

FWF GENDER FACT SHEET - INDIA

FACTS & FIGURES

- Human Development Index: 129 of 189 countries (UNDP 2019)
- Gender Inequality Index Rank: 129 of 189 countries (UNDP 2019)
- Global Gender Gap Index: 112 of 153 countries (WEF 2020)
- Literacy rate: 69.3%
- Population with at least some secondary education: 51.6% of whom 39% are female, and 63.5% are male.
- Child labour: 10.1 million children aged 5 to 14 are working (CENSUS 2011)
- Labour force participation rate: 51.9% of whom 23.6% are female and 78.6 are male
- India has the second-largest artificial intelligence (AI) workforce but one of the largest gender gaps, with only 27.2% of roles filled by women
- Female share of employment in senior and middle management: 13%
- Seats held in parliament by women: 11.7%
- Estimated gross national income per capita (2011 PPP \$): female: 2.625 - male: 10.713
- Lifetime physical and/or sexual intimate partner violence: 28.8% of women
- Physical and/or sexual intimate partner violence in the last 12 months: 22% of women
- Child Marriage: 27% of women
- Adolescent birth rate: 13,2 births per 1,000 women aged 15 to 19
- Mandatory paid maternity leave: 182 days
- Maternal mortality ratio: 174 deaths per 100,000 live births
- Births attended by skilled health personnel: 81,4%
- Sex ratio at birth (male to female births): 1.10
- Population: 1,352.6 million, of whom Hindus are 80.5%, Muslims 13.4%, Christians 2,3%, Sikhs 1.9%, Buddhists 0.8%, Jains 0.4 and others 0.7
- The National Commission for Women received 716 complaints of sexual harassment in 2018, including sexual harassment at the workplace. *Note: These statistics do not reflect the sum-total of all sexual harassment matters being dealt with by corporate India, only complaints received by NCW.*

COUNTRY CONTEXT:

While women's rights and gender equality are officially recognised, women are de facto still largely discriminated. This is mainly due to **the persistence of patriarchal family structures**, especially in northern India. Women tend to be discriminated against from the outset within their families. In poor families, this means worse access to food and sanitation.

Employment:

- **Access to education for female has generally increased.**
- Nonetheless, according to the 2017-2018 Economy Survey made by OECD **the proportion of working women has reduced** from 36% to 24% in a decade.
- As the Survey Report notes, women workers often constitute the most vulnerable of the workforce as they are "employed in the least secure, informal, unskilled jobs, engaged in low- productivity and low-paying work".

- Women living in **rural areas lack job opportunities**. In addition, **domestic duties are a major impediment** to any kind of employment, few or the lack of major formal employment opportunities for rural population have particularly hurt the progress of economic empowerment for females.
- The vast majority of **India's garment workers are women**, who generally take responsibility for childcare.
- According to an ILO survey in 2015, more than half of the workers think sometimes, or more frequently often, about leaving their current factory and about leaving the garment industry altogether. The main reasons are poor living wages, excessive overtime, poor working conditions, high production targets and poor relationships between managers and workers.

Gender-based violence:

- The **preference for a male child** over a female one is deeply entrenched in the Indian society.
- According to the national statistics, there are an average of 917 females for 1,000 males. In some villages (rural contexts) there are 500 females for 1,000 males. There are around **70 villages where girls have not been born in the last 10 years**.
- The sex selection is the cause of a **high number of abortions if the fetus is female**, and sometime **girls are abandoned after birth**.
- In the Indian cultural context, males will take forward the family lineage, instead females are a burden because when **girls get married**, they need the "**dowry**" (even if this practice is banished, it is still largely prevalent in many regions in India).
- Many Indian men and women have been socialised to **believe that men's dominance over women is normal** and acts of violence against women are justified.
- The National Family Health Survey (NFHS-4) suggests that **30% women** in India in the age group of 15-49 have **experienced physical violence** since the age of 15. The report further reveals that 6% women in the same age group have experienced sexual violence at least once in their lifetime. About 31% of married women have experienced physical, sexual or emotional violence by their spouses.
- **Women often do not report abuses** because they fear the **social stigma**, do not feel supported and there is a widespread socio-economic dependency of women over their husbands or male relatives.
- According to a recent report by Livemint, **about 99% cases of sexual violence go unreported**. A low female literacy is significantly related to the small numbers of denounces or complaints.
- "Cruelty by Husband or His Relatives" accounted for 32% - nearly a third - of **all crimes against women** registered by the police in 2018, the last year for which data is available: **police registered 103,272 such cases in 2018**.
- During the Covid-19 lockdown, the Indian National Commission for Women received 239 complaints of domestic violence between 23 March and 16 April 2020.
- In general, during the **Covid-19 pandemic** (March 25 and May 31, 2020) 1,477 complaints of domestic violence were made by women. **This 68-day period recorded more complaints than those received between March and May in the previous 10 years**.
- In the Indian garment field, there is a **high percentage of migrant female workers** employed. They are often unregistered, do not speak the local language and are even more spoiled compared to local female workers.

LEGAL CONTEXT

National legislation:

- **Article 14, 15, 15(3), and 16 of the Constitution** include provisions related to gender equality, prohibition of discrimination based on sex, special provisions for women and children (scope for affirmative action for women), and equal opportunity in matters of public employment.
- **National laws and policies to prevent and respond to violence against women** in place include: the Sexual Harassment of Women at Workplace (Prohibition, Prevention and Redressal) Act, 2013, Protection of Women from Domestic Violence Act, 2005, and the Indecent Representation of Women (Prohibition) Act, 1986, among others.
- **Maternity Benefit (Amendment) Act, 2008** regulates maternity benefits available to women in factories, mines, circuses, plantations and shops or establishments employing 10 or more persons.
- **The National Commission for Women (NCW India)** was set up as statutory body under the National Commission for Women Act, 1990 to: review the constitutional and legal safeguards for women; recommend remedial legislative measures; facilitate redressal of grievances; and advise the government on all policy matters affecting women.
- **The Information Technology Act, 2000** provide a vast protection for cyber-harassment. Section 67 and 67A punish those who publish or transmit **obscene materials** in electronic form and those who publish or transmit material containing **sexually explicit acts** in electronic form.
- **The Indian Penal Code, 1860** punishes sexual harassment against the modesty of a woman, cruelty perpetrated by husbands or his relatives over a woman, obscene gestures against the modesty of women and rape, but **marital rape is still not criminalized**.
- In 1997, in the **landmark judgment of Vishaka and others v. State of Rajasthan (1997)**, **the Supreme Court of India defined sexual harassment at the workplace**, pronounced preventive, prohibitory and redress measures, and gave directives towards a legislative mandate to the guidelines proposed. As a consequence, in 2013 the Indian government adopted the **Sexual Harassment of Women at Workplace (Prevention Prohibition and Redressal) Act**.
- **In 2020**, the Indian government has made **several changes in three labour codes**: Industrial Relations Code Bill (2020), Code on Social Security Bill (2020) and Occupation Safety, Health and Working Conditions Bill (2020):
 - In the IR Code Bill, **the right of workers to strike is limited** (60-day notice for those employed in the industrial sector), and **the threshold for layoffs and retrenchment** in industrial establishments has been **raised to over 300 workers**: this will provide **more flexibility** to employers who will be free of hiring and **firing workers** with no previous check and control from the government;
 - The SS Code Bill introduced the **“Social Security Fund” to provide more protection** to unorganized workers, gig workers and platform workers; even though more workers fall within the provisions of this new code, **the social security benefits were not universalized**;
 - Under the new OS Code Bill, **women will be permitted to work at night**, subject to certain conditions such as safety, holidays, working hours and their consent. **Maternity**

benefit can only be claimed if the pregnant woman has **worked for a minimum of 80 days before the delivery**. The **definition of migrant worker has been expanded** as a person who comes from his/her state to another one to seek employment and who earns up to Rs 18,000 per month (previously, only migrant workers bought by contracts were included). In addition, migrant workers will get a journey allowance to visit their hometown once a year.

- **The Foreign Contribution Regulation Act 2010 has been amended at the end of September 2020.** In particular, “public servants” cannot receive any foreign contribution; **persons who are authorized to receive foreign contributions are prohibited to transfer it to any person** (previously, NGOs registered could transfer the contributions to other registered NGOs or non-registered NGOs with a specific authorization from the Ministry of Foreign Affairs; **administrative expenses were reduced from 50% to 20% of the contributions received**; NGOs are allowed to receive foreign contributions only in an account opened in a scheduled bank in India. **These provisions limit the social work** of the majority of Indian NGOs which **will not be able to finish their on-going projects and help those in need.**

International legislation:

- India ratified the **United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**.
- India ratified most international human rights conventions with the exceptions of the International Convention on the Protection of All Migrant Workers and Members of Their Families.

Despite these positive developments, effective implementation of those laws and the allocation of financial resources to support their execution adequately is reportedly lacking in many instances.

SOURCES:

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