

India

Women, Business and the Law 2022 (WBL2022) presents an index covering 190 economies and structured around the life cycle of a working woman. In total, 35 questions are scored across 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 (63.7). Within the South Asia region, the maximum score observed is 80.6 (Nepal).

India - Scores for Women, Business and the Law 2022



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 starting and running a business, gender differences in property and inheritance, and laws affecting the size of a woman'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 measuring laws affecting women’s pay (the WBL2022 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 at night in the same way as men, and allowing women to work in an industrial job in the same way as men.

Recent Reforms

No reforms were observed during the past year (October 2nd, 2020 – October 1st, 2021).



Further data details for India are available at:
<https://wbl.worldbank.org/en/data/exploreconomies/india/2022>



	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 Act, Ch. II, Sec. 2(o) and 3
	Are there criminal penalties or civil remedies for sexual harassment in employment?	Yes	<i>Criminal:</i> The Sexual Harassment of Women at Workplace Act, Sec. 26 <i>Civil:</i> The Sexual Harassment of Women at Workplace Act, Sec. 15
Pay	Does the law mandate equal remuneration for work of equal value?	No	No applicable provisions could be located
	Can a woman work at night in the same way as a man?	No	Maharashtra Shops and Establishments (Regulation of Employment and Conditions of Service) Act 2017, Sec. 13
	Can a woman work in a job deemed dangerous in the same way as a man?	Yes	No restrictions could be located
Marriage	Can a woman work in an industrial job in the same way as a man?	No	Mines Act 1952, Sec. 46; Factories Act, Secs. 27, 66 and 87
	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
	Can a woman obtain a judgment of divorce in the same way as a man?	Yes	The Hindu Marriage Act 1955, Sec. 13(2)
Parenthood	Does a woman have the same rights to remarry as a man?	Yes	The Hindu Marriage Act 1955, Sec. 15
	Is paid leave of at least 14 weeks available to mothers?	Yes	Maternity Benefit Act, Sec. 5(3)
	Does the government pay 100% of maternity leave benefits?	Yes	Employees' State Insurance Act, Art. 46; Gazette notification/corrigendum dated 10th of September, 2020/29th of September, 2020
	Is paid leave available to fathers?	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?	No	No applicable provisions could be located
Entrepreneurship	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	Maharashtra Hindu Succession Act, 1994, Sec. 29 A; 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
	Is the age at which men and women can retire with full pension benefits the same?	Yes	Women: Employee's Pension Scheme 1995, Sec. 12(7). Men: Employee's Pension Scheme 1995, Sec. 12(7)
Pension	Is the age at which men and women can retire with partial pension benefits the same?	Yes	Women: Employee's Pension Scheme 1995, Sec. 12(7). Men: Employee's Pension Scheme 1995, Sec. 12(7)
	Is the mandatory retirement age for men and women the same?	Yes	Women: No applicable provisions could be located. Men: No applicable provisions could be located
	Are periods of absence due to childcare accounted for in pension benefits?	No	No applicable provisions could be located