

India

Women, Business and the Law 2020 presents an index covering 190 economies and structured around the life cycle of a working woman. In total, 35 questions are scored across the eight indicators. Overall scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score. Data refer to the laws and regulations that are applicable to the main business city (Mumbai). Different rules may apply in other jurisdictions so local legislation should be reviewed. Based on this approach, **India scores 74.4 out of 100**. The overall score for India is higher than the regional average observed across South Asia (62.4).

India - Scores for Women, Business and the Law 2020



Relative Strengths

When it comes to constraints on freedom of movement, laws affecting women’s decisions to work, and constraints related to marriage, India gets a perfect score.

Areas for Improvement

However, when it comes to laws affecting women's pay, laws affecting women's work after having children, constraints on women's starting and running a business, gender differences in property and inheritance, and laws affecting the size of a women's pension, India could consider reforms to improve legal equality for women.

For example, one of the lowest scores for India is on the indicator related to laws affecting women’s pay (the WBL2020 Pay Indicator). To improve on the Pay Indicator, India may wish to consider mandating equal remuneration for work of equal value, allowing women to work the same night hours as men, and allowing women to work in all the same industries as men.

Recent Reforms (2018-2019)

Pay: The state of Maharashtra eliminated restrictions on women’s ability to work in jobs deemed dangerous.

	QUESTION	ANSWER	LEGAL BASIS
Mobility	Can a woman choose where to live in the same way as a man?	Yes	No restrictions could be located
	Can a woman travel outside her home in the same way as a man?	Yes	No restrictions could be located
	Can a woman apply for a passport in the same way as a man?	Yes	Passports (Amendment) Rules, 2016, Sec. 2; Passport application form
	Can a woman travel outside the country in the same way as a man?	Yes	No restrictions could be located
Workplace	Can a woman get a job in the same way as a man?	Yes	No restrictions could be located
	Does the law prohibit discrimination in employment based on gender?	Yes	Maharashtra Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2017, Sec. 13
	Is there legislation on sexual harassment in employment?	Yes	The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, Sec. 2(o)
Pay	Are there criminal penalties or civil remedies for sexual harassment in employment?	Yes	<i>Criminal:</i> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, Sec. 26 <i>Civil:</i> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, Sec. 15
	Does the law mandate equal remuneration for work of equal value?	No	No applicable provisions could be located
	Can women work the same night hours as men?	No	Maharashtra Shops and Establishments Act, Sec. 13
	Can women work in jobs dangerous in the same way as men?	Yes	Jobs deemed hazardous: No restrictions could be located Jobs deemed arduous: No restrictions could be located Jobs deemed morally inappropriate: No restrictions could be located
Marriage	Are women able to work in the same industries as men?	No	Mining: Mines Act 1952, Sec. 46 Construction: No restrictions could be located Factories: Factories Act, Secs. 27, 66 and 87 Agriculture: No restrictions could be located Energy: No restrictions could be located Water: No restrictions could be located Transportation: No restrictions could be located Other: No restrictions could be located
	Is there no legal provision that requires a married woman to obey her husband?	Yes	No applicable provisions could be located
	Can a woman be head of household in the same way as a man?	Yes	No restrictions could be located
	Is there legislation specifically addressing domestic violence?	Yes	The Protection of Women from Domestic Violence Act, 2005
	Can a woman obtain a judgment of divorce in the same way as a man?	Yes	No restrictions could be located
	Does a woman have the same rights to remarry as a man?	Yes	No restrictions could be located
	Is paid leave of at least 14 weeks available to mothers?	Yes	Maternity Benefit (Amendment) Act, Sec. 5(3)
	Does the government pay 100% of maternity leave benefits?	No	Maternity Benefit Act, Sec. 5
	Is there paid paternity leave?	No	No applicable provisions could be located
	Is there paid parental leave?	No	No applicable provisions could be located
Is dismissal of pregnant workers prohibited?	Yes	Maternity Benefit Act, Sec. 12	
Entrepren.	Does the law prohibit discrimination in access to credit based on gender?	No	No applicable provisions could be located
	Can a woman sign a contract in the same way as a man?	Yes	Indian Contract Act, 1872, Sec. 11
	Can a woman register a business in the same way as a man?	Yes	Companies Act, 2013, Secs. 3 and 7
	Can a woman open a bank account in the same way as a man?	Yes	No restrictions could be located
Assets	Do men and women have equal ownership rights to immovable property?	Yes	Hindu Succession Act of 1956, Sec. 14
	Do sons and daughters have equal rights to inherit assets from their parents?	Yes	Hindu Succession (Amendment) Act 2005, Sec. 3
	Do female and male surviving spouses have equal rights to inherit assets?	Yes	Hindu Succession (Amendment) Act 2005, Sec. 5
	Does the law grant spouses equal administrative authority over assets during marriage?	Yes	Hindu Marriage Act of 1955, Sec. 27; Hindu Succession Act of 1956, Sec. 14
	Does the law provide for the valuation of nonmonetary contributions?	No	Hindu Marriage Act of 1955, Sec. 27; Hindu Succession Act of 1956, Sec. 14
Pension	Are the ages at which men and women can retire with full pension benefits equal?	Yes	Women: Employee's Pension Scheme 1995, Sec. 12(7) Men: Employee's Pension Scheme 1995, Sec. 12(7)
	Are the ages at which men and women can retire with partial pension benefits equal?	Yes	Women: Employee's Pension Scheme 1995, Sec. 12(7) Men: Employee's Pension Scheme 1995, Sec. 12(7)
	Are the mandatory retirement ages for men and women equal?	Yes	Women: No applicable provisions could be located Men: No applicable provisions could be located
	Are periods of absence due to child care accounted for in pension benefits?	No	No applicable provisions could be located