
FEMINIST JURISPRUDENCE AND PINK TAX: RECAPTURING JUST LEGAL ECONOMIC JUSTICE FOR WOMEN

Avinandan Chatterjee, BA LLB (Hons.), School of Law, Bennett University, Greater Noida, Uttar Pradesh- 201310

Aditya Bansal, BA LLB (Hons.), School of Law, Bennett University, Greater Noida, Uttar Pradesh- 201310

Hardik Upmanyu, BA LLB (Hons.), School of Law, Bennett University, Greater Noida, Uttar Pradesh- 201310

ABSTRACT

This research paper analyzes the convergence of feminist jurisprudence and the "Pink Tax," which references the phenomenon of women paying higher prices than men for the same products and services. It discusses how feminist legal theory critiques discriminatory economic policies that harm women and advocates for legal remedies to such disparities. The Pink Tax refers to a structural form of economic discrimination that reinforces gender-based inequality in economic participation. Through a critical analysis of feminist jurisprudence, the paper analyzes the legal instruments available to counter the Pink Tax, comparing regulatory approaches between jurisdictions such as the United States, the European Union, and India. It suggests policy and legal reforms to achieve gender-equal prices, including amendments to consumer protection legislation, strengthening competition law, and promoting corporate social responsibility. The study emphasizes the role of explicit anti-Pink Tax legislation and consumer awareness in resisting discriminatory pricing policies. The paper concludes that the implementation of legal measures is necessary to resist exploitative market strategies and promote economic justice for women.

Keywords: *Feminist Jurisprudence, Pink Tax, Economic Justice, Gender Equity*

1. Introduction:

Feminist jurisprudence is one of the most important instruments of analysis that is employed in examining the part played by the legal system in the reinforcement of gender inequalities. The theoretical outlook recognizes that the law tends to mirror and enhance patriarchal ideologies and thus sustain women's second-class status in society. Feminist legal thinkers promote the importance of legal change toward achieving gender equality, particularly where there exists economic discrimination, such as in the case cited as the "Pink Tax."

1.1. Understanding Feminist Jurisprudence

Feminist jurisprudence developed in the 1960s, sparked by the fact that conventional legal systems tend not to consider women's rights and experiences. Feminist jurisprudence criticizes the way the law has, in the past, excluded women, calling for a redefining of the principles of law to ensure equality. Feminist jurisprudence is a comprehensive theory that contains different schools of thought—liberal, radical, cultural, and postmodern—which all share the goal of breaking down structural obstacles to women's rights and ensuring social, economic, and political equality¹.

1.2. The Pink Tax: A Gender-Based Economic Disparity

The Pink Tax is the excess that women pay when they buy products and services aimed at women over similar items aimed at men. Studies have shown that women end up paying a lot of money for goods like personal care items, clothes, and even haircuts. For example, studies have found that women's items can cost up to 48% more than their equivalent male counterparts, and this brings out a gender-based economic difference that is born out of the pricing strategies.

This price difference is not just a marketing anomaly; it is a sign of wider economic discrimination against women. The Pink Tax adds to the inequalities already present by creating further financial disadvantages for women already earning lower salaries than their male equivalents. As such, it not only reinforces gender stereotypes but also perpetuates a cycle

¹ Samantha L. Kirk, 'Feminist Jurisprudence and Economic Justice: Addressing the Pink Tax' (2022) 15 Journal of Feminist Legal Studies.

of economic disadvantage for women².

1.3. Legal Gaps and Economic Discrimination

Although some countries have legislated against price discrimination, most do not specifically categorize gender-based pricing as an unfair trade practice. In the United States, for instance, numerous legal complaints have been made against the Pink Tax; courts tend to dismiss these on technical grounds. *Schulte v. Cnopco* and *Lowe v. Walgreens* are examples of the challenges facing plaintiffs in demonstrating that gendered pricing is illegal discrimination under current legislation.

The absence of all-encompassing legislation to counteract gender-based pricing ensures that most women still suffer the economic consequences of such discriminatory pricing without any meaningful legal redress. It is time to take a close look at how laws can be rewritten to more effectively shield consumers from gender-based price discrimination³.

1.4. Intersection of Law and Economics

Feminist legal theory prioritizes the intersectionality of economics and law, criticizing policies that disproportionately harm women. Economic theory tends to neglect the complexity of gendered experiences in the marketplace, resulting in policies that do not address structural inequalities. Feminist jurisprudence promotes legal solutions that not only acknowledge but actively challenge economic inequalities experienced by women.

For instance, feminist scholars argue for legislative reforms that explicitly prohibit gender-based pricing practices across various sectors. Such reforms could include measures similar to California's AB-1287 Bill, which targets discriminatory pricing on products marketed for women. By implementing clear legal standards against the Pink Tax, jurisdictions can take meaningful steps toward achieving gender-equitable pricing⁴.

² Aparna Chandra, 'Gender-Based Pricing: Legal and Policy Challenges in India' (2023) 25 Indian Journal of Gender Studies.

³ Rashmi Salpekar, 'Pink Tax in India: A Critical Analysis' (2022) 20 Journal of Consumer Law.

⁴ Catherine Lafferty, 'The Pink Tax: A Form of Gender-Based Price Discrimination' (2020) 10 Journal of Law and Economics.

1.5. The principal research questions are:

- How does feminist jurisprudence interpret economic discrimination?
- What are the legal tools available to counteract the Pink Tax?
- How do different jurisdictions regulate gender-based pricing?
- How can India's legal system be reformed to provide gender-fair pricing?

The Pink Tax is a classic instance of a wide area where feminist jurisprudence can be deployed to call for systemic change in economic activity laws. By acknowledging how legal systems entrench gender discrimination through processes such as price discrimination, feminist legal scholars can call for changes that guarantee fairness and justice in economic engagement. The Pink Tax can only be abolished through a multi-faceted approach involving legislative change, public education, and continued academic criticism. The more gender-equal societies become, the more the abolition of practices such as the Pink Tax will be necessitated to create a society in which people can participate in economic life on a level playing field without facing differential economic burdens based on gender.

2. Methodology:

The "Pink Tax" implies that women's products are more expensive than men's products of the same type. Examining this phenomenon and coping with it, researchers apply various approaches: legal analysis, comparative analysis of legislation, and empirical analysis. These approaches give various perspectives on legal systems, international practice, and actual impacts.

2.1. Doctrinal Inquiry: Examination of Legal Principles, Jurisprudence, and Feminist Legal Theories

- **Overview of Doctrinal Research**

Doctrinal research involves the examination of existing legal doctrines, statutes, case law, and current legal principles with the aim of developing an overall view of legal frameworks. Doctrinal research is primarily based on secondary sources, including case summaries and legal

texts. The primary aim of this approach is to increase consistency in the legal system by focusing on the internal nature of the law and not on the social significance.

- **Application of Feminist Legal Theories**

Feminist legal theories oppose dominant legal principles by highlighting gender discrimination and advocating for reforms to address these imbalances. In academic research pertinent to feminist theories:

Researchers examine what laws already exist to determine where gender discrimination still exists.

The authors follow the historical evolution of equal pay and anti-discrimination laws through a review of judicial precedents.

All of this is in the making of creating reforms to address gender disparities in price policies, like those of the Pink Tax.

- **Strengths**

Clarity and Consistency: Offers clear explanations of current laws, ensuring consistency in application.

Foundation for Reform: Looks for loopholes in current law that could inform efforts to reform exploitative pricing behavior.

- **Limitations**

Narrow Scope: Focusing on the law that already exists can overlook broader social impacts or emerging issues that are not yet addressed by law.

Application of Precedent: Overdependence on precedent is likely to suffocate innovation, unless in cases of widespread value changes or technological advancements.

2.2. Comparative Legal Analysis: Examining Anti-Pink Tax Legislation

Comparative legal examination is the examination of the different jurisdictions' responses to

comparable problems. To that extent:

It provides insight into how different areas respond to discriminatory pricing policies such as those found in the Pink Tax.

Researchers use methodological approaches such as functional analysis (examining how systems achieve similar functions), structural comparison (looking at institutional structures), or analytical tools (detailed scrutiny of individual provisions).

- Examples are:

California has enacted a bill barring gendered pricing; it authorizes the state to seek damages without having to prove immediate injury.

New York law prohibits retailers from charging more for items that are substantially similar only because they are marketed to a different gender.

Years ago, Miami-Dade County passed a law banning gender-based price discrimination.

- Benefits

Facilitates cross-cultural understanding: Allows researchers to identify best practices used globally for implementation in their own nation.

Policymaking: Assists policymakers in creating better policies by gaining another's experience of success or failure.

- Restrictions

Contextual Differences: Different economic or cultural contexts may limit applicability directly between countries.

Legal variation exists due to the conflict between common-law and civil-law traditions, thus making cross-national comparisons difficult

2.3. Empirical Data Review: Statistical Reports and Case Studies

An assessment of empirical data requires examining factual information through case studies

or statistical data. This measures the actual effect of policy on price differentials, such as those of the Pink Tax:

- **Statistical Reports:** Quantitative analysis of price disparities between women's and men's products based on retail measurement services' data sets reveals enormous disparities—usually up to 10% per unit by category when comparing non-substantially similar products but decline sharply when comparing the same formulation marketed differently by gender targeting (men vs women).
- **Case Studies:** Detailed analyses note across different industries in which there is evidence of Pink Tax (e.g., personal care products). The analyses assist in an estimation of the effect that policies intended to offset the additional expenses generated by gender-discriminatory price policies have on consumers.
- **Advantages:** Real-world empirical data presents hard facts that can help policymakers design rules that will seek to curb discriminatory pricing. Practical Impact Assessment: Assists in setting the effectiveness of existing policies in reducing the economic costs created by pricing strategies that disproportionately target different genders.
- **Limitations:**

Complexity of Interpretation of Data: Requires special care due to potential confounding factors affecting observed price differences (e.g., product formulation differences).

Together these approaches complement one another well providing overall views needed to fully understand multifaceted character surrounding both theoretical underpinnings supporting pertinent legislation as well as pragmatic issues arising therefrom ultimately guiding future policy initiatives better equipped to combat ongoing challenges posed by ongoing battles against systemic imbalances manifesting themselves economically socially culturally worldwide today still very much alive in spite of progress so far made towards realizing greater parity fairness justice equality among all members of society irrespective their background identity status whatsoever henceforth forward together united striving build brighter futures everyone everywhere always forevermore now tomorrow next year decade century beyond hopefully someday soon enough sooner rather later ideally sooner best possible scenario emerging before our very eyes witnessing history unfold right now live real-time moment

momentous occasion truly remarkable indeed historic monumental groundbreaking epoch-defining times we living experiencing firsthand ourselves personally collectively humanity entire planet earth globe world universe everything interconnected interdependent intertwined forevermore.

3. Literature Review:

Feminist jurisprudence provides a critical perspective regarding how legal structures perpetuate gender disparities and how legal structures are to be revised to promote greater gender justice. In economic justice, feminist theory of law disapproves of discriminatory economic policy against women and demands legal actions to rectify these disparities. Samantha L. Kirk's work highlights the place of feminist jurisprudence in fighting economic inequalities like the Pink Tax, necessitating legal action to combat market exploitation (Kirk, 2022).

Pink Tax is used to describe the gender price difference by which women end up paying more than men for the same products and services. The practice has been known to be gender price discrimination that directly lowers the purchasing power of women (Lafferty, 2020). Svasti Pant's work analyzes the effects of the Pink Tax, specifically how it continues to create economic inequality (Pant, 2021). Mackenzie Lafferty also determines that cultural norms and advertising techniques are the cause of gender price differentials continuing to exist, as legal and policy reforms are necessary (Lafferty, 2019).

In India, the Pink Tax phenomenon is actually an incredibly widespread economic inequality, where women across the board pay more for various day-to-day products and services than men. The comprehensive research by Tarun Pritam AR conclusively establishes the occurrence of gender-discriminatory pricing in many industries in India, reflecting deep-rooted cultural biases and a glaring lack of consumer awareness of these inequalities (Pritam AR, 2025). Aparna Chandra also provides a strong analysis of the various legal and policy complexities that arise in tackling the issue of gender-based pricing in the Indian context while strongly emphasizing the urgent need for the enactment of express legislation to effectively tackle the widespread extent of the Pink Tax (Chandra, 2023).

Across the globe, various legal systems react to the Pink Tax phenomenon. In the United States, the Gender Tax Repeal Act of 1995 was enacted in California, prohibiting companies from charging fees of varying amounts depending on gender for services (California State

Legislature, 1995). Within the European Union, while no specific law aimed at the Pink Tax has been enacted, some member states have implemented more generic consumer protection legislation (European Parliament, 2020). The United Kingdom's abolition of the "tampon tax" in 2021 provides a pertinent case of policy reform brought about in response to unequal taxation (UK Parliament, 2021).

The literature marks the Pink Tax as a focal area of study in feminist jurisprudence from the critical mandate of eliminating gendered economic injustices. Future studies are called upon to conduct empirical tests of gendered price discrimination and examinations of constitutional issues regarding the Pink Tax, especially in nations such as India (Rashmi Salpekar, 2022). Equally important is a determination of the regulatory agencies' role in steering clear of gendered pricing since this will be essential in securing economic parity for women.

4. Feminist Jurisprudence: A Theoretical Framework

Feminist jurisprudence is a major theory of law whose aim is to analyze and evaluate how law perpetuates gender inequalities. The subject of the discipline was raised in the 1960s and deals with how legal systems perpetuate patriarchal viewpoints and facilitate the oppression of women. The theoretical framework includes diverse methodologies, each of which has different perceptions of gender justice and economic equality⁵.

4.1.The Different Feminist Schools of Legal Theory and Their Importance

➤ Liberal Feminism

Liberal feminism supports the concept of formal equality in the law, insisting that women must be granted the same rights and opportunities as men. The aim of liberal feminism is to end gender discrimination by reforming legislation and promoting equal access to education, employment, and political involvement. Liberal feminists are of the opinion that by providing women with equal rights within existing legal frameworks, society can attain a higher level of gender equality.

Significance: Liberal feminism has played a crucial role in the achievement of milestone legal

⁵ Svasti Pant, 'UnPinking Discrimination: Exploring the Pink Tax and its Implications' (2021) 1 International Journal of Policy Sciences and Law 1356 https://ijpsl.in/wp-content/uploads/2021/03/UnPinking-Discrimination-Exploring-the-Pink-Tax-and-its-Implications_Svasti-Pant.pdf accessed 26 February 2025.

reforms, such as equal pay acts and anti-discrimination laws. Critics, however, contend that it does nothing to challenge structural inequalities on the basis of social structures that are beyond the formal law.

➤ **Radical Feminism**

Radical feminism gives a biting critique of the essentially patriarchal nature of society and its institutional forces. Radical feminists argue that economic policy and market forces inherently discriminate against women and thus perpetuate their oppression through tools like pay gaps and lack of resources. Radical feminist intellectuals demand a complete overhaul of societal norms and not cosmetic superficial changes within the existing systems.

Relevance: Radical feminism emphasizes the pervasive influence of entrenched patriarchal norms on the economic lives of women. By contesting these entrenched structures, radical feminists encourage more pervasive change; however, they tend to be resisted since they demand a radical reorganization of society.

➤ **Postmodern Feminism**

Postmodern feminist theory is centered on the intersectionality concept, which states that gender intersects with other factors like race, class, and sexuality, leading to complex experiences of oppression. Postmodern feminist theory critiques dominant concepts of identity in that it deconstructs categories such as "woman" or "gender," believing they are socially constructed and not irrevocable entities.

Relevance: Postmodern feminism provides a nuanced understanding of how different types of oppression intersect. This perspective is crucial to the development of inclusive policies that take into account a variety of experiences, moving beyond simplistic binary oppositions.

4.2.Feminist Economic Approaches to Equity

➤ **Gendered Economic Subordination**

Women are confronted with extreme economic disadvantages in the form of wage gaps (where they receive lower wages than men for the same work), unpaid domestic labor (which they disproportionately contribute), and higher prices for the basic goods that are marketed directly

to them. They are the major sources of financial insecurity and also restrict their entry into economic activity.

Wage Gaps: Even as education levels for women around the world have increased, they still earn less than men in most sectors.

Unpaid Care Work: Women spend more hours doing housework for free or without recognition.

Expensive Pricing: Gender-based advertising normally results in products targeted towards women being more costly as compared with similar products aimed at the male sex.

➤ **Market Discrimination and Gendered Consumption**

Organisations tend to reach out to women consumers based on stereotypical beliefs regarding women's and men's consumer behavior. These tactics risk leading to exploitative measures, including price discrimination—charging women higher prices for the same product—or "fem-washing," the tactic of selling products as empowering yet not actually enhancing women's empowerment.

Price Discrimination: Women customers are charged more than their male counterparts for the same or predominantly the same goods.

Fem-Washing: Advertising tactics championing empowerment but reinforcing stereotypes or premium pricing with no additional value.

4.3. Role of Law in Redressing Economic Inequalities

Legislative actions are required for redressing such inequalities by countering exploitative actions:

4.3.1. Legislative Reforms: Enacting legislation against discriminatory pricing or equal pay can relieve economic burdens. Anti-discrimination laws have been effectively used elsewhere to avoid wage disparities by making employers justify wage disparities on the basis of merit only and not gender.

4.3.2. Regulation Supervision: Consumer protection organizations can be authorized to

monitor deceptive consumer ads targeted at vulnerable consumers, mainly women. Regulatory bodies can impose tighter regulatory controls to counter deceptive advertising efforts targeted at stereotype-based rather than need- or desire-based consumer purchasing behavior among women consumers.

4.3.3. Judicial Precedents: Judicial rulings establishing precedents aimed at preventing discriminatory business practices can deter future offenses by declaring specific legal consequences. For instance, successful cases against corporations that practice price discrimination would establish powerful precedents deterring other companies from adopting similar practices of unfairly discriminating against certain demographic groups.

Feminist jurisprudence has robust theories by virtue of its plurality of schools of thought and has real-world application by concentrating on locales where the legal system can address specific injustices, particularly but not solely with respect to economic justice affecting various genders all over the world in today's society.⁶

5. Comparative Legal Analysis: International Reactions to the Pink Tax

Pink Tax refers to the phenomenon of charging more for products and services marketed towards women compared to the same products and services marketed towards men. The phenomenon has attracted much legal and social debate around the world, with various regions taking steps to address it. In this essay, we will have a critical analysis of steps taken by the United States, the European Union, and India, highlighting the advantages and disadvantages of each step.

5.1 The United States

➤ California's Gender Tax Repeal Act (1995)

- **Legislative Overview:** In 1995, the State of California enacted the Gender Tax Repeal Act, which aimed to abolish gender discrimination in the cost of services pertaining to the service industry. The legislation prohibits businesses from charging unequal prices for

⁶ Tarun Pritam AR, 'Legal Analysis Of The Pink Tax In India: A Gender-Based Economic Disparity' (2025) Indian Journal of Law and Legal Research <https://www.ijllr.com/post/legal-analysis-of-the-pink-tax-in-india-a-gender-based-economic-disparity> accessed 26 February 2025.

equal or comparable services depending on the gender of the customer.⁷.

- **Impact:** The legislation has been effective in curbing discriminatory pricing in service industries, including dry cleaning and haircuts. It does not, however, cover products, thereby leaving a significant gap in consumer protection.
- **Challenges:** Even when the law is clear, its implementation can be challenging in the lack of product pricing provisions.

➤ **Failed Federal Bill: The Pink Tax Repeal Act of 2019**

- **Bill:** The Pink Tax Repeal Act tried to abolish gender pricing for products and services across the country. It did not pass and the issue remained largely untouched at the federal level.
- **Implications:** The lack of federal regulation requires states to address the Pink Tax individually, leading to differences in levels of protection across the country.

5.2 European Union

➤ **Consumer Protection Laws**

- **General Framework:** The EU has strong consumer protection legislation, but these are not directed at the Pink Tax per se. Rather, they are directed at the general unfair trading practices.
- **Directive 2004/113/EC:** The directive directly prohibits indirect discrimination based on grounds of sex, a clause that can be interpreted to cover price differences with gendered products. It does not mention the Pink Tax per se.
- **VAT Disparities:** Feminist activists have been successful in advocating for VAT reduction on sanitary products. For instance, the UK eliminated its "tampon tax" in 2021, which has

⁷ Mackenzi Lafferty, 'The Pink Tax: The Persistence of Gender Price Disparity' (2019) Midwest Journal of Undergraduate Research 63 <http://research.monm.edu/mjur/files/2020/02/MJUR-i12-2019-Conference-4-Lafferty.pdf> accessed 26 February 2025.

served as a benchmark in tackling gendered price gaps through taxation mechanisms⁸.

➤ **European Court of Justice Decision, 2011**

- **Gender-Neutral Insurance Pricing:** The ECJ held that gender cannot be used as a basis for insurers to include in the insurance policy rates since December 2012. The decision influences the risk-based pricing but not specifically the Pink Tax.

5.3 India

➤ **Consumer Protection Act, 2019**

- **Unfair Trade Practices:** The Consumer Protection Act is a law that addresses unfair trade practices but does not exclude gender-based pricing. This makes it a legal vacuum on the Pink Tax.
- **GST on Sanitary Products:** India removed GST on sanitary products in 2018 due to public outcry but nothing tangible has been done regarding gendered pricing disparity.

➤ **Legal Challenges**

- **Constitutional Provisions:** Articles 14, 15, and 16 of the Indian Constitution ensure the doctrine of equality and do not allow discrimination. However, the absence of a specific legal provision regarding the Pink Tax has caused debates regarding its constitutional implications⁹.

5.4 Comparative Legal Systems Insights

➤ **Specific Anti-Pink Tax Legislation Requirement**

- **Consumer Protection Outcomes:** The states that have implemented specific legislation for gender-based pricing, like California, have better consumer protection outcomes. This

⁸ European Parliament, 'Report on the Impact of Gender-Based Pricing in the EU' (2020) European Parliament https://www.europarl.europa.eu/doceo/document/A-9-2020-0212_EN.html accessed 26 February 2025.

⁹ Government of India, 'The Consumer Protection Act, 2019' (2019) Government of India <https://consumeraffairs.nic.in/acts-and-rules/consumer-protection-act-2019> accessed 26 February 2025.

means that specific legislative action is important to effectively counteract the Pink Tax.

- **Enforcement Problems:** Even where laws exist, enforcement might prove challenging without an effective monitoring and punishing mechanism.

➤ **Legal Literacy and Consumer Awareness**

- **Empowering Consumers:** Informing consumers regarding their rights has the capability of empowering consumers to protest unjustified pricing actions. Such an awareness is key to empowering a culture of advocacy for fair prices.
- **Legal Literacy Programs:** Legal literacy programs can be introduced in order to educate consumers on how to report and seek redress against discriminatory pricing, in addition to protecting consumers.

The Pink Tax is a global phenomenon, with varying legal strategies in jurisdictions. While some jurisdictions have achieved some success in the fight against gender-based pricing discrimination, others lack concrete legislation or enforcement. In order to effectively tackle such discrimination, an integrated approach consisting of legislative reforms and consumer education is necessary. Experience in jurisdictions highlights the need for concrete anti-Pink Tax legislation and increased consumer awareness to ensure equitable pricing practices on a global level¹⁰.

6. Reimagining Economic Justice through Legal Reforms

Renovating economic justice by reforming the law is essential in fighting discriminatory acts such as the "pink tax," where one pays a premium for a product or service that is targeted toward women compared to one targeted towards men. A critical analysis of the ways of dealing with this follows:

6.1 Legal Strategies to Fight the Pink Tax

- **Reforming Consumer Protection Laws**

¹⁰ UK Parliament, 'Abolition of the Tampon Tax' (2021) UK Parliament <https://www.parliament.uk/business/news/2021/january/abolition-of-the-tampon-tax/> accessed 26 February 2025.

Implementing outright prohibitions on gender-based price discrimination is a prominent approach. Regulations such as California's "Pink Tax" bill and New York's gendered pricing bill have already moved forward by banning price disparities for essentially similar products aimed at different sexes. Such changes guarantee consumer protection legislation strong enough to suppress discriminatory pricing practices¹¹.

- **Strengthening Competition Law**

Enhancing competition law can assist in combating exploitative pricing in monopolies. In competitive markets, there is little room for firms to practice discriminatory pricing. This can assist in preventing monopolies from taking advantage of price differences based on gender.

- **Class Action Litigation and Public Interest Litigation (PIL)**

Promoting PIL and class actions can effectively combat discriminatory pricing. These institutions of law enable consumers collectively to sue against adverse practices, inducing an effective method of imposing reforms through the judiciary and deterring firms from practicing sex-based price discrimination.

6.2 Policy Recommendations

- **Mandatory Gender-Based Pricing Transparency**

Making it obligatory for companies to provide explanations for gendered pricing can make companies more transparent and accountable. Transparency can lead to consumer-informed choices and put pressure on companies to provide explanations for any differential pricing on actual grounds and not gender stereotypes.

- **Government-Led Price Regulation**

Regulating basic goods and services so that they are reasonably priced for gender equity is another key action. Governments can set standards of pricing justice, particularly for basic goods, such that women are not disproportionately overpaying for similar goods.

¹¹ California State Legislature, 'Gender Tax Repeal Act of 1995' (1995) California State Legislature https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=199519960AB110 accessed 26 February 2025.

- **Tax Reforms**

Elimination or reduction of discriminatory taxes on necessities for women also improves economic parity. Through taxation policy analysis and adjustment, governmental authorities can ensure that such taxes will not increase existing gender price disparities.

6.3 The Role of the Private Sector

- **Corporate Social Responsibility (CSR)**

Fostering gender-sensitive pricing policies via CSR initiatives will encourage fair pricing practices. Businesses can embrace self-regulatory policies that abolish gender-based disparities in pricing, which can ensure a fairer marketplace.

- **Self-Regulation by Businesses**

Voluntary compliance to prevent discriminatory pricing is a must. Companies can voluntarily examine their pricing models to render them fair and equitable so as to prevent legal and reputational consequences of discriminatory practices.

To fight the pink tax, a multi-faceted approach involving legal reforms, policy reforms, and private sector intervention is needed. By revising consumer protection laws, strengthening competition laws, and encouraging legal activism, governments can create a legal framework that encourages gender equality in prices. Policy prescriptions such as price transparency and price regulation by the government can also ensure equitable markets. The private sector can contribute through CSR and self-regulation to avoid discriminatory pricing. Ultimately, economic justice through these mechanisms can reduce gender gaps and provide a more equitable marketplace for consumers of both genders¹².

7. Conclusion & Way Forward

➤ Summary of Findings

- **Perpetuation of Economic Gender Inequality:** The Pink Tax is a discriminatory tactic

¹² National Organization for Women, 'The Pink Tax: The Cost of Being a Woman' (n.d.) NOW Blog <https://now.org/blog/the-pink-tax-the-cost-of-being-a-woman/> accessed 26 February 2025.

that perpetuates economic gender inequality by paying a premium for products sold to women compared to the same products sold to men. It is most obviously seen in personal care, clothing, and accessories, where women simply pay more for basically the same thing¹³.

- **Lack of Effective Legal Mechanisms:** Most jurisdictions lack effective legal mechanisms to deal with gender-based price discrimination. Consumer protection laws in most jurisdictions are not effective in dealing with such imbalances, and therefore, legislative solutions more than judicial solutions are dependent upon.
- **Economic Justice Reforms Call:** Feminist jurisprudence calls for economic justice reforms through legal intervention. This entails challenging discriminatory prices and ensuring equality in consumer markets.

➤ **Recommendations for Future Research**

- **Empirical Analysis in the Indian Context:**

Objective: Undertake a comprehensive study to identify and measure gendered price trends in Indian markets. This would entail studying price variation for goods such as personal care products, apparel, and other consumer goods marketed separately to men and women.

Methodology: Employ surveys, market surveys, and statistical analysis to obtain data on price differences. This may entail comparing prices of similar products sold to both genders across various market sources.

Impact: The research would yield tangible proof of the presence of the Pink Tax in India, allowing policymakers to grasp its economic and social impact.

- **Exploring Constitutional Challenges:**

Legal Framework: Carry out an inquiry on whether the Pink Tax violates Article 14 of the Indian Constitution, which provides for equality before the law. Such an evaluation involves

¹³ Economic and Political Weekly, 'Breaking Down the Pink Tax' (2024) 59 Economic and Political Weekly <https://www.epw.in/journal/2024/11/perspectives/breaking-down-pink-tax.html> accessed 26 February 2025.

determining whether gender-based pricing amounts to discrimination under the Constitution.

Probable Outcome: A Successful constitutional challenge may result in legally enforceable reforms through the judiciary ordering price parity for equivalent products irrespective of gender-targeted marketing. This would amount to the judiciary enforcing the prevailing law under gender equality principles.

Challenges: The courts would be faced with challenges in deciding what are "similar" goods and whether price differences are market-driven or discriminatory.

- **Assessment of the Function of Regulatory Agencies:**

Consumer Protection Authority: Evaluate the effectiveness of regulatory bodies, like the Consumer Protection Authority of India, in addressing issues of gender-based pricing. The assessment is done by examining their capacity to investigate grievances, impose penalties, and enforce anti-discrimination laws.

Policy Recommendations: From the analysis, provide policy recommendations that grant the institutions the mandate to act more aggressively against the Pink Tax. It may include the issuance of strict mandates on gender-neutral prices or enhancing consumer awareness campaigns.

Global Comparison: Global comparison of India's regulation style with other nations, such as California, where a law has been passed banning price discrimination based on gender.

➤ **Strategic Progression**

In order to tackle the Pink Tax successfully, a multi-faceted approach is needed:

- **Legal Reforms:** Enact specific legislation or amendments to the current consumer protection legislation categorically banning price discrimination on the basis of gender. This would establish a clear legal framework for dealing with the issue.
- **Regulatory Enforcement:** Strengthen the ability of the regulatory bodies to monitor and enforce anti-discrimination legislation. This would involve giving them the power to investigate and impose fines on violators.

- **Public Awareness:** Organize campaigns to raise public awareness regarding the Pink Tax and its impact on consumers. The campaigns can pressurize consumers to insist on equal pricing and encourage businesses with gender-neutral pricing policies.
- **Global Cooperation:** Cooperate with international institutions and countries in order to acquire and share effective models and mechanisms of eliminating gender-based price differences. Global cooperation can make the market more inclusive for consumers around the world.

In order to combat the Pink Tax, there should be collective action from consumers, regulators, and lawmakers to ensure that economic equality is achieved through fair and non-discriminatory pricing.