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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

COMPARATIVE ANALYSIS OF GENDER PAY DISCRIMINATION IN THE ENTERTAINMENT INDUSTRY: A STUDY OF INDIA AND THE UNITED STATES

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Abstract

This paper makes a detailed exploration into the widespread issue of gender pay discrimination in the entertainment industry, making comparative analysis between India and the United States. While the entertainment industry may boast one of the most developed legal frameworks for the support of gender equality, the pay scales between men and women remain seriously imbalanced. This essay will analyse the underlying causes of such disparities, whereby it will highlight legislative steps both countries have taken to counteract such trends, and it will go on to examine cultural elements sustaining gender inequality in the two nations. High-profile instances and statistical data demonstrate that females are paid far lower than males for doing the same thing. Examples from Hollywood and Bollywood clearly illustrate how such tendencies have played out.

Controlling for other factors, studies within Hollywood have revealed a 25% gap that cannot be explained between earning statuses of female versus male stars with similar experience-earning about \$1.1 million less. Systemic barriers and normative social behaviour point to similar trends in India, though there is fewer specific data available. Bollywood portrayals of women in subordinate roles similarly protract previous stereotypes and limit opportunities for female professionals.

While these countries have enacted equal pay acts, including the Equal Pay Act in the United States and the Equal Remuneration Act in India, enforcement is also inconsistent. Socialization around gender roles at large continues to play a role in the workplace, and as a result, these inequities persist.

This work outlines not only the existing levels of gender pay discrimination but also pathways toward potential reform and activism in the near future. Some of the recommendations include

a more transparent salary for the employees, making the existing legislation more robust, increased female presence in the media, and an awareness of the pay gap between genders. This research is set out to fully deliberate a holistic solution to all these issues and as such, contribute to broader discussions regarding gender equality and social justice within the entertainment industry, and beyond, that might advocate for a better future for all professionals in all walks of life regardless of gender.

Key words: Gender pay gap, entertainment industry, wage discrimination, equal pay legislation, systemic barriers.

Introduction

Gender pay discrimination is very relevant to all sectors around the world. However, in the entertainment sector, because it is more visible and culturally oriented, it is much more pronounced. The gender pay differential between male and female entertainers portrays some form of inequality within society, but affects public perception on gender roles. This paper attempts to discuss just how gender discrimination manifests itself through pay scales within the entertainment industries of India and the United States.

The entertainment industry is a great influence in the world. It defines and shapes the values and mores of societies, and its attitudes toward gender show this. In other words, it either entrenches or subverts stereotypes. Understanding how these dynamics play out in terms of pay equity, then, has to be at the heart of industry initiatives toward fairness within the industry and facilitating a more inclusive environment.

Entertainment constitutes an industry with immense powers of influence over public consciousness. It largely dictates as well as gets people to believe and perpetuate common ideas about success, beauty, and role in society according to gender. Television and film act as educational material for people teaching to live up to such because of such enforced expectations by the society¹. When women find themselves locked into subordinate roles or recognized as less competent than their male counterparts, it is a cycle of inequality that transcends Hollywood and Bollywood into everyday life. This cultural context makes the issue of gender pay discrimination particularly relevant to salience; it is not only about individual

¹ Uncovering Hollywood's Contribution to the Gender Pay Gap, Berkeley Pol. Rev. (Oct. 12, 2022)

salaries but how it shapes aspects of societal attitudes towards equality.

Statistics of recent research work on the pay gap according to gender within the entertainment industry have been disconcerting. A research study on Hollywood actors reveals that they are paid about \$1.1 million less than males². Even after factorizing for both the factors of age and film genre, the wage gap still amounts to about 25%³. In this regard, although data is sparse for India, anecdotal evidence exists that also the female lead has to pay a probable less probable compensatory cost in addition to her male co-stars for the same performances⁴. Some of the celebrity cases brought actresses Amanda Seyfried and Jennifer Lawrence, with reports of heavy media glare because they receive significantly less compensation compared to their male counterparts for equal work⁵.

Though legal frameworks emphasizing greater equality between sexes exist, present-day legislative statutes such as the Equal Pay Act in the US and the Equal Remuneration Act in India fail to ensure uniform implementation⁶. Cultural attitudes and traditional perceptions of gender roles are thus crucial elements in workplace dynamics that cause inequities to persist continually. For example, even though the laws prohibit unequal pay for equal work, most women are least aware of their rights or have no means of any effective bargaining for higher pay⁷. That is a basic gap between law and practice in the industry.

A variety of legislation reform together with old cultural change is therefore needed to balance off gender pay disparities in the entertainment industry. This will help in determining root causes behind pay disparities and push for compensation transparency. Jointly, it enables stakeholders to create more equitable working conditions for all entertainers. From this perspective, this particular research aims to contribute to larger discourses on gender equality and social justice because it not only speaks of the need for systemic change but within a sector of society that is positioned at the very apex of its influence.

² Sofia Sanchez, *Hollywood's Million Dollar Gender Pay Gap*, Univ. of Huddersfield (Sept. 2019).

³ Hollywood's Gender Pay Inequity: \$1 Million per Film, UWM Researcher Finds, Univ. of Wisconsin-Milwaukee (Jan. 8, 2020).

⁴ Suparna Dutt D'Cunha, *In India, the Gender Pay Gap Extends Even to Bollywood*, Forbes (Aug. 30, 2017).

⁵ 11 of the Most Alarming Examples of Hollywood's Gender Pay Gap, Bus. Insider (Apr. 2019).

⁶ The Female Gaze: Hollywood and the Gender Pay Gap, CherryPicks (2024).

⁷ Hollywood's Gender Pay Gap Revealed: Male Stars Earn \$1M More per Film Than Women, Guardian (Sept. 15, 2019).

Hypothesis

The Indian film industry experiences greater gender-based pay discrimination compared to Hollywood because of deeply ingrained social and cultural reasons. Bollywood still favours male-starring films more, with the perception that male stars produce box office hits, resulting in wider pay gaps than the American film industry. Even leading lady stars are remunerated far less than their male stars, as the industry underestimates their contribution to the box office despite their fame. Hollywood has seen greater endorsement of pay transparency and gender equality, which has resulted in stronger negotiation power for female actors.

Statutory provisions for equal pay have addressed gender pay gaps in the US more effectively than in India. The Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964 have provided female performers with the legal recourse to sue for pay discrimination, resulting in industry-wide scandals and lawsuits. In India, the Equal Remuneration Act of 1976, although mandating equal pay, has failed to do so effectively because of ineffective enforcement systems and resistance to pay disclosure on cultural grounds. As a result, pay differentials on a gender basis persist, with fewer women actors able to negotiate equal pay. The representation of women in TV and cinema also perpetuates pay differences between male and female actors. Women are generally relegated to stereotypical or supporting roles, lessening their bargaining leverage for fair pay. These entrenched representations perpetuate the idea that male actors are more marketable, perpetuating the gender pay gap in Hollywood and Bollywood. The influence of the media on public attitudes also makes it more difficult for female actors to move beyond entrenched narratives and negotiate fair pay.

Objectives

Gender pay disparities are a persistent issue in India's and the United States' entertainment industries, though the size and nature of the disparity vary between the two countries. Comparison of Bollywood and Hollywood pay packages suggests a broad disparity in earnings between male and female performers, even after controlling for experience, fame, and success at the box office. Despite cross-cultural admiration of feminine skill, pay disparities are still indicative of industry bias, and additional study of the size of the gap and its long-term consequences is necessary.

Legal provisions play an important role in the regulation of pay disparities, but their success

differs in India and the United States. Although both countries have enacted legislation for equal pay for equal work, problems of implementation and enforcement persist. In the United States, the Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964 have provided legal momentum to equal wages, while India's Equal Remuneration Act of 1976, while a good concept, has been undermined by weak enforcement. A comparative study of these pieces of legislation questions their effectiveness in wage structures and their ability to provide equitable remuneration for both men and women.

Beyond legal structures, cultural forces also play an important part in influencing wage differentials in both sectors. In India, deeply rooted social norms are found to dominate professional decisions, limiting bargaining ability among woman actors and gendered portrayals in movie scripts. Hollywood, being relatively open, is still marred by gender bias and industry assumptions that films made by women directors are less commercially appealing. Cultural forces determine how pay systems evolve, and thus it is important to examine their role in perpetuating or dismantling gendered pay differentials.

Importance of the Topic

Gender pay discrimination is a core issue reaching beyond individual earnings, enforcing structural inequalities and gendered stereotypes. The entertainment industry, being so highly visible and influential, not only exposes such inequalities but also has an impact on public opinion regarding gender roles. The comparison of wage inequalities within Bollywood and Hollywood provides insightful facts about the extent of inequality and its origin.

This study is significant because it demonstrates how entertainment pay disparities perpetuate wider gender inequalities. If female artists consistently receive less pay than their male counterparts, it perpetuates cultural assumptions that women's labour is less valuable. As the industry impacts cultural discourse, this problem being researched has the potential to send shockwaves to other industries to follow suit with pay parity.

The conclusions drawn from this study can be utilized to educate policymakers, corporate executives, and activists in their efforts to eliminate the gender pay gap. Improving legal climates, ensuring transparency in pay, and fostering equal pay practices are critical steps towards equality. Further, the study allows female performers to possess facts for fairer

compensation negotiations. With the redressing of these wrongs, the entertainment industry can become a model for the rest of society to follow, catalyzing fairness and inclusiveness in occupations.

Gender Pay Gap Overview

The gender pay gap refers to institutional inequality in remuneration between men and women despite their jobs of similar kind or equal qualifications and experience. Pay inequality is present in most sectors, although in a few like entertainment, salaries are well-advertised and audited. The issue is present due to a combination of factors, including past discrimination, job segregation, and gender-based biases in hiring, promotion, and bargaining over contracts.

As per a 2018 report by the International Labour Organization, worldwide, women on average earn about 20% less than men, even when education and experience are taken into account.⁸ In India, the difference is even greater, with women earning about 34% less than men.⁹ The difference is fueled by deep-seated societal prejudices, the absence of opportunities for women to assume leadership roles, and a general undervaluing of women's contributions to the economy. In Bollywood, for example, actresses Deepika Padukone and Priyanka Chopra have highlighted pay gaps, stating that they earn significantly less than their male co-stars when they have equally high- or lead roles.¹⁰ In Hollywood, while the gender pay gap is lower than in India, gaps do exist. In a study by the University of Southern California Annenberg Inclusion Initiative, it was found that female lead actresses were paid approximately 79 cents for each dollar paid to male actors for the same work.¹¹ The pay gap has been put under the spotlight by celebrity stories, including Jennifer Lawrence and Amy Adams being paid much less than their male co-stars in *American Hustle*, in which both actresses had lead roles.¹² Similarly, actress Amanda Seyfried stated that she had been offered as little as 10% of what her male co-star had been offered, although both had equal experience and screen time.¹³ These instances prove that wage gaps continue to exist in the entertainment industry, despite growing awareness and

⁸ Int'l Labour Org., *Global Wage Report 2018/19: What Lies Behind Gender Pay Gaps?* 12 (2018).

⁹ Oxfam India, *Mind the Gap: The State of Employment in India* 23 (2020).

¹⁰ Ananya Bhattacharya, *Deepika Padukone Earns Less than Male Bollywood Stars, but She's Okay with That*, *Quartz India* (Jan. 8, 2018).

¹¹ Stacy L. Smith et al., *Inclusion in the Director's Chair? Gender, Race, & Age of Hollywood Directors 2007–2017*, USC Annenberg Inclusion Initiative (2018).

¹² Jessica Chastain, *Jennifer Lawrence Calls Out Hollywood's Gender Pay Gap*, *Vanity Fair* (Oct. 13, 2015).

¹³ Stephanie Marcus, *Amanda Seyfried Was Only Paid 10 Percent of What Male Co-Star Got*, *HuffPost* (July 14, 2015).

efforts at pay equality.

The persistence of the gender pay gap in the entertainment industry is evidence that the phenomenon cannot be addressed through law alone. Despite legislation like the United States' Equal Pay Act of 1963¹⁴ and India's Equal Remuneration Act of 1976¹⁵, which established a legislative framework of equal pay, cultural biases and professional practices usually limit their effectiveness. Pay transparency, enforcement of equal pay, and changing industry practices are the interventions needed to end the gender pay gap and ensure equal remuneration for all artists regardless of gender.

Types of Gender Pay Gaps

The gender pay gap is usually quantified in two manners: the adjusted pay gap and the non-adjusted pay gap. These are important in gauging the extent of wage disparity between industries, such as the entertainment industry. While the non-adjusted gender pay gap gives a general idea of earning differences, the adjusted pay gap indicates differences even after accounting for important variables such as job title, education, and experience.

1. Non-Adjusted Pay Gap

The non-adjusted pay gap, also referred to as the raw pay gap, computes the average difference in earnings between men and women without accounting for variables like the type of industry, level of experience, or job rank. This wider measure tends to capture systemic factors like occupational segregation, where women are over-represented in lower-paying sectors or occupations.

In India, even with improvements over time, women, on average, earned 28% less than men as of 2018-19.¹⁶ Likewise, in the United States, as of 2024, women made 85% of men's earnings, which represents a 15% pay gap.¹⁷ This trend is also found in the film industry, with Bollywood actresses receiving lower pay compared to their male counterparts. For example, stories have been heard that Deepika Padukone, even as one of the best-paid female actresses, remains far behind when compared to their male

¹⁴ Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).

¹⁵ Equal Remuneration Act, No. 25 of 1976, § 4, *India Code* (1976).

¹⁶ Int'l Labour Org., *Global Wage Report 2018/19: What Lies Behind Gender Pay Gaps?* 12 (2018).

¹⁷ Pew Research Ctr., *Gender Pay Gap in U.S. Has Narrowed Slightly Over Two Decades*, Pew Research Center (Mar. 4, 2025).

counterparts with similar roles.¹⁸ Similarly in Hollywood, an equivalent gap remains—Scarlett Johansson, even as a leading grosser, was not paid nearly enough compared to Robert Downey Jr. in the Marvel movies despite having a similar lead role within the franchise.¹⁹

2. Adjusted Pay Gap

The adjusted gender pay gap takes into consideration education, experience, occupation, and number of hours worked. This is crucial as it proves that even when women are equally qualified and do the same job as men, inequalities tend to remain. In India, research has indicated that although women in the individual contributor role are paid a mere 2.2% lower than men with comparable roles, the gap enlarges to 4.9-6.1% for senior executives and directors.²⁰ In America, on the other hand, younger women suffer a smaller gap—women between 25 and 34 years earned 95 cents for every dollar earned by men within the same age bracket in 2024, although this gap increases with age.²¹ In Bollywood, Kangana Ranaut herself has publicly criticized the huge pay gap between male and female actors, even for movies where the female role is the main character.²² Jennifer Lawrence and Amy Adams were also offered a much lower salary than their male co-stars in *American Hustle*, where both had pivotal roles in the movie.²³

These instances highlight the existence of both non-adjusted and adjusted pay disparities in different industries in India as well as the United States, and how pay equity can be attained through specially designed strategies.

Statistical Insights

Recent research underscores ongoing pay gaps in Hollywood and Bollywood, showing that female actresses, directors, and producers still make much less than their male peers for similar roles and accomplishments.

¹⁸ Ananya Bhattacharya, *Deepika Padukone Earns Less than Male Bollywood Stars, but She's Okay with That*, *Quartz India* (Jan. 8, 2018).

¹⁹ Sam Reed, *Scarlett Johansson Reacts to Being the World's Highest Paid Actress*, *The Hollywood Reporter* (Aug. 17, 2018).

²⁰ KelpHR, *Gender Pay Gap in India: What Does the Data Say?* (2023).

²¹ Pew Research Ctr., *Gender Pay Gap in U.S. Has Narrowed Slightly Over Two Decades*, *Pew Research Center* (Mar. 4, 2025).

²² Priyanka Sharma, *Bollywood's Gender Pay Gap: Actresses on Why They Earn Less than Male Counterparts*, *Hindustan Times* (Mar. 8, 2021).

²³ Jessica Chastain, *Jennifer Lawrence Calls Out Hollywood's Gender Pay Gap*, *Vanity Fair* (Oct. 13, 2015).

Hollywood: Actors' and Directors' Pay Disparities

Female actresses in Hollywood have traditionally gotten lower pay than male actors, even for playing leads in movies with equal budgets and box office potential. A 2020 report discovered that leading male stars made an average of \$15 million per picture, compared to leading female stars making about \$8 million for similarly sized roles, a 46.7% gender pay gap.²⁴ This gap is even wider in ensemble pieces or films with more than one leading role, where males typically demand higher backend deals and bonuses.²⁵

For instance, in 2018, it was reported that Mark Wahlberg was paid \$1.5 million for *All the Money in the World* reshoots, whereas his female co-star with an equal amount of screen time, Michelle Williams, was paid under \$1,000 for the same job.²⁶ Likewise, Robert Downey Jr. received more than \$75 million for *Avengers: Endgame*, whereas Scarlett Johansson, who had a leading role, received significantly less—a trend continued throughout the Marvel franchise.²⁷

Gender pay differentials are also seen in directing and production positions. A 2021 study by the USC Annenberg Inclusion Initiative discovered that a mere 10.7% of high-grossing Hollywood movies from 2007 through 2020 were directed by women, and female directors took home roughly 25% less than men.²⁸ Not even top female directors like Patty Jenkins (*Wonder Woman*) have been spared having to work for equal pay—Jenkins negotiated her contract for the same wage as male directors to get the same compensation for *Wonder Woman* 1984.²⁹

Bollywood: Gender Pay Gaps in Acting and Directing

In India, though the pay gap in the entry-level job in the entertainment industry is comparatively small, it increases quite extensively at higher levels, especially for acting, directing, and

²⁴ Statista, *Hollywood Actors' Salaries by Gender*, (2020)

²⁵ Stacy L. Smith et al., *Inequality in 1,300 Popular Films: Examining Gender Representation in Hollywood*, USC Annenberg Inclusion Initiative (2021)

²⁶ Andrea Mandell, *Mark Wahlberg Made \$1.5M for 'All the Money' Reshoots; Michelle Williams Got Less Than \$1,000*, *USA Today* (Jan. 9, 2018)

²⁷ Sam Reed, *Scarlett Johansson Reacts to Being the World's Highest Paid Actress*, *The Hollywood Reporter* (Aug. 17, 2018)

²⁸ Stacy L. Smith et al., *The Celluloid Ceiling: Hollywood's Gender Inequality Behind the Camera*, USC Annenberg Inclusion Initiative (2021)

²⁹ Mia Galuppo, *Patty Jenkins Lands Record-Breaking Payday for Wonder Woman 1984*, *The Hollywood Reporter* (Sep. 11, 2017)

production jobs. In a 2022 report by Oxfam India, it was reported that Bollywood actresses earn 35–40% less than male actors, even in movies where they are the leading lady.³⁰

For example, as already noted, the Deepika Padukone episode Likewise, Kangana Ranaut has discussed examples of how producers rationalized offering her less than half of what male actors received, even when her movies performed better at the box office.³¹

The gap also reaches behind-the-scenes positions. A study in 2023 by the Film Federation of India discovered that female directors at Bollywood receive, on average, 30% less than male directors, even when their films are as commercially successful.³² Zoya Akhtar, a top director at Bollywood, has admitted that even though her movies are critically acclaimed and successful, she has needed to bargain considerably more than male directors for equitable pay.³³

These figures substantiate that the gender pay gap is not merely an outcome of career choice disparities but is entrenched in industry norms, necessitating structural reforms to ensure pay equality.

Implications of the Gender Pay Gap

The gender pay gap in the entertainment industry has significant implications that extend beyond individual wages, impacting economic stability, career development, and gender roles in society.

1. Economic Consequences for Women in Entertainment

Lower income diminishes women's economic security, investment returns, and long-term wealth. According to a 2021 McKinsey report, female performers have slower wage growth compared to men, which impacts their career income.³⁴ Women in technical positions, including directing and producing, also receive 30% less than men, which constrains their creative authority.³⁵

³⁰ Oxfam India, *Mind the Gap: The State of Employment in India* 23 (2022).

³¹ Rajeev Masand, *Kangana Ranaut on Bollywood's Unequal Pay: 'I Am Always the Highest Paid But...'*, *News18* (Feb. 20, 2022)

³² Film Federation of India, *Gender Wage Gap in Indian Cinema: A Study on Pay Disparities*, (2023)

³³ Sushant Mehta, *Zoya Akhtar on Pay Disparities in Bollywood: 'Male Directors Get More Even If Their Films Flop'*, *India Today* (Nov. 10, 2022)

³⁴ McKinsey & Co., *Closing the Gender Pay Gap in Media & Entertainment* (2021).

³⁵ Film Federation of India, *Gender Wage Gap in Indian Cinema* (2023).

In Bollywood, even leading actresses earn much lower salaries than male stars, affecting their negotiations with regards to future contracts.³⁶ Male actors also earn fat profit-sharing contracts, whereas female actors hardly get anything comparable to this in terms of financial gains.³⁷

2. Career Paths and Professional Development

The wage disparity impacts career durability, with less high-paying opportunities for women with age. Female actors in Hollywood have only 25% of the leading female roles in significant films, narrowing their negotiating influence.³⁸ In Bollywood, actresses often endure shorter careers with declining roles past their 30s, unlike male actors whose careers continue leading films into the 50s.³⁹

Additionally, women's representation in leadership roles is still low. The absence of financial rewards and pay equity discourages women from joining or remaining in the industry, creating a cycle of underrepresentation.

3. Broader Social and Cultural Impact

A. Reinforcing Gender Stereotypes

When women are paid consistently lower wages, it perpetuates the idea that their labour is of lesser value. Bollywood's focus on male-centric stories reinforces this prejudice, creating an industry where male actors earn more money and have larger roles.⁴⁰ Likewise, Hollywood's pay gap is an expression of ingrained prejudices regarding the marketability of female-centric films, even though data indicate that gender-diverse casts produce high box office returns.⁴¹

B. Impact on Younger Generations

Visible pay gaps discourage young women from entering the entertainment industry. A 2021 UNESCO report discovered that sectors that have visible gender pay gaps discourage women from pursuing those lines of work, lowering female participation in creative industries.⁴²

C. Economic and Industry-Wide Consequences

³⁶ Oxfam India, *Mind the Gap: The State of Employment in India* (2022).

³⁷ Filmfare, *Bollywood's Highest-Paid Actors and Actresses: The Wage Gap* (2023).

³⁸ USC Annenberg Inclusion Initiative, *Inequality in 1,300 Popular Films* (2021).

³⁹ Priyanka Sharma, *Bollywood's Gender Pay Gap*, *Hindustan Times* (2021).

⁴⁰ Rajeev Masand, *Bollywood's Male-Dominated Narrative*, *CNN India* (2022).

⁴¹ McKinsey & Co., *Diversity Wins: How Inclusion Drives Box Office Success* (2021).

⁴² UNESCO, *The Role of Media in Gender Equality* (2021).

Pay disparity based on gender caps industry growth and innovation. Pay equity was found to result in higher financial and productivity performance for firms by McKinsey.⁴³ Yet female talent underpayment caps investment in women-driven projects, capping the diversity of narratives delivered on screen.

Legislative Framework

➤ United States

The United States has passed a number of major laws to counteract wage discrimination on the basis of gender in order to provide fair compensation and equal employment opportunities. Two of the most important legislative acts are:

Equal Pay Act (1963)

The Equal Pay Act of 1963 (EPA) was the first federal legislation designed to eradicate wage discrimination on the basis of sex. It requires that men and women receive equal pay for doing substantially equal work under comparable working conditions in the same establishment.⁴⁴

Key Provisions

Employees can't be paid less for their work compared to employees of the opposite gender by employers unless differential pay is permitted based on the following valid reasons:

- A system of seniority
- A system of merit
- A measure based on quality or quantity of production
- Another factor other than gender (i.e., experience, education, or location) to name a few.

Enforcement & Challenges:

The law is administered by the Equal Employment Opportunity Commission (EEOC).

Although the EPA gives a basis for wage equality, enforcement is difficult because of salary secrecy policies, fear of retaliation, and proving that jobs are substantially equal.

Title VII of the Civil Rights Act (1964)

Title VII of the Civil Rights Act of 1964 offers more comprehensive protection against

⁴³ McKinsey & Co., *The Business Case for Gender Equality* (2021).

⁴⁴ 29 U.S.C. § 206(d) (1963)

employment discrimination on the basis of sex, race, colour, national origin, and religion⁴⁵. In contrast to the EPA, which is limited to pay differences, Title VII forbids all types of sex-based discrimination in employment, such as hiring, promotions, benefits, and working conditions.

Key Provisions:

- Employers are not allowed to discriminate in hiring, pay, or job assignments on the basis of sex.
- Applies to all private employers with 15 or more workers, labour unions, and government agencies.
- Permits employees to bring discrimination complaints before the Equal Employment Opportunity Commission (EEOC), which can investigate and sue employers.
- Grants wider remedies than the EPA, including compensatory and punitive damages in cases of intentional discrimination.

Historical Background of the Equal Pay Act

The Equal Pay Act of 1963 (EPA)⁴⁶ was enacted to respond to pay differentials as women entered the workforce in greater numbers, driven by World War II labour realignments, second-wave feminism, and the Civil Rights Movement. In spite of legal advancements, gender pay gaps continue, particularly in sectors such as entertainment and corporate management.⁴⁷

Case Law and Industry Examples

Corning Glass Works v. Brennan, 417 U.S. 188 (1974)⁴⁸:

The Supreme Court held that Corning Glass Works discriminated against the EPA by paying male night-shift employees more than female day-shift employees for performing the same work. The ruling reaffirmed the doctrine that past wage-setting patterns cannot be used to justify gender-based pay differentials.

Wage Disparities in Hollywood

It emerged from the Sony Pictures 2014 email hacking that women actors such as Jennifer

⁴⁵ 42 U.S.C. § 2000e-2 (1964).

⁴⁶ Equal Pay Act, 29 U.S.C. § 206(d).

⁴⁷ Blau, F. D., & Kahn, L. M. (2017). *The Gender Wage Gap: Extent, Trends, and Explanations*. *Journal of Economic Literature*, 55(3), 789-865.

⁴⁸ Corning Glass Works v. Brennan, 417 U.S. 188 (1974).

Lawrence and Amy Adams took much less money compared to their co-stars in their respective films.⁴⁹

A 2022 University of Southern California study discovered that male lead actors made an average of \$1.1 million more per movie than female leads.⁵⁰

Difficulties in Implementing Equal Pay Laws

1. Inadequate Pay Transparency

Most companies limit discussions of salaries, which makes pay differences more difficult to identify.

A 2021 Pew Research Centre survey discovered that just 17% of U.S. businesses publish pay ranges.⁵¹

2. Retaliation Fear

Employees are reluctant to report discrimination in pay because of possible retaliation. *Lilly Ledbetter v. Goodyear Tire & Rubber Co.*, 550 U.S. 618 (2007)⁵²:

Lilly Ledbetter learned she was paid considerably less than her male co-workers for years. She was denied justice by the Supreme Court on a technicality regarding the statute of limitations, to the outrage of many. To counteract, Congress enacted the Lilly Ledbetter Fair Pay Act (2009), which recalculated the statute of limitations period for pay discrimination cases with each discriminatory paycheck. This case resulted in the Lilly Ledbetter Fair Pay Act (2009)⁵³, which postponed the time for filing a complaint about wage discrimination.

• India

India has built a legislative framework to foster gender pay equity through a number of legislations. The Equal Remuneration Act, 1976, was amongst the earliest laws to eliminate gender-based wage discrimination. This was further integrated under the Code on Wages, 2019, which reinforced the idea of equal pay for equal work.

⁴⁹ □ The New York Times. (2014). *Sony Hack Reveals Hollywood Gender Pay Gap*.

⁵⁰ Smith, S., Choueiti, M., & Pieper, K. (2022). *Inequality in 1,000 Top Films: Gender and Race Representation*. University of Southern California.

⁵¹ Parker, K., & Funk, C. (2021). *Women and Work: Pay Transparency and the Gender Wage Gap*. Pew Research Center.

⁵² *Ledbetter v. Goodyear Tire & Rubber Co.*, 550 U.S. 618 (2007).

⁵³ Lilly Ledbetter Fair Pay Act of 2009, **Pub. L. No. 111-2, 123 Stat. 5**.

Equal Remuneration Act, 1976:⁵⁴

Prevents wage discrimination based on sex and requires equal pay for similar work in several industries.

Code on Wages, 2019:⁵⁵

Consolidates several labour laws, including the Equal Remuneration Act, and tightens provisions regarding wage equality and discrimination.

Notwithstanding these legal provisions, there are challenges in enforcement due to cultural beliefs, ignorance, and ineffective mechanisms of implementation.

Historical Context

The Equal Remuneration Act, 1976, came into effect in a time when India was addressing poverty alleviation, workers' rights, and social justice initiatives after independence. The legislation was enacted to meet systemic pay discrimination between men and women, specifically in manufacturing, agriculture, and service sectors. Implementation has remained uneven owing to entrenched social attitudes that downplay women's inputs in the workforce.

Case Law

Mackinnon Mackenzie & Co. Ltd. v. Audrey D'Costa, (1987)⁵⁶

The Supreme Court held that female stenographers were owed the same compensation as their male counterparts, enshrining the provisions of the Equal Remuneration Act.

Charu Khurana v. Union of India, (2015)⁵⁷

The Court invalidated sex-based limitations denying female makeup artists employment in Bollywood, terming them discriminatory and unconstitutional.

Societal Attitudes Impacting Legislation

Societal and cultural expectations have traditionally dictated the nature of workplaces in India, tending to favour men's careers over women's. Expectations around women's involvement in childcare and domestic work contribute to fewer opportunities for career progression.

⁵⁴ Equal Remuneration Act, **Act No. 25 of 1976**, India.

⁵⁵ Code on Wages, **Act No. 29 of 2019**, India.

⁵⁶ Mackinnon Mackenzie & Co. Ltd. v. Audrey D'Costa, **(1987) AIR 1281 SC**.

⁵⁷ Charu Khurana v. Union of India, **(2015) 1 SCC 192**.

A World Economic Forum study in 2020⁵⁸ discovered that women in India are paid 20% less than men on average, and the gap grows larger at senior levels because of lower representation at leadership levels.

Discriminatory employment is still with some companies favouring male job applicants for the better-paying jobs because it is thought that women will quit work for family needs.

Cultural Attitudes Affecting Pay Disparities

Cultural attitudes also inform the way in which gender roles affect employment and pay:

Creativity and Gender Discrimination:

In most industries, particularly entertainment and media, masculinity is linked to creativity. This results in less representation of women in leadership roles in areas like directing, producing, and cinematography.

Hollywood vs. Bollywood Salary Gaps:

In Hollywood, male stars earn far more than their female counterparts, even if they share equal star power.

In Bollywood, lead male stars earn much higher wages, while women leads begin a career slide much earlier in their lives than male stars.

According to a 2018 Oxfam India report⁵⁹, the persistence of gender pay scale discrimination has been cited as one of the key impediments to the bridging of the wage gap, particularly in informal industries where women workers are paid 35% less than male workers.

Stereotypes and Representation

Media and entertainment gender stereotypes perpetuate systemic pay gaps

Classic Female Roles:

Women are frequently depicted as caregivers, love interests, or supporting characters, perpetuating the notion that their work is less important.

Few Opportunities for Women in Lead Roles:

A 2021 UNESCO report⁶⁰ discovered that just 7% of Bollywood directors are female, while

⁵⁸ World Economic Forum. (2020). *Global Gender Gap Report*.

⁵⁹ Oxfam India. (2018). *Mind the Gap: The State of Employment in India*.

⁶⁰ UNESCO. (2021). *Gender Equality in the Media and Entertainment Industry*.

12% of Hollywood directors are female.

Women are underrepresented in leadership and technical roles in the entertainment sector, further widening pay gaps.

These representations make gender hierarchies seem normal, making it more difficult for women to insist on equal pay and leadership in creative industries.

The Role of Media in Gender Pay Disparities

Media has a twofold role—it reflects and influences the attitudes of society towards gender and pay differences. The underrepresentation of women in management positions and the absence of pay disclosure in creative sectors are responsible for wage disparities.

Social Media and Advocacy:

The #MeToo and #TimesUp movements have revealed gender discrimination in sectors across the globe, including instances of wage discrimination in Bollywood and Hollywood.

Public debates on social media platforms such as Twitter and Instagram have put pressure on studios and production houses to respond to these concerns.

Policy Reforms and Industry Changes:

In response to public outcry regarding pay inequalities, a number of studios in Hollywood implemented pay transparency policies.

In India, campaigns have created greater awareness, but official policy reforms are slow, and enforcement of current laws is still an issue.

A 2022 McKinsey report⁶¹ found that companies with better gender diversity in leadership roles experienced higher profitability and employee satisfaction, emphasizing that wage equality is not only a social issue but an economic necessity.

Comparative Analysis of Gender Pay Gap Legislation: India and United States and Their Effects on the Entertainment Industry

Gender wage inequality is still a burning issue across the world, especially in sectors such as entertainment where pay structures are mostly opaque. Although India and the United States both have legal systems to tackle wage disparities, their strategy, enforcement, and effectiveness vary widely. This comparative study looks at the legislative structure in both nations, their efficacy, and how they influence gender wage disparities, especially in the

⁶¹ McKinsey & Co. (2022). *The Business Case for Gender Equality in the Workplace*.

entertainment sector.

1. Legal Framework: India vs. United States

A. India's Legal Framework on Gender Pay Equality

India has passed legislation requiring equal pay for equal work, but enforcement is a major issue.

- Equal Remuneration Act, 1976 (Act No. 25 of 1976)
 - Guarantees equal pay for men and women for the same job.
 - Prevents discrimination in recruitment and conditions of employment on the basis of gender.
 - But does not cover wage transparency or the pay gap at higher levels.
- Code on Wages, 2019 (Act No. 29 of 2019)
 - Replaces several labour laws, such as the Equal Remuneration Act.
 - Strengthens equal pay but is weak on pay audits or reporting requirements.
 - Article 39(d) of the Indian Constitution
 - Requires the state to provide equal pay for equal work to men and women.
 - But is still more of a directive principle than a legally binding right.

Enforcement Challenges in India

Weak Implementation: There is limited wage transparency, and no formal system to track gender pay gaps by industries.

Limited Awareness: Women are not well aware of their rights under such laws.

Cultural Barriers: Cultural norms tend to dissuade women from negotiating wages or contesting pay inequities.

B. United States Legal Framework on Gender Pay Equality

The United States has more extensive legislation covering wage discrimination and more robust enforcement systems than India.

- Equal Pay Act, 1963 (29 U.S.C. § 206(d))
 - Makes gender-based wage discrimination for equal work in the same plant unlawful.
 - Employers must have reasonable factors (e.g., experience, merit, productivity) to justify differences in pay.

- Title VII of the Civil Rights Act, 1964 (42 U.S.C. § 2000e)
 - Mandates non-discrimination in employment, including compensation.
 - Applies to all phases of compensation, promotions, and hiring.
- Lilly Ledbetter Fair Pay Act, 2009
 - Increases time allowed to file claims for wage discrimination.
 - Guarantees ongoing legal safeguards against pay discrimination.
- State-Level Pay Transparency Laws
 - A few U.S. states have enacted legislation mandating businesses to reveal salary ranges on job advertisements.
 - California and New York have stronger wage transparency regulations, closing the gender pay gap.

Enforcement Strengths in the U.S.

Increased Wage Transparency: Certain states mandate public pay disclosure.

More Legal Precedents: Courts regularly entertain cases on pay discrimination, with greater employer responsibility.

Awareness Campaigns: Greater public awareness regarding wage discrimination results in increased legal action.

2. Effect on the Entertainment Industry

The entertainment industry in India and the U.S. has traditionally treated men better when it comes to pay, top jobs, and career longevity.

A. Hollywood: Compensation Disparity and Legal Effect

Pay disparity is high in Hollywood even after U.S. laws, with men earning much more than their female counterparts.

- Jennifer Lawrence's Pay Gap (2015)⁶²
 - The Sony email hack showed that Jennifer Lawrence was underpaid compared to her male co-stars even though she was an equally bankable star.
 - Triggered Hollywood wage transparency discussions.
- Scarlett Johansson's Disney Lawsuit (2021)⁶³

⁶² Sony Email Leak Reveals Jennifer Lawrence Pay Disparity. (2015). *The Guardian*.

⁶³Scarlett Johansson vs. Disney: The Pay Dispute that Shook Hollywood. (2021). BBC News.

- Johansson sued Disney for breaching her contract by releasing Black Widow on streaming services, impacting her pay.
- Case illustrated how women tend to have less negotiating power than male actors.
- U.S. Legal Impact on Hollywood
- Heightened wage transparency regulations and campaigns have forced studios to deal with pay disparities.
- Public disclosure of salaries by some production houses has stopped gender-based discrimination in pay.

B. Bollywood: Legal Effect on Pay Disparity

In India, Bollywood's gender pay gap is sharper, with actresses being paid far less than male actors, despite equal or better commercial success.

- Deepika Padukone's Wage Disparity (2019)⁶⁴
- Even though she was commercially successful, Deepika was first offered much less than male co-star Ranveer Singh in Padmaavat.
- She negotiated equal pay, which created a precedent, but instances like these are still few and far between.
- Priyanka Chopra on Bollywood's Pay Gap (2021)⁶⁵
- Chopra disclosed that she had never been paid equally in Bollywood even after her international success.
- Emphasized that male stars are paid as much as 10 times the female lead.

Why Bollywood Experiences a Wider Pay Gap than Hollywood

No Wage Disclosure Laws

Unlike in the U.S., Indian production companies do not have a legal mandate to disclose wages.

- Few Legal Precedents

Few Bollywood actors sue for wage discrimination.

- Cultural Attitudes

Society undervalues women-headed movies, which means lower pay grades.

⁶⁴ Deepika Padukone and the Bollywood Pay Gap. (2019). *Hindustan Times*.

⁶⁵ Priyanka Chopra Speaks Out on Unequal Pay in Bollywood. (2021). *NDTV*.

Key Differences Between India and the U.S. in Gender Pay Gap Laws

Aspect	United States	India
Average Pay Gap	Women earn approximately 79% of men's earnings across various sectors; however, specific disparities exist within Hollywood where female actors may earn less than half compared to their male counterparts for similar roles.	Women earn approximately 66% of men's earnings overall; however, this gap can be much larger at higher levels within organizations.
Legal Protections	Enforced through laws like Equal Pay Act (1963) and Title VII (1964), yet enforcement varies widely by state.	Governed by Equal Remuneration Act (1976), but enforcement is often hampered by cultural norms.
Cultural Attitudes	Gender roles influence casting decisions; leading roles are predominantly male.	Societal expectations limit women's opportunities; traditional views on family responsibilities impact career choices.
High-Profile Cases	Jennifer Lawrence's advocacy highlights ongoing disparities; Amanda Seyfried's experiences reflect broader trends.	Limited publicized cases exist; anecdotal evidence suggests widespread issues similar to those seen in Hollywood.

Recommendations for India

To bridge India's gender, pay gap, particularly in the entertainment sector, a mix of legal, cultural, and industry-related reforms is required. Drawing from the comparative analysis with the U.S., the following steps are suggested:

A. Enforcing Wage Transparency Laws

Enforce salary disclosures: Make it mandatory for production houses and corporations to reveal pay scales and contracts to provide wage transparency.

Implement regular pay audits: Like California's pay transparency regulations, India must have

mandatory pay audits to evaluate wage differences across sectors, including Bollywood.

B. Strengthening Legal Enforcement Mechanisms

Create gender pay gap monitoring agencies: A government-appointed commission to monitor wage differences and enforce compliance with current laws.

Enhanced penalties for non-compliance: Employers and production houses must be penalized with fines or legal action for gender-based pay discrimination.

Amend the Code on Wages (2019): Incorporate specific provisions for enforcement of pay parity, simplifying wage discrimination complaints and their resolution.

C. Fostering Gender-Inclusive Industry Policies

Fair contract negotiations: Production houses must adopt uniform salary scales based on experience and revenue contribution, minimizing pay gaps.

Encouraging women-led projects: Offer tax incentives and funding for films that ensure gender parity in pay and cast.

Promoting greater numbers of women in leadership positions: Increased numbers of female directors, producers, and executives in Bollywood will break the male-dominated pay negotiation system.

D. Transforming Societal and Cultural Attitudes

Campaigns for awareness: Initiate programs that inform women of their wage rights and promote salary negotiations.

Empowering unions and collectives: Persuade Bollywood actors and industry workers to form gender-equality advocacy groups like Hollywood's TIME'S UP movement.

Fostering legal action: Encourage lawsuits against discriminatory compensation practices to establish legal precedents and deterrence.

Conclusion

While India and the United States both have legislation regarding gender-based pay differentials, the significant divergence comes from the realms of enforcement and social attitude. The United States has better disclosure regulations, frequent courtroom cases, and increased public discussion that have pushed business sectors—even entertainment—to equality of wages. India, yet, still contends with ingrained social and infrastructural challenges

inhibiting practical applications of equality in wages.

In the entertainment industry, Hollywood has made greater advancements through lawsuits and activism, while Bollywood remains behind because of clandestine salary schemes and less judicial interventions. Legal reforms, cultural changes, and industry initiatives will have to be aligned in order for India to bridge the gender pay gap. Pay transparency, industry accountability, and social consciousness will have to be fortified to ensure gender pay parity in the future.

