
INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH

PINK TAX AN ANALYSIS ON CONSTITUTIONAL BACKGROUND- Pradheepa V¹**ABSTRACT**

Have you ever noticed, why the products are made for women are mostly pink? and the products designed for female are more expensive than those for men? This phenomenon is known as the PINK TAX, a gender – based price disparity that places an economic burden on women, Especially considering the ongoing wage gap. This Article , delves into the PINK TAX AN ANAYLISIS ON CONSTITUTIONAL BACKGROUND and how its violates the fundamental ideologies and written provision of Indian constitution. The main object of the study is to understand the gender-based price discrimination in India.

WHAT IS PINK TAX?

“IF YOU’REA PINK USER, BE A SMART BUYER, DON’T BE A BLINDER”

This quote encourages individuals who may be subject to the “pink tax”(higher prices for products marketed to women) to be discerning consumers. It advises being smart and informed while making purchasing decisions rather than turning a blind eye to potential gender-based pricing disparities.

This phrase encapsulates the notion created by businessman in society. The pink tax generally distinguishes between the products of a male and a female. Pink tax falling under the category of an Indirect tax not collected by central government this tax different from the tax like custom ,sales tax, etc... The word pink tax refers to unnoticeable higher cost females are pay for the

¹ Advocate and Student/ Government Law College Coimbatore

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

products specially manufactured and designed for them. This is the Invisible. In a broader sense, pink tax is nothing it's an extra amount women pays for gender - Specific products.²

While Men and women often buy similar day-to-day products, But research indicates that consumer products targeted and advertised to women are sometimes more expensive than comparable products marketed to men. This disparity is referred to as a so-called pink tax. Gender-based price disparities are prevalent in several sectors, but one of the most visible is personal care products. These include, for example, soaps, lotions, razor blades and deodorants that are marketed specifically to either women or men³.

The term “**pink tax**” was popularized around the mid-1990s, when the Gender Tax Repeal Act of 1995 passed in California, prohibiting price discrimination on services. The pink tax inflates the price of goods found on retail shelves, and small price differences can add up to women paying more than men over time. The California Senate Committee on Judiciary and Senate Select Committee on Women, Work & Families stated in 2020 that Californian women pay an average of about \$2,381 more, for the same goods and services, than men per year. That can add up to about \$188,000 in pink tax throughout a woman's life.

The existence and prevalence of the pink tax has been debated in recent years. Many modern discussions of the pink tax reference a 2015 New York City Department of Consumer Affairs study, “From Cradle to Cane: The Cost of Being a Female Consumer,” which found that New York City retailers price women's products an average of 7 percent more than similar men's products.

However, a 2021 national study by researchers from the University of Chicago, Booth; Northwestern University, Kellogg; and CornerstoneResearch found that women's products were only more expensive than men's in one of six retail categories examined. The study's researchers questioned the need for legislative action against the pink tax.⁴ Gender-based pricing that disadvantages women extends beyond the pink tax. Women have historically paid higher health insurance premiums in part because of the expected Costs related to pregnancy. The Affordable

²WHAT IS PINK TAX, www.thebalance.com

³ <https://www.weforum.org> [last visit 21/06/2023]

⁴THE PINK TAX; LATEST UPDATES AND STATISTICS-www.bankrate.com [last visit 21/06/2023]

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

Care Act specifically eliminated the disparity in health Insurance premiums between women and men. For example, before the law's enactment, a 22-Year-old woman might pay 1.5 times the premium for health insurance paid by a man the same Age.⁵ Research in the early 1990s found that women were quoted higher prices than men when shopping For a new car.⁶ However, more recent studies suggest this phenomenon may be less prevalent Now.⁷

Discriminatory pricing, when found, can become part of financial inequality that chips away women's purchasing power. Women earn 82 cents for every dollar that a man is paid, according to the Bureau of Labor Statistics (BLS), a statistic that worsens for women of color and other disenfranchised women, according to the U.S. Government Accountability Office. Women are also more likely to feel stressed about their finances than men, Bankrate found in June 2022.

PINK TAX AND INDIAN CONSTITUTION:

The preamble of the constitution promises to all its citizens of India, to ensure , liability . equality, Fraternity to maintain unity and integrity of the nation. All these principles lay down the new dimensions to Indian society. The Indian constitution does not use the word gender at any place Instead it uses the word sex. In Indian constitution under Article 14,15 and 16 Prohibits the discrimination on the basis of Religion, race, caste, sex and place of birth. But this gender based price gap {pink tax} against the Article 14,15 and 16 of the Indian constitution and gender based discrimination prevailing in India⁸.

In India the tax called pink does not enforced by the government of India It refers to the Invisible cost of products that are liable to pay for the products designed and marked specially for them. As per the study women are paying 7% extra than the man on the same products and on personal items the differences rises to 13%. If we take the example of salons, charges, are high for the services given to women in comparison to same services given to men. And even the personal

⁵Department of Health and Human Services, "Women and the Affordable Care Act

⁶Ian Ayres, "Fair Driving: Gender and Race Discrimination in Retail Car Negotiations," Paper 1540, (1991); and Ian Ayres and Peter Siegelman, "Race and Gender Discrimination in Bargaining for a New Car," The American Economic Review, Vol. 85, No. 3 (June 1995).

⁷The Pink Tax How Gender-Based Pricing Hurts Women's Buying Power-Joint economic committee Ranking democratic Carolyn B maloney

⁸ THE CONSTITUTION OF INDIA, No1, Acts of parliament, 1950 [India]

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

items bodywashes, creams, soaps, for women are expensive in comparison to men⁹. Its clearly showing how we are violating the essential spirit and principles of non –discrimination, fairness, equity, non-arbitrariness of the Constitution which are actually governing the society. It is explicitly stated in Article 14, 15(1) and 16 of the Constitution and implicit in the essential spirit of the Constitution that no citizen shall be discriminated on the ground of religion, race , sex, caste. And everyone shall be treated equally but it is apparent on the face that how we are violating these principles and ideologies, by discriminating between the genders through these types of gender biased pricing which is currently prevailing in our society. After we analysed the constitutional background about the pink tax it shows pink tax invisibly violates the gender equality in India.

Some examples of the pink tax in India include:

Higher prices of toys or equipment marketed to girls, like pink bikes, scooters, and helmets costing more than identical red or blue bikes, scooters and helmets.¹⁰

Personal care products: Women's personal care products, such as shampoo, conditioner, and razors, are often priced higher than similar products marketed to men. For example, a women's razor may cost more than a men's razor, even though they perform the same function.

Clothing: Women's clothing is often priced higher than men's clothing, even for similar styles and materials. This is especially true for items such as formal wear and accessories.

Healthcare: Women may be charged more for certain healthcare services, such as reproductive health services and cosmetic procedures.

Beauty products: Women's beauty products, such as makeup and skincare, are often priced higher than men's products, even when the ingredients and quality are the same¹¹. Those products shows gender inequality in India.

⁹WHAT IS PINK TAX AND HOW DOES IT CONTRIBUTES GENDER BIAS?

<https://www.google.com/amp/thelogicalindian.com/amp/gender/pink-tax-gender-bias>.

¹⁰Pink Tax: What Does Price Discrimination Cost Women? kiplinger.com

¹¹ What is pink tax and why should this be rendered illegal worldwide? www.mintgenie.livemint.com [last visit 08/08/2023]

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

Conclusion and opinion of the Researcher

The “pink tax” refers to the phenomenon where products marketed towards women are priced higher than similar products for men. It’s an issue highlighting gender-based pricing disparities. I believe it’s important to address such inequalities and promote pricing fairness regardless of gender. The Pink tax, while not an actual tax, is an invisible tax paid by women for products specially designed for them. Additionally, women are indirectly compelled to pay tax for these products. This issue affects not only western countries but also Indian women, who often prefer pink-colored products. Every woman must be a smart buyer, and everyone must have knowledge about pink tax. In India, many women are not aware of the term pink tax. The main objective of the study is to spread news about gender inequality in India due to pink tax. The government must take accurate policy to prohibit pink tax in India. Women must be aware before buying products, as many are not aware of their own legal rights.

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

<https://www.ijalr.in/>