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Women in India

An Analysis of their Present Status

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AN ANALYSIS ON PRESENT STATUS OF WOMEN IN INDIA

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Author's Introduction

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Introduction

Women in India comprise nearly half of the country's population yet continue to be victims of patriarchy and unequal access to resources and decision making, both in the public as well as private spheres of life. A combination of factors ranging from religion, caste, family, community ensure that patriarchal ideals and values are legitimised and reinforced.

The violence women face starts even before birth with the census figures dangerously low in terms of child sex ratio, standing at an all time low of 914 girls per 1000 boys. Emphasis on equality and equity in areas of health and nutrition, income generation and employment opportunities, property rights as well as education is the need of the hour. The violence women face includes but is not limited to mental, sexual, physical and economic, and to address these it is important to look at the experiences and perceptions of women and incorporate policies, strategies, programs and laws based on these.

Indian women belonging to marginalised communities face many layers of disenfranchisement and discrimination. Atrocities against Dalit and Adivasi women and those against women from minority communities is no secret. Further, women living in areas termed as disturbed or in militarized zones such as Kashmir and the North eastern states are often targets of the impunity enjoyed by the state machineries in those areas.

Discriminatory and uncodified family laws further this inequality and reinforce gender stereotypes and patriarchal structures. Women have however come to the fore in the recent years and have been fighting to get back their rights and fight religious biases perpetrated by patriarchal norms. An example is the Supreme Court of India declaring the Triple Talaq method of divorce as unconstitutional in 2017.¹ The road to gender equality within religion is long ahead as women still fight for their right to enter religious places of worship despite the Apex court giving a favourable judgement, as in the ongoing struggle of Hindu women and their right to enter the Sabarimala Temple.²

According to the report of the High Level Committee on the status of women, 2015, 'There is a growing phenomenon of informalisation and casualisation across both rural and urban work opportunities for women. This when viewed with nearly non existant social safety nets for them, portends growing vulnerability for women'.

There are a number of laws and legislations that aim to prevent and protect women from violence etc, however gender based violence and discrimination continues, which point to the lacunae in their effective implementation by the state as well as courts. The fact that Census of 2011 points out that in cases of rape at the beginning of 2016, over 118,537 cases of rape were pending at the courts, at the end of the year, the pending cases went up to 133,813, an increase of 12.5% is telling. The continuing child marriages despite a law prohibiting the same also needs attention.

The CEDAW committee in its concluding comments on the 4th and 5th country report as part of its recommendations has said that India should **'Allocate sufficient resources for the immediate enforcement of legislation on violence against women and for the establishment of special courts, complaints procedures and support services envisaged under that legislation in a time bound manner'** and **'Amend and/or repeal the Armed Forces Special Powers Act so that sexual violence against women perpetrated by members of the armed forces or uniformed personnel be brought under the purview of ordinary criminal law and pending its amendment or repeal, remove the requirement for government permission to prosecute members of the armed forces or uniformed personnel accused of crimes of violence against women or other women's human**

¹ <https://www.thehindu.com/news/national/supreme-court-sets-aside-instant-triple-talaq/article19538599.ece>

² <https://www.thehindu.com/news/national/kerala/choppers-may-fly-women-devotees-to-sabarimala/article25457923.ece>

rights abuses and grant permission to enable prosecution in all pending cases;' among many other recommendations.³

This status report aims to look at the present status of women in India with a focus on the status of participation in the economy and in decision making and gives a glimpse into their present status where health and education is concerned. The chapter on laws for women in India tries to look at the lacunae and need for better implementation as well. The report also looks at the current status of violence against women in India and the immediate need to address it.

While there are a number of efforts that have been made towards fostering an environment that is safe and equal for women, by way of schemes and laws, a lot needs to be done for their effective implementation for them to be beneficial for the women for whom they were designed. Equal and unhindered participation of women in the economy, in politics and the decision-making levels coupled with equality and non-discrimination in the social spheres of life is imperative for a country like India to be truly democratic.

Status of Women in Politics and in the Decision-making Level

A fundamental characteristic of modern democratic governance is the status of women in the political participation of that democracy. The 1995 Beijing Platform has laid emphasis on the fact that a key to the process of the advancement of women is their equal participation in political life. It goes on to say that 'Without the active participation of women and the incorporation of women's perspective at all levels of decision-making, the goals of equality, development and peace cannot be achieved.'⁴

The Indian Constitution grants universal suffrage and equal rights to women as well as men, However, the existing patriarchal societal values, the division of traditional roles into the public and private and the occupation of spaces and of higher positions by men in political institutions form obstructions for women to be able to exercise electoral rights and enjoy an equal participation in the political life of the country.

Representation of women in the Indian State legislatures is very poor, which is an indication of an all India pattern of gender exclusion in Indian electoral politics and the need to continue to fight for gender equality for women to have an equal footing with men in possession of political power. If one looks at the representation of women after the 15th Lok Sabha (Lower House of the Indian Parliament) election, it is way behind in mirroring the countries gender demographics which saw women only a little above the halfway mark of the world average of twenty two percent. ⁵ According to statistics presented by a report which was published by the Inter-parliamentary Union and UN Women, globally, India ranks 148 in terms of representation of women in executive government and parliament. There are only 64 women representatives out of 542 members in the Lok Sabha, making up merely 11.8 percent of the total membership and they account for 11 percent in the upper house or the Rajya Sabha occupying 27 seats of the total 245. ⁶

This imbalance in women's representation is also a feature apparent in the executive wing of the government, as well as the judiciary. Women were merely 5 of the 27 cabinet ministers after the 2014 elections. Of the total 15,959 judges in the lower judiciary across India, 11,397 are male judges which make up for 71.4 per cent while women judges are a mere 27.6 per cent at 4,409. Since its inception in 1950, the Supreme Court of India has only seen 6 women judges, and currently has three-woman judges out of a total of 25 sitting judges. ⁷

³ CEDAW/C/IND/CO/4-5, 18 July 2014

⁴ <http://www.un.org/womenwatch/daw/beijing/platform/decision.htm>

⁵ <http://journals.sagepub.com/doi/pdf/10.1177/0262728016675529>, WOMEN'S PARTICIPATION IN ELECTORAL POLITICS IN INDIA: SILENT FEMINISATION Praveen Rai Centre for the Study of Developing Societies, Delhi, India, Sage Publications

⁶ <http://www.newindianexpress.com/states/tamil-nadu/2017/mar/17/india-ranks-148-in-representation-of-women-in-government-1582359.html>

⁷ https://static1.squarespace.com/static/551ea026e4b0adba21a8f9df/t/5a818f5a9140b73f5d6d67ff/1518440304789/180212_Tilting+the+Scale_Final.pdf

Affirmative action for women as well as disadvantaged groups has been enshrined into the Indian constitution. The 73rd constitutional Amendment Act of 1992, called for reservation of a minimum of one-third or 33 percent of seats for women, as members as well as chairpersons across India's locally elected governance bodies or the Panchayati Raj Institutions (PRIs). It is interesting to note that in 2009, the Indian Government approved a 50 percent reservation for women in these institutions, and a number of states, including Rajasthan and Odisha, have passed a similar legislation. Affirmative action to safeguard women's equal political representation is an essential step in starting to democratise and engender local governance.⁸

It is important to remember however, that even though India has legislated representation locally, it is only an important first step in a long journey for men and women to be on an equal footing as decision makers. Representation only is not enough and it needs to be manifested as effective participation to be really able to result in the empowerment of women in the public sphere.

Another important element of measuring women's participation in the politics of the country is their participation in elections. Statistics show that women's participation as voters has risen considerably since the late 1990's and in the 2014 Lok Sabha elections it reached an all-time high. In the 1960s, due to various reasons, the difference in the turnout rate of the two, men and women was seen to be in double digits, which during Lok Sabha elections of the last decade of the twentieth century dropped to a single digit. This difference or the gender gap in the voter turnouts was below two percent in the last elections of 2014. This to some extent was able to challenge the prevailing misconception around the world that women in developing countries are less politically active than their male counterparts.⁹

The Universal Declaration of Human Rights respects and recognizes that every person, has an equal right to participate in the governance of their country. Equal access of women and men to politics, decision making and power at every level is an imperative precondition for the proper and equal functioning of a democracy like India.

Women and Economic Activities

As in most sectors, women continue to be discriminated against in the economic sphere of life as well. The following section gives a glimpse into women and their participation in the economic sphere and tries to analyse the reasons as to why they continue to be underrepresented in the economic activities of the country.

Throughout the world, nearly 75 percent of unpaid work, that is work done at home, is done by women and if one could put a value to this work it would be equivalent to 13% of the GDP Globally!¹⁰ Where unpaid work is concerned, India has one of the world's largest gender gaps, that of Five hours or 351.9 minutes a day for women as opposed to 51.8 minutes a day for men, according to data available at the Organisation for Economic Cooperation and Development.¹¹

Data from a recent government report 'Women and men in India 2017'¹² Ministry of Statistics and Program Implementation reaffirmed how women in India are likely and in reality do earn less than men, despite having the same qualification. Infact, the Global Wage Report 2016-17 published by the International Labour

⁸ <https://www.icrw.org/wp-content/uploads/2016/10/India-governance-report-synthesis-2013.pdf>

⁹ <http://journals.sagepub.com/doi/pdf/10.1177/0262728016675529>

¹⁰ <https://www.mckinsey.com/featured-insights/employment-and-growth/how-advancing-womens-equality-can-add-12-trillion-to-global-growth>

¹¹ <https://thewire.in/economy/women-unpaid-work>

¹² http://mospi.nic.in/sites/default/files/reports_and_publication/statistical_publication/social_statistics/WM17Chapter4.pdf

Organization had raised an alarm with the revelation that the gender pay gap in India, at 30%, was among the highest in the world.

The report from the ministry revealed how in urban areas, a woman with a graduate degree gets around six hundred and ninety rupees a day in the transport and storage industry whereas a man gets nearly nine hundred rupees, which is a humongous 30% more. Similarly, in agricultural sector in rural India, an illiterate woman worker gets Rs 88.2 per day where on the other hand an illiterate man receives 45 percent more, Rs 128.52!¹³. India's gender gap in median earnings of full-time employees is larger than in South Africa, Brazil and Chile, meaning most women earn far less than men in India than in these countries.¹⁴

Between 1990 and 2013, GDP growth in India has averaged at 6.4% ; the share of agriculture in GDP became 18 percent from 33 percent and increased from 24 to 31 percent where services are concerned. There was also an increase in urbanization, from 26% to 32%, (The World Bank, 2015)¹⁵. However, despite this rapid economic growth, reported educational gains etc, Indian women remain conspicuously absent from the reported labor force. Infact, Female labor force participation (FLFP) rates remain low and have even fallen in recent years.¹⁶ (Labour force participation rate- Ratio of female to male of proportion of a country's working-age population (ages 15 and older) that engages in the labour market, either by working or actively looking for work, expressed as a percentage of the working-age population).¹⁷ There are a number of reasons that can be attributed to this. As per the Economic Survey of India 2017-2018, the female labour force participation (FLFP) rate in India has fallen from 36% in 2005-06 to 24% in 2015-16. Women workers face a lot of disadvantages in the market which has resulted in these results, and a number of reasons are a barrier in women being able to gain formal employment that includes lack of skill-based education, occupational segregation bias and socio-economic barriers among many others, resulting in women engaging in unpaid or low paid work or not being able to participate in income-generating activities.

An analysis based on the thirty-second and thirty-eighth rounds of the NSSO employment– unemployment survey revealed that 90 per cent of women who did not participate in the workforce attributed a “pressing need for domestic work” as the primary cause for their non-participation in the formal paid workforce. Despite this, standard labour force surveys like the NSSO fail to provide comprehensive data on unpaid domestic work.¹⁸

The issues affecting Indian women's employment get further exaggerated in the rural background. Where the agricultural sector is concerned, women have limited access and continue to be involved in labour intensive work and yet not considered as farmers mostly.

Feminist economist Ritu Dewan argues that if one takes into account unpaid labour of women, in that situation FLFP would overtake that of men by six percentage points. ¹⁹

Numerous measures have been recommended with the intention of increasing and being able to sustain participation of women in the Indian economy. One such suggestion is that there is need to match educational needs with a corresponding job creation. It is also imperative to introduce government reforms in order to lessen gender inequality in accessing employment in the labour market. Some other measures include but are not limited to improving access to jobs for women in rural settings, working on reducing discriminatory procedures at workplace and making them women friendly, and offering meaningful social security instruments for unorganized women workers. Offering skill development trainings, looking at domestic work

¹³ <https://www.indiaspend.com/wide-gender-pay-gap-for-similarly-qualified-indian-women-and-men-91182/>

¹⁴ <https://www.indiaspend.com/3-in-4-indian-women-dont-work-can-skilling-and-guaranteed-jobs-change-that-38932/>

¹⁵ https://www.hks.harvard.edu/sites/default/files/centers/cid/files/publications/faculty-working-papers/women_work_india_cidwp339.pdf

¹⁶ *ibid*

¹⁷ <http://hdr.undp.org/en/content/labour-force-participation-rate-female-male-ratio>

¹⁸ <http://www.iariw.org/dresden/ASengupta.pdf>

¹⁹ <https://thewire.in/economy/women-unpaid-work>

with a new lens and creating a conducive environment and opportunities to foster women entrepreneurship in rural areas can also be explored.²⁰

Women and Laws in India

The constitution of India prohibits any kind of discrimination on grounds of sex under article 15 (Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth) and article 14 provides equal protection of laws. Article 15 (3) in fact goes on to talk of affirmative action for women and children

'Nothing in this article shall prevent the State from making any special provision for women and children'.

Over the years it has been seen that the Indian state has enacted laws specifically for women. The Criminal law amendment act 2013 passed after the murder and gang rape of a student in Delhi has recognised some acts as offences which were earlier dealt under related laws. These offences like, sexual harassment, voyeurism, acid attacks and stalking have been incorporated into the Indian Penal Code. The definition of rape in section 375 was widened to include acts other than forcible peno-vaginal penetration or sexual intercourse, the age of consent was raised from 16-18 years, sections 376 included enhanced punishment for rape during sectarian violence and a section 376 D was made for the offence of gang rape with a higher punishment.²¹ The sexual harassment of women at the workplace (Prevention, prohibition and redressal) Act (POSH) 2013, and the Protection of women from Domestic Violence Act, 2015 are also important legislations, however many issues still remain unaddressed. For instance, though acid attack has been criminalised, issues around sale of acid is to be addressed, the infrastructure under POSH in the form of Internal Committees, and how the law will address the issue faced by women in the unorganised sector needs attention.²²

Where a law has the potential to provide some respite to women, it is often deemed as being misused and efforts are made for it to be watered down, which has been the case with section 498A of the IPC, or the anti dowry law. This section was introduced after almost twenty years of the Dowry prevention act of 1961 and two decades before the Domestic Violence act of 2006. The Dowry Act relates mainly to punishing giving or taking dowry and warranting its return. The Domestic Violence Act is a civil remedy available to victims who have faced domestic abuse and provides women protection, compensation, etc, but has no provision whatsoever for any action against the perpetrator.²³ The protection of women from Domestic Violence Act has been criticised for issues such as lack of budgetary allocations, delay in compensation, narrow interpretations of its provisions etc.

Although women form just over four percent of jail inmates, they are reported to face aggravated forms of violations of basic rights with issues such as over crowding, malnutrition, lack of legal and vocational trainings among others. A majority of these women are reported to belong to lower socio-economic status and their low levels of education and legal awareness often results in them serving long sentences in prison.²⁴

Personal laws-

In India people belonging to different religions are constitutionally allowed to be governed by their religious laws in the sphere of the family. The main concern regarding personal laws is that they are patriarchal, in many cases like Muslim Family law they are not even codified, and more often than not deprive women of equal rights. Under Hindu law for instance, though women have better rights vis a vie property rights than what existed before, inheritance under this law still is patrilineal. Similarly, under the mostly uncoded Muslim Family law, until recently Instant Triple Divorce was not unconstitutional and was made so by the Supreme

²⁰ <https://feminisminindia.com/2018/01/11/women-engagement-indian-economy/>

²¹ <https://inbreakthrough.tv/criminal-amendment-act-2013-changes-rape-law-post-16-12-12/>

²² <http://www.wcd.nic.in/sites/default/files/Vol%20I.compressed.pdf>

²³ <https://indianexpress.com/article/india/498a-battered-supreme-court-misuse-of-dowry-law-women-harassment-cruelty-sneha-sharma-allahabad-hc-4794220/>

²⁴ Ibid 21

Court only in 2017. Polygamy is still not a crime and efforts are being made by Muslim women's groups to reform personal laws from within and put a ban on practices such as Polygamy and Halala.²⁵ A study of various case laws and religious laws also makes it clear that in cases regarding Maintenance, guardianship, divorce and succession, religious personal laws in general tend to favour men, irrespective of religion.

Status of International Conventions and Covenants including CEDAW

India is signatory to many important international human rights instruments. India has ratified numerous international human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

The government of India ratified the CEDAW Convention on 9 July 1993 with two declaratory statements and one reservation.²⁶

Declarations

- "i) With regard to articles 5 (a) and 16 (1) of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that it shall abide by and ensure these provisions in conformity with its policy of non-interference in the personal affairs of any Community without its initiative and consent.
- "ii) With regard to article 16 (2) of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that though in principle it fully supports the principle of compulsory registration of marriages, it is not practical in a vast country like India with its variety of customs, religions and level of literacy."

Reservation

"With regard to article 29 of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that it does not consider itself bound by paragraph 1 of this article."²⁷

Violence against Women in India

The declaration on the elimination of violence against women defines Violence against women (VAW) as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life." Article 2 lists some forms of violence as

".....(a)Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; (b) Physical,

²⁵ <https://timesofindia.indiatimes.com/india/after-triple-talaq-centre-targets-nikah-halala-and-polygamy/articleshow/64800186.cms>

²⁶ https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=_en

²⁷ India has also made a reservation to Article 29(1) of the CEDAW Convention, reserving its obligations to submit all disputes between parties to the International Court of Justice.

sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution; (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

The manifestations of violence against women reflect the inequalities, both at the structural and institutional levels, which is an everyday reality for Indian women. VAW occurs in both, the private as well as public spheres and is exacerbated by patriarchal norms and gender hierarchies. The intersectionality of this violence is apparent by the fact that women face discrimination not just on the basis of sex but also on the basis of their class and caste situation or their sexual orientation and ability, among other grounds.²⁸

In December 2012, India saw an outrage and a public outcry against the failure of its government to be able to successfully even address the grave issue of violence against women. This uproar rose in after the gang rape and eventual death of a 23 year old female student in the country's capital city, New Delhi. Although this incident caught the attention of large parts of the Indian society violence against women, specially that perpetrated against the most marginalised is no secret and one look at the data (which still lacks precision because many cases are still underreported) shows how grave the problem is.

Incidents of rape (and other crimes against women) have risen sharply over the last few years. The latest National Crime Records Bureau data reflect how incidents of rapes have gone up by 12-15%, while other crimes have risen by 3-5%.²⁹ According to the NCRB data, of the 1,52,165 rape cases under the Indian Penal Code, for trial in 2016, 4,739 cases resulted in conviction, at a rate of mere 25.5 per cent. 2016 beginning saw, over 118,537 rape cases pending before the courts. The pending cases went up to 133,813, an increase of 12.5% at the end of the year. For crimes against women overall, pending cases increased from 1,081,756 to 1,204,786.³⁰ Data provided by the National Family Survey (NFHS-4), India's biggest survey of social indicators, also showed that around 76% of the women who faced physical or sexual violence never sought help or informed anybody about it.³¹

VAW manifests itself even before a woman is born, with the declining girl-child sex ratio from 962 per 1,000 males in 1981, to 945 in 1991, to 927 in 2001, to 914 in 2011.³² Within the realm of the family, dowry deaths, honour killings, intimate partner violence among other kinds of violence, are faced by women.

The most recent findings of the National Family Health Survey (NFHS-4) on violence against women, specially within marriage and spousal violence need immediate attention. According to the survey, in 85.7% of the instances of reported sexual violence, a former or current husband was reported to be the perpetrator. The survey also revealed that 9.2% of men believed that when a wife refuses to have sex with her husband, they have the right to use force on her to have sex!

In submissions made by the central government to the judiciary on the issue of marital rape, it has expressed that making it a criminal offence will "destabilise the institution of marriage" and will become "easy tool for harassing husbands".

The Indian Penal Code defines rape as sexual intercourse by a man with a woman without her consent. While the criminal law amendment act of 2013 did not address the contentious issue of marital rape, in October 2017, the Supreme court read down exception 2 to Section 375 (which defines rape) of the IPC (as amended by the Criminal Law (Amendment) Act, 2013) which did not regard sexual intercourse by a husband with his wife, if

²⁸ Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, A/HRC/26/38/Add.1, April 1, 2014

²⁹ <http://ncrb.gov.in/StatPublications/CII/CII2016/pdfs/NEWPDFs/Crime%20in%20India%20-%202016%20Complete%20PDF%20291117.pdf>

³⁰ <https://thewire.in/society/a-closer-look-at-statistics-on-sexual-violence-in-india>

³¹ <https://www.hindustantimes.com/india-news/only-one-in-seven-women-reports-physical-or-sexual-violence-reveals-survey/story-v07UfRz8iRNNrJ00B8KOaJ.html>

³² United Nations Children's Fund (UNICEF), *The Situation of Children in India: A Profile* (2011), p. 36.

she was not below 15 years of age, as rape. With this judgment, although the consent age has been now made 18 years from 15 years, in failing to address the issue of Marital rape, when the wife is above 18, the court has arguably left much to wish for.

Violence against women belonging to several groups in India is also a matter of concern. Dalit and Adivasi women and women from other “backward classes” are recurrent victims of several and interconnecting forms of discrimination and violence. The trafficking of women and girls from, and to, India has been reported as largely prevalent. Those trafficked mostly are marginalised women from either minority groups, scheduled castes and tribes and the “backward castes”, because of their social placement, becoming easy targets of trafficking.³³

Similarly, Muslim women and women from religious minority groups are also at the receiving end of violence perpetuated against their community in the present communal climate in the country. They are targeted because it is felt that an assault on them will mean an assault on the honour of the community that they belong to. Communal riots in Gujarat and Muzaffarnagar are examples where women from minority communities faced sexual violence and are still awaiting any kind of justice.

Women in same-sex relationships and transgender women also confront violence and exclusion, and women with disabilities are also faced with challenges of exclusion and exploitation. In the case of the former, it is after years of advocacy that the draconian provision of section 377 in the Indian constitution, which criminalised same sex relations for years, was read down.

Women living in militarized zones, such as Jammu and Kashmir and states in the north-east of India live in constant fear, and what abets this fear is the Armed Forces (Special Powers) Act, The AFSPA prohibits the prosecution or punishment of members of the military acting in disturbed areas without the express authorization of the national government and more often than not there have been many cases of sexual violence and rape allegedly by these military personnel, with not even a trial initiated against them.³⁴

Social Status of Women

Women and Health

The conditions of women’s lives shape their health in more ways than one. Patriarchy manifests itself in both, the public and private spheres of women’s lives in the country, determining their ‘life chances’. It also results in the qualitatively inferior status of women in the various socio-economic spheres. It is important to bear in mind that health is a complex issue and is dependent on a host of factors. The active interplay of social and environmental factors have deep and multi-layered consequences on health. ‘Women’s lived experiences as gendered beings result in multiple and, significantly, interrelated health needs’. Also, gender identities are played out from various location positions like caste and class. The multiple burdens of ‘production and reproduction’ borne from a position of disadvantage has telling consequences on women’s well-being.³⁵

Infant Mortality Rate (IMR), though has decreased considerably during 2007 to 2016 for both the sexes, it has remained higher for females compared to males. The highest IMR is in the State of Madhya Pradesh (47) followed by Odisha (44) and lowest in Goa (8) followed by Kerala (10) in 2016 (Table 2.3 & 2.5).³⁶

Indian households and their apparent gendered nature of decision making is also a determinant of how women seek healthcare. National Family Health Survey data 2015-2016 or NFHS 4 shows that merely twelve percent of

³³ Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, A/HRC/26/38/Add.1, April 1, 2014

³⁴ <https://www.law.berkeley.edu/wp-content/uploads/2015/04/AccessToJustice.pdf>

³⁵ <http://www.isca.in/IJSS/Archive/v2/i10/3.ISCA-IRJSS-2013-135.pdf>

³⁶ http://www.mospi.gov.in/sites/default/files/reports_and_publication/statistical_publication/social_statistics/WM17C_hapter2.pdf

those women interviewed said that they made decisions related to their own health on their own, 22.6 percent said that it was their husband who made the decisions for them and 62.5 percent said they made the decision jointly. It also illustrated that more than one in every seven Indian women had not received any antenatal care in their last pregnancy and the reason for close to half of them not receiving the same was that it was either not allowed or considered not necessary by their husband or their families. All of this clearly highlighting the necessity to sensitise men with relation to women's rights to health and healthcare.³⁷

Although consecutive governments have tried to address these gaps and inequalities through programs like the National Rural Health Mission but much needs to be done to address the status of health and access to health care for women, specially those with limited resources and belonging to poor and marginalised backgrounds.

Education

The Indian constitution under the 86th amendment provides the right to Free and compulsory education as a fundamental right to all children between the ages of 6 and 14. The government, through its various schemes and initiatives such as the Sarva Shiksha Abhiyan has tried to provide this right to the most marginalised however because of the various factors that keep women and girls away from schools, monetary concerns are not the only reasons that causes a barrier to women's education in the country.

As a general trend, it is prevalent that expenditure on education for males is more than females.³⁸ As per the 2011 census, the total male literacy rate in the country was 80.89 per cent, while the literacy rate among women was a mere 64.64 per cent. The situation exacerbates for women belonging to marginalised communities, for instance, as the census figures reveal that the highest percentage of illiterates at 42 per cent are Muslims.

³⁷ <https://www.firstpost.com/india/nfhs-data-shows-over-one-in-seven-indian-women-dont-receive-antenatal-care-highlights-need-to-sensitise-men-on-womens-healthcare-4395891.html>

³⁸ http://www.mospi.gov.in/sites/default/files/reports_and_publication/statistical_publication/social_statistics/Chapter_3.pdf