

Women and Men in India

2011

13th Issue



Central Statistics Office
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Government of India
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PREFACE

While women have no less contribution in social and national development as compared with men, their contribution hitherto remains inadequately measured. Policy makers and planners have long understood the need to engender the planning process and serious efforts are now being made in this direction. Gender statistics has a vital role to play in this process – facilitating the assessment of gender gaps in various aspects of development, understanding the present situation and charting the future course of action to achieve the decided milestones while having a concurrent assessment of the progress made. It is in this light that engendering statistics itself has become a focus area. It is important to note that while disaggregation of statistics by sex is a basic need to integrate gender perspective in statistics, there are several other factors that are particularly important. The definitions, concepts and measurements used should adequately reflect the status of women and men, gender roles and relations in the society. Methodology of data collection should be immune from the stereotypes and social and cultural norms that may bring in gender bias into the data. The analysis and presentation of data should reveal meaningful differences and similarities between women and men.

With a view to facilitating the availability of gender statistics at one place on a wide range of issues - violence against women, economic empowerment, leadership & participation, health, education and human rights - the Central Statistics Office (CSO) has been bringing out the publication “Women and Men in India” on a regular basis since 1995. CSO has endeavored to focus in this publication on such crucial statistical indicators of socio-economic relevance as are deemed best in portraying gender inequality, gender bias and gender discrimination.

I hope that the present issue of the publication, which is 13th in the series, would be extremely useful to planners, policy makers, research workers and academicians. Suggestions for improvement in the publication will be highly appreciated.

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October, 2011

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IMPORTANT CONSTITUTIONAL AND LEGAL PROVISIONS FOR WOMEN IN INDIA

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women's advancement in different spheres. India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) in 1993.

1. CONSTITUTIONAL PROVISIONS

The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. Fundamental Rights, among others, ensure equality before the law and equal protection of law; prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of specific importance in this regard.

Constitutional Privileges

- (i) Equality before law for women (Article 14)**

- (ii) *The State not to discriminate against any citizen on grounds only of religion, race, caste, **sex**, place of birth or any of them (Article 15 (i))*
- (iii) *The State to make any special provision in favour of **women** and children (Article 15 (3))*
- (iv) *Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (Article 16)*
- (v) *The State to direct its policy towards securing for men and **women** equally the right to an adequate means of livelihood (Article 39(a)); and equal pay for equal work for both men and **women** (Article 39(d))*
- (vi) *To promote justice, on a basis of equal opportunity and to provide free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities (Article 39 A)*
- (vii) *The State to make provision for securing just and humane conditions of work and for maternity relief (Article 42)*
- (viii) *The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation (Article 46)*
- (ix) *The State to raise the level of nutrition and the standard of living of its people (Article 47)*

- (x) *To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of **women (Article 51(A) (e))***
- (xi) *Not less than one-third (including the number of seats reserved for **women** belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every **Panchayat** to be reserved for women and such seats to be allotted by rotation to different constituencies in a **Panchayat (Article 243 D(3))***
- (xii) *Not less than one- third of the total number of offices of Chairpersons in the **Panchayats** at each level to be reserved for **women (Article 243 D (4))***
- (ix) *Not less than one-third (including the number of seats reserved for **women** belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every **Municipality** to be reserved for **women** and such seats to be allotted by rotation to different constituencies in a **Municipality (Article 243 T (3))***
- (x) *Reservation of offices of Chairpersons in **Municipalities** for the Scheduled Castes, the Scheduled Tribes and **women** in such manner as the legislature of a State may by law provide **(Article 243 T (4))***

2. LEGAL PROVISIONS

To uphold the Constitutional mandate, the State has enacted various legislative measures intended to ensure equal rights, to counter social discrimination and various forms of violence and atrocities and to provide support services especially to working women.

Although women may be victims of any of the crimes such as 'Murder', 'Robbery', 'Cheating' etc, the crimes, which are directed specifically against women, are characterized as 'Crime against Women'. These are broadly classified under two categories.

(1) The Crimes Identified Under the Indian Penal Code (IPC)

- (i) Rape (Sec. 376 IPC)*
- (ii) Kidnapping & Abduction for different purposes (Sec. 363-373)*
- (iii) Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)*
- (iv) Torture, both mental and physical (Sec. 498-A IPC)*
- (v) Molestation (Sec. 354 IPC)*
- (vi) Sexual Harassment (Sec. 509 IPC)*
- (vii) Importation of girls (up to 21 years of age)*

(2) The Crimes identified under the Special Laws (SLL)

Although all laws are not gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements. Some acts which have special provisions to safeguard women and their interests are:

- (i) The Employees State Insurance Act, 1948*
- (ii) The Plantation Labour Act, 1951*
- (iii) The Family Courts Act, 1954*

- (iv) *The Special Marriage Act, 1954*
- (v) *The Hindu Marriage Act, 1955*
- (vi) *The Hindu Succession Act, 1956 with amendment in 2005*
- (vii) *Immoral Traffic (Prevention) Act, 1956*
- (viii) *The Maternity Benefit Act, 1961 (Amended in 1995)*
- (ix) *Dowry Prohibition Act, 1961*
- (x) *The Medical Termination of Pregnancy Act, 1971*
- (xi) *The Contract Labour (Regulation and Abolition) Act, 1976*
- (xii) *The Equal Remuneration Act, 1976*
- (xiii) *The Prohibition of Child Marriage Act, 2006*
- (xiv) *The Criminal Law (Amendment) Act, 1983*
- (xv) *The Factories (Amendment) Act, 1986*
- (xvi) *Indecent Representation of Women (Prohibition) Act, 1986*
- (xvii) *Commission of Sati (Prevention) Act, 1987*
- (xviii) *The Protection of Women from Domestic Violence Act, 2005*

3. SPECIAL INITIATIVES FOR WOMEN

(i) National Commission for Women

In January 1992, the Government set-up this statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary, etc.

(ii) ***Reservation for Women in Local Self -Government***

The 73rd Constitutional Amendment Acts passed in 1992 by Parliament ensure one-third of the total seats for women in all elected offices in local bodies whether in rural areas or urban areas.

(iii) ***The National Plan of Action for the Girl Child (1991-2000)***

The plan of Action is to ensure survival, protection and development of the girl child with the ultimate objective of building up a better future for the girl child.

(iv) ***National Policy for the Empowerment of Women, 2001***

*The Department of Women & Child Development in the Ministry of Human Resource Development has prepared a "**National Policy for the Empowerment of Women**" in the year 2001. The goal of this policy is to bring about the advancement, development and empowerment of women.*

Highlights



Population and Vital Statistics

1. With 1176.74 million persons, India accounts for about 16% of world population in 2010. Seventy percent of the population lives in rural areas. Two important demographic goals of the National Population Policy (2000) are: achieving the population replacement level (Total Fertility Rate, TFR, 2.1) by 2010 and a stable population by 2045. TFR, which was 3.2 in 2000, has declined to 2.6 in 2008. Thus, India is moving towards its goal of replacement-level fertility of 2.1.
2. The decadal growth of population during 1991-2001 was 21.5% which is projected to be 15.9% for 2001-2011.
3. The average annual exponential growth rate for men during 1991-2001 was 1.92% as against 1.99% for women. The total annual exponential growth rate for 2006-10 has been estimated at 1.95%.
4. The sex-ratio (number of women per 1000 men) was 933 in 2001 and is projected to be 932 in 2010.
5. Preference for son varies according to social groups and regions in India. 20% men and 22.3% women prefer to have more sons than daughters. (NFHS-III, 2005-06).
6. An increasing trend in mean age at marriage is observed for females in India. It has gone up from 19.8 years in 2000 to 20.7 years in 2008.
7. The Total Fertility Rate (TFR) is 2.6 for the year 2008, being 2.9 in the rural areas and 2.0 in the urban areas.
8. The mortality rate among females across all ages is 6.8 and that among males is 8.0 for the year 2008. The female mortality rate in the age-group 0-4 years has declined to 16.1 in 2008 from 20.6 in 2000.
9. Out of 150.18 million households in the rural areas in 2004-05, 16.67 million are Female Headed Households (11.10%). In the urban sector, out of the total of 56.97 million households, 4.85 million are Female Headed (10.9%).
10. The percentage of never married females and married females across all the age-groups is 43.9 and 47.9, respectively, in 2008. The Widowed/ Divorced or Separated constitute 8.0% of the population in 2008.

11. The migration percentage in different streams for females as per the Census 2001 is: rural to rural- 71%; rural to urban- 13.6%; urban to urban- 9.7% and urban to rural- 5.6%. The migration among females is maximum due to marriage (64.9%). Among the males, the important cause of migration is employment (37.6%).

Health and Well-Being

12. The majority of women go through their life in a state of nutritional stress - they are anaemic and malnourished. Poverty, early marriage, malnutrition and lack of health care during pregnancy are the major reasons for both maternal and infant mortality. The average Indian woman bears her first child before she is 22 years old, and has little control over her own fertility and reproductive health. In rural India, almost 60 per cent of girls are married before they are 18. Nearly 60 per cent of married girls bear children before they are 19. Almost one third of all babies are born with low birth weight.

13. Infant Mortality Rate (IMR) has been decreasing over the years. The IMR for females in India is 55 compared to 52 for males in 2008.

14. Life Expectancy at Birth (LEB) has increased more among women compared to men. It is observed that in 2002-06 LEB for males was 62.6 years compared to 64.2 years for females.

15. Delivery at a health facility is an indicator of programmatic effort for safe motherhood. It is observed that 47% deliveries took place at a health facility in India. (DLHS, 2007-08).

16. Maternal Mortality in India during 2004-06 is 254 per 100,000 live births, being the highest in Assam (485) followed by Uttar Pradesh (440) and Rajasthan (388). The percentage distribution of deaths of expected mothers due to causes related with pregnancy and child birth shows that haemorrhage is the most common cause (38%). Other causes are sepsis (11%), abortion (8%) and obstructed labour (5%).

17. 56% of the women in the age group 15-19 are anaemic. The share of deliveries in hospitals, maternity/ nursing homes, health centers, etc. is 40.8% while the deliveries assisted by doctors, trained 'dais', trained midwives, trained nurses, etc. constitute another 48.8%. (NFHS-III, 2005-06).

18. Over 99% of married women know about any of the methods of contraception. The awareness about the female sterilization is very high in both urban and rural areas. The rural women are found to be less aware about the traditional methods (56.5%), though it has increased significantly over the last 7-8 year. (NFHS-III, 2005-06).

19. Women also lead a differential life style. 32% women in India drink alcohol, 57% chew paan masala and 33% women smoke currently. (NFHS-III, 2005-06).

Literacy and Education

20. Census of India, 2001 indicates that only 54% women are literate as compared to 76% men (female literacy was 39% in Census 1991). Female literacy is highest in Kerala (88%) and lowest in Bihar (33%). The Adult Literacy rate of females (aged 15 yrs and above) is 48% in 2001 against 73.4% for adult males. However, 14.6% females and 17.4% males are literate without any formal education.

21. Year 2007-08 indicates a trend reversal, with the girls' enrolment in the three levels of school education – primary, middle and secondary – being more than that of boys in the respective levels. Girls' enrolment for the year 2007-08 in primary classes was 115.3% (age -group 6-11 yrs), 81.5% in middle school (age-group 11-14 yrs) and 49.4% in high/ higher secondary classes (age-group 14-18 years). The year 2007-08 records 24.4% as the dropout rate for the girls in the primary classes (class I-V), 41.3% for elementary classes (Class I-VIII) and 57.3% for secondary (Class I-X) showing marginal decline in dropout rates as compared to 2006-07.

22. The main reasons of females never attending school are 'expensive cost of education', 'not interested in studies', 'education is not considered necessary' and 'required for household work'. (NFHS-III, 2005-06).

23. In 2007-08, the number of girls enrolled in primary classes was 91 per 100 boys and for middle classes it was 84 girls per 100 boys. In the secondary section, the ratio stands at 77 girls per 100 boys. In the year 2006-07, there were 76.9 females per 100 males enrolled in arts stream in university education. For science, it was 71.2 females per 100 males and in commerce, there were 60.9 females per 100 males. The engineering and technical education consisted of 35.8 females per 100 males and in medicine (which includes dentistry, nursing, pharmacy, Ayurvedic and Unani) there were 89.5 females enrolled per 100 males.

24. In 2007-08, at primary and middle school level, there were 80 and 67 female teachers respectively per 100 male teachers. At the secondary school level, it was 61 female teachers per 100 male teachers.

Participation in Economy

25. As per Census 2001, the number of workers in the urban areas is 92.28 million of which only 16.10 million are females. In rural areas, out of 310 million workers, 111 million are females. 42.95% of the rural female working population is involved as agricultural labour (not in cultivation). Women constitute 90 per cent of the total marginal workers of the country. As per NSS 64th Round, 2007-08, the workforce participation rate of females in rural sector was 28.9 while that for males was 54.8. In Urban sector, it was 13.8 for females and 55.4 for males. According to Quarterly Employment Review, Ministry of Labour, the total employment of women in organized sector was 19.5% in 2007.

26. Women work longer hours than men, and carry the major share of household and community work that is unpaid and invisible. According to the pilot Time Use Survey conducted in 18,620 households spread over six selected States, namely, Haryana, Madhya Pradesh, Gujarat, Orissa, Tamil Nadu and Meghalaya during the period June 1998 to July 1999, women spent about 2.1 hours per day on cooking food and about 1.1 hours on cleaning the households and utensils. Men's participation in these activities was nominal. Taking care of children was one of the major responsibilities of women, as they spent about 3.16 hours per week on these activities as compared to only 0.32 hours by males. There were far fewer women in the paid workforce than there were men. There were more unemployed women than there were unemployed men.

27. It has been estimated that women's wage rates are, on the average, 75% of men's wage rates and constitute only one fourth of the family income. In no State do women and men earn equal wages in agriculture. Also, women generally work in the informal sector where wages are lower and they are not covered by labour laws. Women workers are also engaged in piecework and subcontracting at exploitative rates.

28. Women's contribution to agriculture — whether it be subsistence farming or commercial agriculture — when measured in terms of the number of tasks performed and time spent, is greater than men. Most of the work that women do, such as collecting fuel, fodder and water, or growing vegetables, or keeping poultry for domestic consumption, goes unrecorded in the Census counts.

30. The Public Sector consists of highest number of women in community, social and personal services, whereas in private sector majority of employed women are in manufacturing industries. (DGET-2007)

29. The Ministry of Rural Development runs various programmes to bring women into mainstream and to encourage their participation in the process of national development. These programmes have special components for women and funds are earmarked as 'Women Component'. The various schemes benefiting women are the Sampoorna Gramin Rozgar Yojana (SGRY), the Swarnjwanti Gram Swarozgar Yojana (SGSY), the Indira Awaas Yojana (IAY), Central Rural Sanitation Programme (CRSP), and the Accelerated Rural Water Supply Programme (ARWSP). The statistics of the Department of Rural Development state that in 2008-09, 18.61 lakh Swarojgaris were employed out of which 64.80% were female beneficiaries. Percentage of women employed in NREGA has increased from 42.58 in 2007-08 to 47.88 in 2008-09.

30. The Basic Statistical Returns of Scheduled Commercial Banks in India, 2008 finds that in rural areas only 2.79% of female employees are officers, 7.04% are clerks and 5.19% are subordinates. In semi-urban areas, these figures are 7.01%, 16.7% and 9.22%, respectively, whereas in urban areas the officers, clerks and subordinates are 14.07%, 27.7% and 10.58% respectively.

31. Also, 21% bank accounts in commercial banks belong to females. The share (in terms of amounts deposited) of females in total deposited amount is 10.3%.

Participation in Decision-making

32. Although Indian women played a major role in the freedom movement, it did not translate into continued participation in public life in the post-independence era. On the contrary, many women withdrew into their homes, secure in the belief that they had ushered in a democratic republic in which the dreams and aspirations of the mass of people would be achieved.

33. Women are under-represented in governance and decision-making positions. At present, women occupy less than 8% of the Cabinet positions, less than 9% of seats in High Courts and the Supreme Court, and less than 12% of administrators and managers are women. In June 2009, out of 40 Cabinet Ministers, there were only three female Cabinet Ministers. There were only 4 female Ministers of State (MOS), out of 38 MOS in 2009. As on June 2009, there was no Female Judge out of 24 Judges in the Supreme Court. In the High Courts, there were only 51 Female Judges among the total of 649 judges.

34. However, through the vehicle of the Panchayati Raj Institutions and Urban Local Bodies more than one million women have entered active political life in India, owing to one-third reservation in these bodies through the 73rd and 74th Amendments to the Constitution. These amendments have spearheaded an unprecedented social experiment, which is playing itself out in more than 500,000 villages that are home to more than 600 million people. Women are heading one-third of the panchayats and are gradually learning to use their new prerogatives, have transformed local governance by sensitising the State to the issues of poverty, inequality and gender injustice. Since the creation of the quota system, local women—the vast majority of them being illiterate and poor – have come to occupy as much as 54% of the seats, spurring the election of increasing numbers of women at the district, provincial and national levels. Since the onset of PRI, the percentages of women in various levels of political activity have gone upto 36.7% in 2007.

35. According to National Family Health Survey –III (2005-06) in the rural sector currently married women take 26% decisions regarding obtaining health care for herself and 7.6% in case of purchasing major household items. 10% decisions are taken by females in respect of visiting their family or relatives. For urban areas, these figures are 29.7 %, 10.4 % and 12.2 % respectively.

36. In the age group of 15-19 years, 46% of women are not involved in any kind of decision making. In the rural sector, 23.4 % females are not involved in any decision-making while, in the urban sector, only 13.9 % of urban resident women are not involved in any decision making. It is found that 32.7% illiterate women, 21.6% un-

employed women are not involved in any decision making. For the country as a whole, 59.6% have access to money.

Crimes against Women

37. Crimes against women has become universal reality for all societies. Among the crimes committed against women in 2008, torture shares the highest percentage (42%), followed by molestation (21.%). 11.0% cases are that of rape, 11.7% of kid-napping and abduction, and 1.0% of Immoral Trafficking. It is also significant to note that 6.0% cases are of sexual harassment and 4.1% of Dowry deaths.

38. Out of a total 20771 victims, there were 617 victims who were less than 10 years of age, 1355 in the age-group 10-14 years, 3152 in the age-group 14-18 years, 11984 in the age-group 18-23 years, 3530 in the age-group of 30-50 years and 133 in the age-group greater than 50 years.

39. In 2008, of the total Juvenile Delinquency, 5.0% were girls. Also, the rate of incidence of the crime per lakh population was 2.1.

India in International Arena

40. India ranks 134 in 2009 among 178 countries in terms of the UNDP Human Development Index (HDI) and 114 in terms of Gender Development Index (GDI).
