not just mean giving them equal rights or opportunities in theory or on paper; how it is actually implemented in real life situations is also important. Today, more and more women are participating in the corporate sector, working in administrative and managerial roles. But merely having representation does not mean equality exists. The need to shift from mere diversity and representation of different groups to actually including them, protecting their rights, giving them opportunities to grow, and providing them with a safe environment is important. It is important that the LGBTQIA+ community gets equal treatment from other sections of society and is not discriminated against on any basis in their workplace. Understanding laws that are there to protect these classes needs to be discussed in the Indian context. If we talk about India, in theory, we do have a constitutional and statutory framework for equality, but how effectively it is implemented in the workplace is the real question.

UNDERSTANDING GENDER EQUALITY AND INCLUSION

Equality in general sense means being equal, having the same rights, opportunities, and social status irrespective of a person's background. Gender Equality means having all of the above regardless of which gender or gender identity you belong to. Whether you are a male or female or have any other gender identity, having access to the same opportunities, treatment, and remuneration is important. Promotions and leadership roles should be decided based on the capability of the person and not on their gender or identity.

Inclusion doesn't mean that they are represented, it also means they are able to participate, progress and feel equally valued; they are free from discrimination in the environment where they are supposed to feel safe.¹ It is important to ensure that anyone and everyone working in a space are protected from remarks, biased decisions and discriminatory behavior of any

¹Definitive Guide to All-Gender Inclusion, Maryville Univ. Online, maryville.edu (last visited Sept. 20, 2026).

kind. It is possible that a company may have women and LGBTQIA+ employees, but if they are victims of discriminatory remarks, bias or lack of support then it still lacks a culture of inclusiveness. This discrimination may not be active, but sometimes keeping silent about discriminatory behaviour can contribute to exclusion.

LEGAL FRAMEWORK IN INDIA

1. CONSTITUTIONAL FRAMEWORK

There are various Articles in the Constitution that talk about providing equal treatment to all. Some of these articles are:

Article 14: The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.²

Article 15: Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth³

Article 16: Equality of opportunity in matters of public employment⁴

Article 21: No person shall be deprived of his life or personal liberty except according to procedure established by law.⁵

Article 16 specifically talks about equal opportunities in public employment and does not apply to private institutions, giving a constitutional backing to values protecting individual dignity, equality and protection against discrimination. Article 21 is the backbone which protects individual dignity and aims at bringing everyone on an equal footing. Article 15 provides prohibition against discrimination on various grounds. Thereby providing an environment where anyone can work freely, and with dignity without being discriminated due to other person's irrational personal beliefs.

2. COMPANIES ACT, 2013 & COMPANIES (APPOINTMENT AND QUALIFICATION OF DIRECTORS) RULES, 2014

² India Const. art. 14.

³ India Const. art. 15.

⁴ India Const. art. 16.

⁵ India Const. art. 21.

Companies Act, 2013 is the primary legislation dealing with companies, their procedures, and corporate governance and has also made provisions for representation of women.

Section 149(1) of the Companies Act, 2013, “Every company shall have a Board of Directors consisting of individuals as directors and Further provided that such class or classes of companies as may be prescribed shall have at least one women director”.⁶

The second Proviso, clearly mentions mandatory requirement of having at least one woman director in such companies. This section is read with Rule 3 of the Companies (Appointment and Qualification of Directors) Rules, 2014, which talks about criteria of women director and class of companies that shall appoint at least one woman director.

Rule 3, Women Director on Board- Every listed company, public company having paid-up capital of 100 crore or more or turnover of 300 crore or more, shall appoint at least one woman director.⁷

Corporate Governance is one more concept which the Companies Act, 2013, talks about. It refers to rules and regulations to ensure that its four pillars of transparency, accountability, responsibility and fairness are well maintained. When companies do corporate governance, they ensure that every person including women and underrepresented groups working in the organization have equal opportunity, fairness and measures to resolve their grievances.

3. POSH ACT, 2013

After the *Vishakha*⁸ case, the Indian judiciary recognized the need for a legislation to protect women and their rights in the workplace. After the *Vishaka* guidelines, the POSH Act, 2013 was finally introduced to protect women from sexual harassment at the workplace. The Act provides for an internal committee under section 4 which deals with complaints, redresses grievances, and conduct enquiry. It also provides for compensation, investigation procedures and complaint procedures⁹. Section 14 provides a mechanism for malicious false complaints. The Act protects women from sexual harassment, including verbal, physical or non verbal

⁶ Companies Act, No. 18 of 2013, sec 149(1), India Code (2013), (last visited Sept. 19, 2026).

⁷ Companies (Appointment and Qualification of Directors) Rules, 2014, r. 3 (India).

⁸ *Vishaka v. State of Rajasthan*, (1997) 6 S.C.C. 241 (India). (last visited Sept. 19, 2026).

⁹ Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, sec 4, India Code (2013). (last visited Sept. 19, 2026).

conduct like gestures/ signs of sexual nature, providing a safe working environment for women.¹⁰

4. JUDICIAL PRECEDENTS & LGBTQIA+

Apart from Transgender Persons (Protection of Rights) Act, 2019 there is no comprehensive anti-discrimination legislation which protects the members of LGBTQIA+ community; however judiciary has time and again tried to protect the rights of community through their various decisions. Some of these decisions are:

- *NALSA v. Union of India (2014)*

The Supreme Court in this case officially recognized transgender persons as the third gender thereby recognizing their right to self-identify their gender.¹¹

- *Navtej Singh Johar v. Union of India (2018)*

This case became a landmark judgment when the Supreme Court read down the unconstitutional part of section 377 of the IPC and decriminalized consensual same-sex relationships between adults in private. The Court held that consensual same-sex relationship between two adults is not a crime by overruling the 2013 judgment in *Suresh Kumar Koushal v. Naz Foundation*.¹²

- Transgender Persons (Protection of Rights) Act, 2019

The main purpose of this Act is to protect the legal rights and welfare of transgender persons in India and prohibit discrimination against them.

Chapter II, Section 3¹³ deals with prohibition against discrimination and chapter V, section 9 and 10 deals with obligations and section 11 deals with redressal mechanisms of establishments towards the Transgender community.¹⁴

¹⁰*Id.* sec 14.

¹¹*National Legal Services. Auth. v. Union of India*, (2014) 5 S.C.C. 438 (India), (last visited Sept. 19, 2026).

¹²*Navtej Singh Johar v. Union of India*, (2018) 10 S.C.C. 1 (India); *Suresh Kumar Koushal v. Naz Found.*, (2014) 1 S.C.C. 1 (India), (last visited Sept. 19, 2026).

¹³Transgender Persons (Protection of Rights) Act, No. 40 of 2019, sec 3, India Code (2019), (last visited Sept. 19, 2026).

GENDER EQUALITY AND LGBTQIA+ INCLUSION IN INDIAN CORPORATE

If we have to compare women participation to that of a few decades back, we can see a big difference in the percentage of women workforce. It has increased a lot more in the passing years with more and more women being employed in the both the public and private sector. There are many social expectations which affect women recruitment and retention in workplaces. These may include pregnancy, late-night work, childcare, safety, etc. However, we should not create barriers for hiring women based on these assumptions. There should be equal opportunities for women as for men, same recruitment process, promotion procedures. Recruitment should be based on capability and talent of a person rather than gender bias of whether that woman can do that work due to marriage or maternity.

The Law already provides for mandatory representation of women on board. This should not be done just because law tells us to but women should be genuinely considered for senior management and leadership positions. If we talk about real life situations, there are many women CFOs and CEOs of big brands and top organizations like Hindustan Unilever, Nykaa, Kay beauty, Edelweiss Mutual Fund, HDFC Life Insurance, etc. These are examples that show women can do well at higher positions if given an opportunity. Gender pay is something which has been an old problem. The Constitution recognizes the principle of equal pay for equal work under Article 39(d) of the Indian constitution.¹⁵ Various laws have been introduced to protect women and provide them with welfare facilities to maintain a delicate work-life balance. Acts like POSH and Maternity Benefits Act provide women protection against sexual harassment, maternity leaves, job retention protection, crèche services, childcare services, flexible working hours and safe working environment.

As far as LGBTQIA+ community is concerned, the question which arises is “Whether the LGBTQIA+ people are getting equal job opportunities and whether they are discriminated against due to personal bias or societal norms?”

¹⁴*Id.* sections 9-11.

¹⁵India Const. art. 39, cl. (d).

From a non-discriminatory perspective, they should get equal opportunities as other employees. They should not be discriminated against just because of a personal bias that a person holds or against their sexual preference or gender identity. They should be able to get opportunities based on their capabilities. This can be done by companies giving a gender neutral advertisement instead of “male/ female required” and avoiding asking questions about their gender identity as this creates an internal bias against them. Section 9 of the Transgender Persons (Protection of Rights) Act, 2019, specifically talks about prohibition of discrimination against transgender in the employment and related matters. Section 10 talks about the obligations of establishments and Section 11 talks about grievance redressal mechanism.

Some of the real-life examples of some Big Companies that have taken steps for LGBTQIA+ inclusion in their corporate workspace are:

- Tata Steel provides equal company benefits like medical insurance, reallocation allowances and company housing¹⁶,
- Godrej Industries Group provides gender-affirmation surgeries and specialized counseling for queer couples¹⁷,
- Infosys¹⁸ has updated their anti-discrimination rules and extended full group health insurance benefits
- Wipro has launched gender neutral washrooms, WiproPride, etc, and revised its policies against discrimination¹⁹,
- Axis Bank introduced its ‘ComesAsYouAre’ policy which allows same sex couples to open a joint bank account, use gender neutral washrooms and list their partner for medical benefits²⁰

¹⁶Press Release, PTI, Tata Steel Rolls Out LGBTQ+ Inclusive HR Policy for Its Employees and Their Partners (Dec. 2019), tatasteel.com, (last visited Sept. 19, 2026).

¹⁷Godrej Indus. Ltd., Gender Affirmation Policy (eff. Dec. 13, 2018), cloudfront.net, (last visited Sept. 19, 2026).

¹⁸Infosys ESG & Well-being Framework: Enabling Employees to Participate, Infosys, infosys.com (last visited Sept. 21, 2026), (last visited Sept. 19, 2026).

¹⁹Wipro Ltd., Wipro Scores High on LGBT Workplace Equality in 2019 Corporate Equality Index (Apr. 9, 2019), wipro.com, (last visited Sept. 19, 2026).

- Razor pay a fintech company restructured its corporate health insurance policy to cover same sex partners and provide financial assistance for gender affirmation surgery.²¹

FROM LEGAL RECOGNITION TO WORKPLACE REALITY

If we have to talk about the reality, it can very easily be said that we have laws, rules or policies that includes protections for women or inclusion of LGBTQIA+ community, but are these rules or policies actually being implemented or they are just there on paper. Our country and its highest authorities have recognized the importance of gender inclusivity and have made rules regarding that, but only making rules and actually implementing them is a completely different concept.

Equal pay for Equal work is a legal principle but whether women are actually paid the same amount as their male colleague is a question?

Therefore, labour laws are to be implemented with more force. A company may have women in senior management but it does not mean their representation is same. Merely constituting a POSH committee is not the end but it is important to ensure that employees are actually aware of it, know how to take their grievances to the committee, the procedure and actually feel safe approaching the committee. Offering a maternity leave is not just enough but the care and treatment they receive after returning also matter.

DATA SHOWING ACTUAL NUMBERS

- The OECD Corporate Governance Factbook 2025, reports 19.4% women's participation on boards in 2024 and 11.7% in managerial position.²²
- According to the PwC India Board Report 2023-2024, women directors constituted 17.6% of directors in 2023 and also shows 55% of the surveyed board had either no woman or only one woman director.²³

²⁰Press Release, Axis Bank, Axis Bank Announces #ComeAsYouAre: A Charter of Policies and Practices for Employees and Customers from the LGBTQIA+ Community, axis.bank.in (last visited Sept. 21, 2026).

²¹Razorpay, In a First, Razorpay Expands Health Insurance Policy to Include LGBTQIA+ and Live-In Partners, Celebrates the Pride Month (June 1, 2022), razorpay.com, (last visited Sept. 21, 2026).

²²OECD, OECD Corporate Governance Factbook 2025: India (2025), oecd.org, (last visited Sept. 21, 2026).

²³Hunt Partners, AZB & Partners & PwC India, India Board Report 2023-24, at 14-15 (2023), pwc.in, (last visited Sept. 21, 2026).

- As per IIM Ahmedabad study on gender diversity and inclusion on Indian Board the study found that all 1,944 National Stock Exchange (NSE)-listed companies to which the mandate applied showed an increase in the number of women on boards after the quota mandate. However, there was also a rise in the same women serving on multiple boards around the date of compliance to the quota mandate, suggesting symbolic inclusion of women on boards²⁴
- “The Ministry of Corporate Affairs in December 2024 reported the cumulative number of women directors in listed companies, un-listed public companies and private companies as on 30 November 2024 as:²⁵

COMPANIES	NO. OF WOMEN DIRECTORS ASSOCIATED
Listed Public Companies	8,672
Unlisted Public Companies	46,939
Private Companies (including OPCs)	11,11,040

- The IIM Bangalore study on the LGBTQIA+ inclusion in the Indian Corporate gives actual numbers of what is happening in the workplaces:
 “Studies show that 42 percent of LGBTQIA+ employees experience discrimination based on their sexual orientation, and 90 percent of transgender respondents experience harassment or mistreatment. A recent investigation revealed that 34.2 percent of queer employees have resigned due to discriminatory treatment. In 2016, 40 percent of respondents reported workplace harassment based on their LGBTQIA+ identity. In 2023, 70 percent of LGBTQIA+ employees in India experienced non-inclusive behaviours, compared to a global average of 42 percent.”²⁶

²⁴Neharika Vohra, Kashika Sud & Chayanika Bhayana, Gender Diversity and Inclusion on Indian Boards: Post the Introduction of the Mandate in 2015 and 2019 (Indian Institute of Management Ahmedabad, Working Paper, 2024), iima.ac.in, (last visited Sept. 21, 2026).

²⁵Press Release, Ministry of Corporate Affairs, Gov't of India, Nearly 11.6 Lakh Women Directors Associated with Public and Private Companies (Dec. 17, 2024), pib.gov.in, (last visited Sept. 21, 2026).

²⁶Debolina Dutta, Importance of Enabling LGBTQIA+ Inclusion by Corporate India, IIM Bangalore (June 6, 2024), iimb.ac.in, (last visited Sept. 21, 2026).

WORKPLACE CHALLENGES

The biggest challenge preventing discrimination and non inclusion are stereotypes and societal bias. Gender stereotypes suggest that women cannot do as much work as men; they cannot handle late night travels, lead teams, or work late at night. The assumption that after marriage they might leave their jobs, or during pregnancy, it will be difficult for them to do work, childcare and maternity will affect their career progress.

Another issue is difference is in salary between male and female employees. Mere recognition in the constitution is not enough; it needs to be implemented in real life too.

Even though legal mechanisms exist, sexual harassment is still prevalent in the corporate workspaces, therefore, it is important to ensure that the committees are working properly, whether the female staff can comfortably go to them with their grievances is important.

Bias towards the LGBTQIA+ community and women during recruitment, personal opinion being given more importance than the talent of the individual, discriminatory remarks, isolation, insulting jokes and lack of awareness are the challenges that are faced in the Indian Corporate.

STEPS TO BE TAKEN

There are various steps that companies can take to make compliance meaningful and promote inclusion. Some measures that can be taken are:

- Transparent and bias-free recruitment and promotion criteria,
- Conducting regular pay audits for everyone,
- Job descriptions/ advertisements to be gender neutral,
- Awareness and mentorship programmes,
- Providing a flexible working environment, work from home option, crèche and child care facilities for new mothers,
- Effective POSH committees for women and other gender neutral mechanisms for addressing grievances of others,
- Maintaining confidentiality during inquiries,

- Regular revision of workplace inclusion policies, anti discrimination policies covering all gender identity and groups

Steps should be taken to ensure that legal principles are properly implemented and actually benefit employees by creating a safe and meaningful working environment

CONCLUSION

Gender equality and inclusion in Indian corporate cannot be achieved merely by creating laws but it depends whether corporate workplaces have actually implemented them. Although the laws provide protection to women and LGBTQIA+ community, the data shows that there is still need for actual implementation. Companies need to move beyond compliance and implement policies to maintain a fair and safe working space for career progress and growth. It can be achieved by being fair in recruitment, pay and promotion practices. Equality can only be achieved when it becomes a part of our daily workspace and not just depend on legal recognition.