



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention

Combined fourth and fifth periodic reports of States parties

Addendum

India*

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* The present document is being issued without formal editing.



Introduction

1. India signed the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter, the Convention) on 30 July 1980 and ratified it on 9 July 1993. The Combined Initial and First Periodic Report was submitted to the Committee on the Elimination of Discrimination against Women (hereinafter, the Committee) in August 1998. The Committee reviewed it in its 22nd session in January 2000. The Combined Second and Third Periodic Reports were submitted in October 2005 and reviewed by the Committee in its 37th session in January-February 2007. The Committee sought a follow-up report on the impact of the 2002 Gujarat incident on women. The follow-up report was submitted in 2009 and considered by the Committee in its 47th session in October 2010.

2. India is presenting the Fourth and Fifth Combined Periodic Report under Article 18 of the Convention. It covers different measures adopted by India to give effect to the provisions of the Convention and progress made during the period from 2006 to 2011. The harmonized guidelines on reporting as contained in UN document [HRI/GEN/2/Rev.6](#) dated 3 June 2009 adopted in the 64th Session of General Assembly referred in UN document [A/RES/64/138](#) dated 16 February 2010, have been followed in the preparation of this report.

I. General Information

A. Demographic, economic, social and cultural characteristics of the State

3. The Republic of India is the seventh-largest country by geographical area, the second-most populous country with over 1.2 billion people and the largest democracy in the world. India is a plural, multilingual and multi-ethnic society. India is a federal constitutional republic with a parliamentary democracy consisting of 28 States and 7 Union Territories. Indian economy is the world's tenth largest by Gross Domestic Product (nominal) and the fourth largest by Purchasing Power Parity. Since adoption of market-based economic reforms in 1991, India has become one of the fastest growing major economies of the world. In 1950, India adopted her own Constitution, which has evolved over time and continues to adopt various measures towards achieving the constitutional commitments. The Indian Constitution guarantees equality in law and thereby equal protection to all. Due to affirmative action taken by Government, over 3 million people have been elected to institutions of local governance in rural and urban areas. Over 1 million of these elected representatives are women. The Constitution has also ensured participation of different social categories such as people belonging to Scheduled Castes and Scheduled Tribes, thus making India the largest representative democracy in the world.

4. As per 2011 Census, India has 623,724,248 males and 586,469,174 females. Females constitute 48.46% of the total population. The major religious communities are: Hindus (82.2%), Muslims (12.9%), Christians (2.1%) and Sikhs (1.8%). People belonging to the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes and Others constitute 19.9%, 8.6%, 2.3% 29.2% of the population respectively. Around 68.84% of the population live in rural areas and the remaining

31.16% in urban areas. India has 22 scheduled languages, but more than 1,650 dialects are spoken across the country. The 2011 Census shows a population density of 382 per square kilometre and decennial growth rate of 17.64 compared to 21.54 in 2001. Crude birth rate for the country was 22.5 in 2009 as against 23.8 in 2005 while crude death rate showed a decline in 2010 for female (6.7), male (7.7) and total population (7.2) as against female (7.1), male (8.0) and total (7.6) in 2005.

5. According to the Census 2001, there are 2.19 million persons with disabilities in India who constitute 2.13% of the total population. 75% of persons with disabilities live in rural areas, 49% of them being literate and 34% employed.

6. The overall life expectancy at birth based on SRS (2002-06) has been estimated to be 63.5 years. It has gone up by 14.1 years in rural areas and 9.9 years in urban areas during the period 1970-75 to 2002-06. Life expectancy at birth increased from 61 years for males and 62.7 years for females during 1996-2000 to 62.6 years for males and 64.2 years for females during 2002-06. The percentage of female population in the reproductive age group of 15-49 years was around 52%-54% during 2000 to 2009. In 2009, the percentage of women in the age group of 60 years and above was 7.8% as against 7.1% for men. The share of widowed, divorced or separated women across ages was 8.0%. Total fertility rate for the country has declined from 3.2 in 1999 to 2.6 in 2009. As per SRS, 2009 the rural TFR is 2.9 and the urban TFR 2.0.

7. As per Census 2011, the overall sex ratio increased from 933 in 2001 to 940 in 2011. The child sex ratio (CSR) in the age group of 0-6 years has dipped to 914 from 927 girls per thousand boys as recorded in 2001 Census. The decline in CSR is a matter of concern and the Government is making efforts to improve the situation. Maternal Mortality Ratio (MMR) has reduced from 301 per 100,000 live births in 2001-2003 to 212 during 2007-09. There has been a progressive decline in infant and child mortality rates also. As per SRS, the IMR has come down from 57 in 2006 to 47 in 2010. The female IMR has come down from 55 to 49 and the male IMR from 52 to 46 during the same period at national level.

8. The Mean Age at Marriage for females has increased marginally from 20.2 in 2005 to 20.7 in 2009 as per SRS. NSSO data for July 2004-June 2005 indicates the percentage of female headed households as 11.10 (rural) and 10.9 (urban).

9. Literacy rate, defined as the percentage of literates to the total population aged 7 years and above, has gone up from 64.83% in 2001 to 74.04% in 2011 showing an increase of 9.21 percentage points. The literacy rate for males is 82.14% as against 65.46% for females. The increase in literacy rates among males and females during 2001-2011 is of the order of 6.88 and 11.79 percentage points respectively. The gap between male and female literacy rates has reduced from 21.59 percentage points in 2001 Census to 16.68 percentage points in 2011.

10. The literacy rates during 2007-08 for SCs, STs, OBCs were 60.5%, 58.8%, and 66.7% respectively as against 76.9% for others. There has been an increase in female literacy rates across the social groups. Between 1999-2000 and 2007-08, female literacy rates in rural areas have increased from 33.6% to 49.9% for SCs; from 30.1% to 47.8% for STs; and from 41.1% to 55.4% for OBCs. In urban areas, the female literacy rates increased from 55.7% to 66.1% for SCs, 61.2% to 69% for STs and 66.4% to 74.6% for OBCs.

11. The gross enrolment ratio (GER) at different levels of school education has been on the rise over the years however the gender gap still exists for which Government is making relentless efforts. GER at secondary and higher secondary levels for boys was 49.2% and it remained almost the same during 2004-05 to 2006-07. But for girls it increased from 35.1% to 41.4% during the same period. In the academic year 2009-10, the total number of students enrolled in Universities and colleges was 13.64 million of which 6.55 million were women, constituting 48.01% of the total enrolment.

12. There is an improvement in Net Enrolment Ratio (NER) at primary level. Primary enrolment of 6-10 year old children by their NER measure has improved from 83% in the year 2000 to over 95% in 2007-08. In the years 2008-09 and 2009-10, India's NER as per DISE statistics, are 98.6% and 98.3% respectively. Sex disaggregated data in respect of attendance and dropout are presented in tables below:

Table 1
Net Attendance Ratio at Primary and Upper Primary Levels

Year	NAR at primary levels				NAR at upper primary levels			
	Rural		Urban		Rural		Urban	
	Male	Female	Male	Female	Male	Female	Male	Female
1995-96	68.0	56.0	80.0	77.0	44.0	32.0	60.0	57.0
2007-08	83.3	80.5	82.2	80.4	62.5	58.1	69.6	66.6

Source: District Information System for Education (DISE).

Table 2
Dropout rate at different stages of school education

Year	Primary stage (Class I-V)		Middle stage (Class VI-VIII)		Secondary stage (Class IX-X)	
	Female	Male	Female	Male	Female	Male
1991-92	44.30	40.30	62.40	56.10	76.30	69.60
2007-2008	24.41	25.70	41.34	43.72	57.33	56.55

Source: Women and Men in India 2010.

13. During 2005-06, work force participation rate (WPR) of women was about 28.9% in rural areas and 13.8% in urban areas. For males, the WPR was about 54.8% in rural areas and 55.4% in urban areas. In the organized sector, about 18.7% were women employees in 2004. The proportion of women employees was higher in the private sector (about 24.8%) as compared to that in the public sector (about 15.9%). In 2007-08, in rural areas, labour force participation rate of women was 29.2% and that of men was 55.9%. Similarly in urban areas, in 2007-08, labour force participation rate of women was 14.6% and that of men was 57.6%. The unemployment rate of women has declined from 3.1% in 2004-05 to 1.9% in 2007-08 in rural areas and from 9.1% to 6.6% in the in urban areas during the same period. The unemployment rate for men has increased from 2.1% (2004-05) to 2.3%

(2007-08) in rural areas but declined from 4.4% (2004-05) to 4.0% (2007-08) in urban areas.

B. Constitutional, political and legal structure of the State

14. The Constitution of India guarantees equal rights and opportunities; and, equal franchise to all its adult citizens. The Preamble of the Constitution of India promises to secure to all its citizens, justice — social, economic and political; liberty of thought, expression, belief, faith and worship; equality of status and opportunity; and promote among them all — fraternity, assuring the dignity of the individual and the unity of the Nation.

15. The President is the head of State and the formal head of all the three branches of Indian democracy — Legislature, Executive and Judiciary. A Council of Ministers headed by the Prime Minister aids and advises the President. The Council of Ministers is collectively responsible to Lok Sabha, the House of the People. The legislative arm of the Union, called the Parliament, consists of the President, Rajya Sabha and Lok Sabha. Rajya Sabha, the House of the States consists of 245 members. Lok Sabha consists of 545 members. The terms of the Lok Sabha and Rajya Sabha members are five and six years respectively.

16. In India, each State has its own government with Governor as the head while each Union Territory (UT) is administered directly by the President through an Administrator appointed by her. In the States, Governor is the representative of the President and is the head of the Executive. A Council of Ministers headed by the Chief Minister aids and assists the Governor at the State Level. The powers and functions of Central Government and State Government are clearly defined in the Constitution. Both Governments are autonomous within their respective areas of working. Central Government have jurisdiction over 97 subjects whereas the States have 66 subjects under their jurisdiction. The Constitution provides for a Concurrent List of 47 subjects over which both the governments have concurrent jurisdiction. The State of Jammu and Kashmir was accorded a special status and was allowed to make its own Constitution.

17. By 73rd and 74th amendments to the Constitution, Panchayat system has been institutionalized for local governance. Depending upon the size of the population, the Panchayat Raj Institutions (PRIs) provide for three tiers of governance, that is, Gram Panchayat, Taluk Panchayat and Zilla Panchayat in the rural areas. In the urban areas there are Municipal Corporations and Councils depending upon the size of the population. The members of these bodies are elected for a term of five years. There is reservation of 1/3rd of the total seats for women as well as posts of chairpersons in them for women in all categories namely, General, SCs and STs, both in rural and urban areas. Due to this initiative, out of the three million elected members in Panchayat Raj Institutions (PRIs), more than one million are women. The average women representation in Panchayats across the country is 36.94%. The Panchayat (Extension of the Scheduled Areas) Act, 1996 (PESA) has extended the scope of the Panchayat Raj legislation to cover tribal areas, and has thus provided for decentralization in these areas.

18. The Constitution has vested in the Election Commission of India the superintendence, direction and control of the entire process for conduct of elections to Parliament, to Legislature of every State and to the offices of President and

Vice-President of India. Election Commission of India is a permanent Constitutional body and has conducted itself in the most impartial and dynamic manner ensuring free and fair elections over the decades.

19. India has a multi-party system with a pre-dominance of regional parties. There are seven recognized political parties at the national level and each State has many state specific political parties. The country has a strong tradition of non-governmental and voluntary action, community-based organizations and civil society groups. An estimated 25,000 registered non-governmental organizations operate in India.

20. Supreme Court is the apex court in the country. There are 21 High Courts in the country, out of which three have jurisdiction over more than one State. Delhi has a High Court of its own and the other six UTs come under jurisdiction of different State High Courts. High Court is the head of the state's judicial administration. Each State is divided into judicial districts presided over by a district and sessions judge, who is the highest judicial authority in that district. There are courts of Civil and Criminal jurisdiction. Special Tribunals have been set up to deal with specific matters, namely, administrative tribunals dealing with employment related cases, industrial tribunal, family courts, consumer redressal forum, etc. Fast track courts have been established for speedy disposal of cases. As of 1 February 2012 there are 2 women judges in the Supreme Court out of 26 judges and 53 women judges in different High Courts out of total 627 High Court judges.

21. In the Constitution women stand on equal footing with men in all spheres. It guarantees equality and equal protection in law for men and women (Article 14), prohibits discrimination on the grounds of religion, race, caste and sex or place of birth (Article 15) and discrimination at workplace (Article 16). Article 15 (3) empowers the State for adopting special measures for women and children, Article 16 (4) empowers the State for making provisions/reservation in employment for any backward class citizens who are not adequately represented in the services. It also provides for special measures to achieve de facto equality.

22. The Constitution lays down certain Directive Principles of State Policy which, though not justiciable, are 'fundamental in governance of the country' and it is the duty of the State to apply these principles in making laws. The obligation of State to protect and promote women are contained in the Directive Principles of State Policy. Some of the 'women specific' directive principles, having special bearing on their status are: Article 39 (a) articulates the duty to provide adequate means of livelihood equally for men and women. Article 39 (d) demands a policy providing equal pay for equal work for both men and women. Article 39 (e) mandates that the policy of the State should be geared to protect the health of men, women and child workers. Article 39 A directs the State to secure a legal system promoting justice on the basis of equal opportunity and to provide free legal aid for securing justice for its citizens. Article 41 ensures right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want. Article 42 provides for just and humane conditions of work and maternity relief. Article 43 mandates that the state shall secure, to all workers a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities. Article 51 A (e) casts a duty on the State to renounce practices that are derogatory to the dignity and status of women. Article 51 (A) (k) casts an obligation on the parent/guardian to provide opportunities for education to his child/ward between the age of 6-14.

23. In addition, the Constitution provides protection of freedoms. Article 19 (a) — provides freedom of speech and expression; Article 19 (b) — freedom to assemble peacefully and without arms; Article 19 (c) — freedom to form associations or unions; Article 19 (d) — freedom to move freely throughout the territory of India; Article 19 (e) — freedom to reside and settle in any part of India; Article 19 (g) — freedom to practice any profession, or to carry on any occupation, trade or business. Article 21 provides for protection of life and personal liberty. Right to life has been interpreted by the Supreme Court of India as life with dignity and not a mere existence of animal living. Article 21-A imposes an obligation on the State to provide free and compulsory education to all children of the age of 6 to 14 years. Article 23 (1) provides for right against exploitation; trafficking of human beings and other forms of forced labour.

24. Government have proposed effecting a Constitutional amendment to increase the percentage of reservation of seats for women in PRIs from one third to one half with a view to empower women and make Panchyats more inclusive institutions. Several States have amended their respective laws providing 50% reservation for women. The Central Government has made attempts to introduce the Women's Reservation Bill and in March 2010 the Constitution (108th Amendment) Bill providing for reservation for women in the Parliament and the State Legislatures was passed by the Rajya Sabha.

25. Women comprise of 340 million voters out of a total electorate of 710 million. Political parties are increasingly fielding women candidates for elections. As of December 2011, out of 34 Union Ministers (Cabinet Ministers) and 44 Ministers of State, eight are women. As of February 2011, there were 26 women members in Rajya Sabha and 60 women members in Lok Sabha. In all Lok Sabha elections, the success rate of women candidates (percentage of contestants getting elected) has always been higher than the male contestants.

Table 3

Women in the Parliament and the Central Council of Ministers

	<i>Women</i>	<i>Men</i>	<i>Total</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>
						2007
PRIs (in millions)	—	—	—	1.05 (36.5%)	1.82	2.83
			2001			2011
Parliament	77 (9.7%)	712	789	86 (10.95%)	699	785
			1985			2011
Central Council of Ministers	4 (10.0%)	36	40	8 (10.26%)	70	78

26. In recent years, India has taken several important initiatives aimed at securing human rights and furthering inclusive growth. Some of these initiatives are as follows: In 2010, in a unique development and to ensure citizens their right to live with dignity in a healthy environment, the National Green Tribunal Act was enacted providing for effective legal protection for environment, forests and other natural resources including enforcement of any legal right in this context. Further, in the same year, the Government introduced in Parliament the Protection of Women against Sexual Harassment at Workplace Bill covering both organized and unorganized sectors. In 2009, the Right to Education Act was enacted, which

introduced a new fundamental right in the Constitution for free and compulsory education of children in a neighbourhood school. In 2007, the National Commission for the Protection of Child Rights (NCPCR) was established to ensure that all legislative and administrative measures are in consonance with the child rights perspective as enshrined in the Constitution of India and the Convention on the Rights of the Child. In 2005, the landmark National Rural Employment Guarantee Act was passed and the programme launched in 2006 to enhance livelihood security for the poor. The Protection of Women from Domestic Violence Act 2005 came into force in 2006. During 2005, the historic Right to Information Act (RTI) was enacted.

II. General Framework for the Protection and Promotion of Human Rights

A. Acceptance of international human rights norms

27. Constitutional guarantees, legislation, judicial pronouncements, policies and programmes and civil society have strived to address the issue of providing its diverse population fundamental rights, justice, welfare, protection, human rights, affirmative action, inclusive economic growth and all requirements to lead a life of dignity and prosperity as well as promoting the unity and integrity of the Nation. In spite of a number of serious challenges, India remains deeply committed to human rights and has taken significant strides towards these goals.

28. India ratified CEDAW with two declarations and one reservation. They are as follows:

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 are 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.”

29. In spite of the socioeconomic challenges, India is working towards making registration of all marriages compulsory. This direction comes from the Supreme Court which in *Seema vs. Ashwini Kumar* (2006 (2) SCC 578), directed that registration of marriages of all persons, irrespective of their religion, who are citizens of India should be made compulsory in their respective states. In this

context, 19 States have already taken necessary legislative measures for compulsory registration of marriages.

30. In respect of Optional Protocol to CEDAW it is mentioned that the Constitution of India provides for direct access to the Supreme Court and High Courts for redressal of violations of any fundamental right, by any individual or group of individuals. In addition, India has several other statutory mechanisms to address such violations including the National Human Rights Commissions and the State Human Rights Commissions. There is also a separate National Commission and State Commissions for Women which, inter alia, have a mandate to address cases of violations of women rights. There exists, therefore, effective legal and constitutional framework to address individual cases of violations within India. Also India has been supportive and responsive to the various International Human Rights mechanism such as that of confidential complaint and of visits of Special Rapporteur. India also has other Commissions to promote rights of specific groups. These are National Commission for Protection of Child Rights (NCPCR), National Commission for Minorities (NCM), National Commission for Backward Classes (NCBC), National Commission for Scheduled Castes (NCSC) and National Commission for Scheduled Tribes (NCST).

31. India acceded to International Covenant on Civil and Political Rights 1966 (ICCPR) on the 10 April 1979 with declarations on Articles 1, 9 and 13. She acceded to International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR), on 10 April 1979 with the declarations on Article 1, 4, 7 and 8. India ratified the Convention on the Political Rights of Women, on 1 November 1961 with a declaration on Article 3 of the Convention. She acceded to the Convention on Child Rights (CRC), on 11 December 1992 with declaration on Article 32. India has ratified both the Optional Protocols of the Convention on the Rights of Child. She has ratified the International Convention on the Elimination of All Forms of Racial Discrimination on 3 December 1968 with Reservation and Declarations. India has signed the Convention on the Rights of Persons with Disabilities and its optional protocol on 30 March 2007 and has ratified it on 1 October 2007 with no reservations or declarations. She has signed the Convention against Transnational Organized Crimes on 12th December 2002 and ratified it on 5th May 2011. She signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children on 12 December 2002.

B. Legal framework for the protection of human rights at the national level

32. The Constitution of India has incorporated various human rights principles as envisaged in the Universal Declaration of Human Rights (UDHR), 1948 and other human rights treaties. As per Article 51 of the Constitution of India the state shall endeavour to foster respect for international law and treaty obligations. In pursuance to this, the government is committed to respect and promote human rights treaties and to promote and protect the human rights of its citizens. The state has adopted various measures to fulfil its obligations under various treaties and this is an ongoing process. Under Article 253, any Treaty or Convention is to be implemented through legislation and this requires incorporation of the treaty before it could be applied to its citizens. Section 2 (d) of the Protection of Human Rights Act, 1993

defines “human rights” and is in conformity with international standards and accepted interpretation of human rights.

33. Legislation in India is subject to review by Courts with regards to its constitutionality. The exercise of executive power is subject to different forms of judicial review. In the event of infringement of an individual’s fundamental rights, the aggrieved person can move to the Supreme Court under Article 32 of the Constitution and the respective State High Courts under Article 226 of the Constitution. The Supreme Court has, in its concern for human rights, also developed a highly advanced public interest litigation (PIL) regime. Any individual or group of persons highlighting a question of public importance, for the purposes of invoking its writ jurisdiction, can approach the Supreme Court and the High Courts in the states. The Supreme Court has recognized the justifiability of some vital economic and social rights, by interpreting ‘right to life’ as ‘right to life with dignity’ and not mere animal existence.

34. Earlier the Courts in India were of the view that unless the provisions of the international treaty are incorporated by an Act of Parliament it really does not become a part of the domestic law. But since early 1990s the Courts have used the international norms and principles to interpret the Fundamental rights. Thus, though the treaties themselves do not become enforceable, the courts are bound by the principle that in cases of doubt or in the absence of legislation, the national rule has to be interpreted in accordance with the state’s international obligations arising out of the treaties that have been entered into.

35. Supreme Court in more than one judgement has held that the rules of customary international law that are not contrary to the municipal laws shall be deemed to be incorporated into municipal laws. The Apex Court dealing with the discriminatory inheritance and succession laws of the Ho tribe in Bihar in a case of 1996 observed that “... Article 2 (e) of the CEDAW enjoins this court to breathe life into dry bones of the Constitution, international Conventions and the Protection of Human Rights Act, to prevent gender based discrimination and to effectuate the right to life including empowerment of economic and cultural rights. Supreme Court has held in another case that the personal laws, derived from scriptures, conferring inferior status on women is anathema to equality. In *Vishaka vs. State of Rajasthan* Supreme Court dealt on the definition of sexual harassment and this judgement is similar to the one defined in paragraph 18 of the General Recommendation 19 of the CEDAW. In another case, Supreme Court reiterated the principles of CEDAW and has acknowledged that human rights for women including girl child are inalienable, integral and an indivisible part of the universal human rights. In *Gita Hariharan* case, Supreme Court dealing with the right of a mother to be a natural guardian, referred to CEDAW and the Beijing Declaration to once again reiterate that the state parties have to take appropriate measures to prevent discrimination of all forms against women. In *Vasantha vs. Union of India* case, the Madras High Court struck down the provisions of the Factories Act which prohibits women to work in night shifts.

36. Ministry of Women and Child Development (MWCD) is the nodal Ministry for issues pertaining to women and children and has been working towards empowerment of women. The vision of the Ministry is to have empowered women living with dignity and contributing as equal partners towards the development of the country in an environment free from violence and well-nurtured children with

full opportunities for their growth and development in an environment free from exploitation. The mission of the Ministry is to promote social and economic empowerment of women through cross-cutting policies and programmes, mainstream gender concerns, create awareness about their rights and facilitate institutional and legislative support for enabling them to develop to their full potential. Ministry prepares its policies and programmes in accordance with the priorities outlined in various Five Year Plans.

37. The National Commission for Women (NCW) has been constituted under an Act of Parliament with a wide mandate covering almost all aspects of women's development. It has a Chairperson and five Members and a Member Secretary appointed the provisions of the Act. It looks into complaints and take suo motu notice of matters relating to deprivation of women's rights thus facilitating redressal of grievances. The Commission also evaluates progress of planning process; inspect jails, remand homes etc. where women are kept under custody and seek remedial action wherever necessary. Some of the issues taken up by NCW are: gender and law enforcement; impact of displacement on women; sexual harassment at workplace; women in detention; anti-arrack movement; issues concerning prostitution; political empowerment of women and technological empowerment of women. NCW conducts many legal awareness programmes, investigated various individual complaints (in the year 2010-11, 15,508 complaints/cases were registered by the Complaint and Investigation Cell of NCW) among its multifarious activities.

38. NCW has worked on many derogatory practices, namely, sati, devadasi and other religious practices; witch hunting; acid attack on women; honour killing etc. It conducts workshops, seminars and awareness programmes across the country. It has studied the efficacy of various legislations and made recommendations and suggestions on different laws.

39. Based on the recommendation of the Parliamentary Committee on Empowerment of Women (14th Lok Sabha) on the subject, "Plight of Indian Women deserted by Non-Resident Indian (NRI) husbands", NCW was nominated as the coordinating agency at the national level for dealing with issues pertaining to NRI marriages. The NRI Cell of NCW deals with complaints received from India and abroad concerning cross-country marriages where there is any deprivation of women's rights or any issue involving grave injustice to women. During the year 2010-2011, 540 cases were registered in the NRI Cell.

40. Governments of all the 28 States and 7 UTs have established the State Commission for Women (SCW). These are independent autonomous statutory bodies constituted under the respective State laws and are funded by the State Governments. Since NCW and SCWs are established under separate statutes, there is no structural control or hierarchical relationship between these bodies, but, they carry out similar functions. Regular meetings, seminars and discussions are held by NCW with the SCW. NCW coordinates with SCW on matters relating to deprivation of women's rights particularly on complaints received from the States and also on review of existing laws and introducing new laws.

41. National Human Rights Commission (NHRC) provides redressal for Human Rights violations. NHRC has come out with an integrated plan of action to prevent and combat human trafficking with a special focus on children and women. State Human Rights Commissions (SHRCs) have been set up in 20 states. During 2010-11, 99,185 cases were registered for examination and the NHRC disposed of

87,568 cases. NHRC also transferred 9,254 cases to the State Human Rights Commissions for disposal. During this period, NHRC recommended payment of interim relief in 583 cases amounting to Rs. 198 million.

C. Framework within which human rights are promoted at the national level

42. Government promote human rights at national level through a variety of means such as legislation, policy and programme. Government have undertaken a number of measures to secure de facto equality and improve the status of women. It has set up various committees to study and to recommend the necessary changes on specific issues that have a bearing on women. The Eleventh Five Year Plan (2007-12), for the first time, recognized women not just as equal citizens but as agents of economic and social growth. Gender perspectives were incorporated in the plan. The Plan recognized that women and children were not homogenous categories and that they belonged to diverse castes, classes, communities, economic groups, and are located within a range of geographic and development zones. Special interventions addressing the differential needs of these groups are undertaken in addition to general programme interventions.

43. Government have taken steps for translating the international/national human rights treaties/convention/statutes into vernacular language and is disseminating information on human rights through different modes such as print and visual media, publications. Information is also made available on the Internet. Government regularly conduct training programmes for government officials, police, doctors and health workers, prosecutors, judges, lawyers, prison officers, members of armed forces, PRIs and general public. Along with NHRC, NCW and SCW, Government institutes such as (NIPCCD) conduct training and awareness programmes regularly and produce training manuals.

44. India has always taken into account the recommendations made by the treaty bodies and special procedures and, in accordance to our socioeconomic conditions, we have strived to implement these recommendations. While the NHRC is in the process of drafting a National Action Plan for Human Rights, various Ministries have fully integrated human rights issues in their own National Plans in their respective spheres. For e.g. India has a National Action Plan for Children. This has led to focus on promotion and protection feeding into the overall national commitment to protect and promote of human rights.

45. The national curriculum for school education of National Council of Educational Research and Training (NCERT) has included the human rights education component in social science subjects. In order to create human rights education sensitivity and skills among the teachers in schools, a module for teacher training programme has also been prepared by the task force of the NHRC for this purpose. NHRC has continued to play an active role in raising all round human rights literacy and awareness including month-long internship programmes for University students and programmes focused on public servants especially police in collaboration with the Administrative Training Institutes and Police Training Institutions.

46. Women component plan was adopted and followed since the Seventh FYP (1985 onwards). Specific attention was paid to allocation of funds to programmes

and schemes that directly benefit women. During the Seventh FYP period various Committees and Commissions were appointed to examine various dimensions of the status of women. National Commission for Women Act was passed in 1992. State Commissions for women were also established in different states and UTs. The implementation of women component plan has been further strengthened in the successive FYPs. Gender budgeting was been introduced in the Ninth FYP (1997 onwards).

47. With the objective of achieving gender equality, MWCD has formulated an implementable Five-Year Strategic Plan (FYSP) for the period 2011 to 2016. MWCD works towards achieving increased alignment and coordination among policies, legislation and programmes of other line Ministries to address different challenges. The Ministry has also strengthened its efforts to promote increased convergence and coordination within different sectors to create a consolidated impact on the lives of women and children. Gender being a cross-cutting issue and the Ministry of Women and Child Development being the nodal Ministry for women and children within the Government, advocates actively with line Ministries and other forums to secure the rights and benefits for women and children.

D. Reporting process at the National Level

48. India has a national coordinating structure set up in the nodal Ministry of Women and Child Development. This Inter Ministerial Committee representing 18 Ministries and Organizations was set up in June 2004. Concluding comments of the Committee on the Elimination of Discrimination Against Women on the Second and Third Periodic Reports and Exceptional Report were shared with different ministries and state governments. Series of meetings of the Committee were held for the preparation of the Fourth and Fifth Combined Periodic Report under the Convention. Several regional consultations with stakeholders were held on the report under CEDAW. In November 2011, a national consultation with civil society organizations was conducted. The draft of Fourth and Fifth Combined Periodic Report was also uploaded on the website of the Ministry and widely shared. Information about the report was provided to the Members of Parliament in November-December 2011 through written reply to a question.

49. All relevant Ministries, departments, state governments along with other stakeholders including the national and state human rights organizations and the non-governmental organizations working in the field of human rights, women's rights and related issues have contributed in the preparation of this report.

Follow-up of the Concluding Comments of the Committee on the Elimination of Discrimination against Women on the Combined II & III Periodic Report of India

50. Paragraph 7 of the concluding comments has been complied with as stated in paragraphs 48 and 49 of this report. In respect of paragraphs 8 and 9 of the concluding comments, the following paragraphs from 51 to 65 may be seen. There are effective remedies available against violations of the Convention by the non-state actors under the existing Civil and Criminal laws. However Government have taken several steps in this regard as noted in this report, under Article 3 in Convention Specific document.

51. The National Crime Records Bureau (NCRB) collects and records data on crimes in India. Crimes against women are categorized into two categories, namely, crimes under Indian Penal Code (IPC) and crimes under special and local laws (SLL). Crimes of (i) Rape (Sec. 376 IPC) (ii) Kidnapping & Abduction for specified purposes (Sec. 363-373 IPC), (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) (Sec. 366-B IPC) are categorized under the IPC category. While the special and local focuses on cases falling under (i) Immoral Traffic (Prevention) Act, 1956, (ii) Dowry Prohibition Act, 1961 (iii) Indecent Representation of Women (Prohibition) Act, 1986, (iv) Sati (Prevention) Act, 1987.

52. A total of 2,13,585 incidents of crime against women (both under IPC and SLL) were reported in the country during 2010 as compared to 2,03,804 during 2009 recording an increase of 4.8% during 2010. The increase in reporting can be attributable to reasons such as increasing awareness, outreach of institutions protecting rights and work by women's groups.

53. India has been following a holistic approach to address the issue of gender-based violence; this is not only in terms of protection and rehabilitation but also in generating awareness. Presently there is no formal national action plan on the issue however it does not mean that we are proactively pursuing the concern. India believes that a national action plan only serves as a nomenclature to the principles which we are substantially following domestically.

54. Violence against women has been addressed through law, policy and support services. Various legislations to address specific problems have been enacted are constantly reviewed to meet the exigencies of the situations. The central and state governments review the situation through regular five year plans. Progressive elimination of violence against women constitutes one of the key objectives of the National Mission for Empowerment of Women (NMEW).

55. Directives and guidelines are issued periodically by Central Government for effective implementation of laws relating to violence against women and to ensure better protection to women and to prevent incidence of crimes against them. Vide F. No.15011/48/2009-SC/ST-W dated 4 September 2009, a comprehensive advisory on measures relating to crimes against women was issued by the Ministry of Home Affairs in consultation with MWCD. The Advisory emphasized on enforcement of existing legal provisions on crimes against women and children, a proactive role for law enforcement agencies in detection and investigation of crimes, gender sensitization and awareness-building through trainings, legal literacy camps, greater media and community involvement, speedy investigation, providing rehabilitation, and other support services to victims of crimes. The advisory stressed on increasing representation of women in police at all levels through affirmative action so that they constitute about 33% of police. It also provided detailed guidelines for improving safety for women in public places, for those working in night shifts, and for female students in areas with high crime rates. The establishment of adequate infrastructure for women in the form of Special Cells, Crimes against women cells, specialized sexual assault treatment units, family courts and Fast track courts, appointment of Dowry Prohibition Officer and notifying Rules under the Dowry Prohibition Act, 1961, were some of the measures

emphasized. Majority of the States/Union Territories have established 'Women Cells' and some state/union territories have set up an all women police stations at districts level and 'Mahila desk' as the police station level emphasized.

56. The Protection of Women from Domestic Violence Act, 2005 seeks to prevent violence at domestic front and provides for remedial measures to women who are victim of domestic violence. This Act has come into effect in October 2006 and has been adopted in compliance with the government's commitment under the Beijing Platform for Action (BPFA) and CEDAW. It provides immediate and emergency relief to women facing domestic violence in the form of protection order, right to residence, temporary custody order, monetary reliefs and compensation for emotional distress resulting from violence. It also provides for a coordinated implementation mechanism consisting of protection officer, service in the form of facilities and shelter homes that are mandated to provide better access to justice and other support services. As on October 2010, a total of 6,439 Protection Officers (POs) have been appointed across the country by all States/UTs. In 2010, guidelines have been issued by the MWCD to State Governments/UTs for effective implementation of this Act.

57. A national campaign "Bell Bajao" was launched in August 2008, as a collaborative initiative between the Government, UN Trust Fund, UNIFEM South Asia Regional Office and Breakthrough, an NGO. The campaign used innovative media outreach and encouraged men and boys to become active agents in preventing domestic violence.

58. Ministry of Home Affairs (MHA) in consultation with MWCD has issued an advisory on 20th October 2009 to all the States Governments/UTs to adhere to procedures laid down by the Supreme Court in case of Dowry Prohibition Act. 'Protection of Women against Sexual Harassment at Workplace Bill, 2010' was introduced in the Lok Sabha in December 2010. For prevention of sexual harassment of women in sports, the Ministry of Youth Affairs and Sports has issued instructions in August 2010 to all National Sports Federations (NSFs) making clear to them it shall be responsibility of NSFs and other sports bodies to prevent sexual harassment of women in sports and ensure their safety.

59. Acts of violence, mostly committed by family members predominantly against female relatives who are perceived to have brought dishonour upon the family, referred as Honour Crimes presently dealt with under the provisions of the Indian Penal Code (IPC). They are investigated and prosecuted as IPC offences. An advisory issued by MHA on 4 September 2011, urges State Governments/UTs to take special steps to curb the violation of women's rights in cases of honour killings. The Criminal Procedure Code (Amendment) Act, 2008, which came into effect on 31 December 2009, provides for crucial reforms in the criminal justice system by providing better protection to victims of crimes.

60. Steps are taken by the Government to address all forms of violence against women including Dalit women through law, policy and support services. A comprehensive advisory has been issued to all State Governments and UT administrations in April 2010 by the Ministry of Home Affairs. The advisory has enumerated various steps, namely, vigorous and conscientious enforcement of statutory provisions and existing legislations, sensitizing the enforcement machinery towards crimes against SC/STs by way of well-structured training programmes, conferences and seminars etc; no delay in registration of FIR in cases of crimes

against SC/STs; identification of atrocity prone areas for taking preventive measures for economic and social rehabilitation of the victims of atrocities etc. The advisory has further advised that in the incidents of extreme violation of human rights such as stripping of SC/ST women, blackening of faces of SC/ST persons, shaving their heads and parading them in villages, exemplary punishment should be awarded to the accused after summary trial.

61. For effective implementation of the Protection of Civil Rights Act, 1955 and the SCs & STs (Prevention of Atrocities) Act, 1989, Government have released Rs. 687 million during 2009-10 and Rs. 575 million during 2010-11 (as of 6 January 2011) as central assistance to the State Governments/UT Administrations. The assistance is provided mainly for state level SC/ST Protection Cells; special police stations; exclusive special courts; awareness generation; incentive for inter-caste marriages; relief to victims of atrocities.

62. Regarding the Armed Forces Special Powers Act, 1958 (AFSPA) it is mentioned that the Government of India remains committed to fulfil its obligation to secure to its citizens all civil and political rights. Concerns have been raised about this Act. At the outset, it is important to point out that the constitutionality of this Act was upheld by the highest judicial body in India i.e. Supreme Court of India in the case, Naga People's Movement for Human Rights vs. Union of India. Even while doing so, the apex court has reduced the rigour of its provisions and laid down an elaborate list of do's and don'ts for army officials while working in disturbed areas.

63. AFSPA is considered necessary to deal with serious terrorist and insurgency/militancy situation arising in certain parts of the country and uphold the duty of the state to protect and secure its citizens. It provides necessary powers, legal support and protection to the Armed Forces for carrying out proactive operation against the terrorists in a highly hostile environment. An analysis of the ground realities shows that the violence levels and the fighting ability of terrorists have reduced over the years. Nevertheless, they still possess sophisticated weapons and modern communication equipment and the terrorist infrastructure across the borders is still active. The terrorists continue to intimidate the public. In such a challenging environment, where the very lives of its citizens and the unity and integrity of India is at stake, as long as deployment of armed forces is required to maintain peace and normalcy, AFSPA powers are required. However, it is pertinent to point out that the extension of declaration of "disturbed areas" is a subject matter of periodic review in consultation with the State Government and security agencies.

64. The Army maintains continuous vigilance to prevent human rights violations by its forces. Human Rights Cell in the Army Headquarters was established in March 1993, even before the NHRC was constituted. These cells have been established at various levels. The investigations of violations are carried out swiftly and in a transparent manner and exemplary punishments are meted out to those involved. The troops are sensitized on upholding human rights and avoiding collateral damage. The Chief of the Army Staff has issued the Ten Commandments to be followed by the Army personnel while dealing with the militants and the insurgents. The Supreme Court has expressed its satisfaction with respect to these commandments in Naga People's Movement for Human Rights vs. Union of India case and observed that they were in essence a set of guiding principles for the prevention of human rights violation by the soldiers.

65. Since January 1994 till December 2010, out of 1,429 complaints of human rights excesses received against the personnel of Army and Central Para Military Forces, 1,412 have been investigated and 1,332 of them found false. In 80 cases where the complaints were found genuine, stringent punishments have been imposed; 17 are under investigation. The act of human right excess by personnel of army and central paramilitary forces against any section of the society is taken with all seriousness.

66. In respect of paragraph 11 of the concluding comments, the issue has been dealt in paragraph 29 of this report. Regarding paragraph 13 of the concluding comments, proactive steps to remove the structural barriers to women's equality are stated in the Convention Specific document of this report. This is an ongoing process and further measures as appropriate, will be adopted in coming years to address discrimination and to bring about equality for women while focusing on inclusive growth.

67. In respect of paragraph 15 of the concluding comments, it is stated that disaggregated data are available on indicators like literacy rate, work participation rate, sex ratio etc and have been provided in the Common Core Document of this report. The National Census 2011 data are being analysed and relevant reports will be published in due course of time.

68. Regarding paragraph 17 of the concluding comments, reference has been made in the Common Core Document of this report. In respect of paragraph 19 of the concluding comments, it is stated that for ensuring greater access to justice to the cross-section of the population, India has taken important strides. The National Legal Services Authority (NALSA) was constituted in 1987 under the Legal Services Authorities Act, 1987, to provide free legal services to the weaker sections of the society, and to organize Lok Adalats for amicable settlement of disputes. In every State, State Legal Services Authority and District Legal Services Authority have been constituted to give effect to the policies and directions of the NALSA. Until 31 March 2009, about 9.7 million people have benefited through legal aid in which about 1.4 million persons belonging to Scheduled Castes and 464,000 persons of Scheduled Tribe communities were beneficiaries. More than 1 million people were women and about 235,000 people in custody were also benefitted. About 725,000 Lok Adalats have been held throughout the country in which more than 2.68 million cases have been settled.

69. The Gram Nyayalayas Act, 2008, which came into force in 2009, provides for the establishment of Gram Nyayalayas (Village Courts) at the grass-roots level for the purposes of providing access to justice to the citizens at their doorsteps and to ensure that opportunities for securing justice are not denied to any citizen by reason of social, economic or other disabilities. Many States have established the Gram Nyayalayas.

70. Department of Justice of Ministry of Law and Justice, Government of India is implementing a project on "Access to Justice (A2J) for marginalized people" with UNDP. The interventions under project are focused on strengthening access to justice for the poor, particularly women, scheduled castes, scheduled tribes and minorities. A Justice Innovation Fund has been created under the A2J Project to support innovative activities for creating legal awareness of marginalized communities including women and to strengthen the capacities of the intermediaries who assist the marginalized communities. 15 Projects are being supported across the

7 States. These projects cover a variety of rights and entitlements ranging from women's rights (rights against domestic violence, and other women's rights including their right to property and land), rights of Scheduled Castes and Scheduled Tribes, child rights, land rights, forest rights, right to information, right to employment under National Rural Employment Guarantee Act, to rights under the criminal laws. The Projects are using innovative strategies for legal awareness like creating paralegal workers, using community radio, road shows, rallies, street plays etc.

71. In respect of paragraph 21 of the concluding comments, it is stated that violence against women is a concern of lifetime for women, from womb to old age. Government of India promotes, supports and implements legislations, policies and programmes to counter different challenges women face throughout their life. While Eleventh FYP focused on ending discrimination through activities and schemes/programmes, a shift towards life cycle and capability approach has been considered in Twelfth FYP especially for girl child. Critical initiatives/intervention of the Government starts before birth of the girl child and continues at all stages of women's life such as implementation of PC&PNDT Act, advocacy against sex selection, ICDS, ICPS, Sabla Scheme, IGMSY, and IGNOAPS etc. These have been discussed in detail in the Convention Specific Document of this report.

72. Regarding paragraph 23 of the concluding comments, it is stated that a High Power Committee was set up to look into the issue of limitation in existing definition of rape under IPC. In case of paragraph 25 of the concluding comments, it is stated that the Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill 2005 was introduced in the Rajya Sabha on 5 December 2005. In respect of paragraph 27 of the concluding comments it is stated that the practice of witch hunting is prevalent in several States. Witch hunting is a matter exclusively being handled by State Governments and, States such as Bihar and Jharkhand, where the problem is acute have taken necessary steps to contain it. Bihar was the first State to pass Anti-Witch Hunting Act, 1999. The Prevention of Witch (DAAIN) Practices Act, 2001 has been passed by the State of Jharkhand. This Act provides for effective measures to prevent the witch hunting practice and identification of a woman as witch and her oppression mostly in tribal areas. Information, Education and Communication campaigns are undertaken to create public awareness on issues such as witch hunting, sex-selective abortion, child marriage etc.

73. In respect to paragraph 29 of the concluding comments, it is stated that for providing a life of dignity, eradication of the practice of manual scavenging is an area of priority for the Government. A three-pronged strategy has been adopted through legislation, development and rehabilitation. Out of the 770,000 manual scavengers and dependents to be rehabilitated by the National Scheme for Liberation and Rehabilitation of Scavengers and their dependents (NSLRS), 428,000 have been rehabilitated into alternative occupations. For the remaining 342,000, the Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) was launched in January, 2007. The Scheme is being implemented at the national level through the four National Finance and Development Corporations. All states have confirmed that eligible and willing beneficiaries identified under SRMS have been given financial assistance for alternative occupations.

74. In case of paragraph 31 of the concluding comments, it is stated that Right of Children to Free and Compulsory Education Act, 2009 has been enacted. The

National Commission for Protection of Child Rights (NCPCR) constituted an Expert Group in 2009 with eminent persons for advice on matters relating to NCPCR's role in monitoring children's right to education. NCPCR has also involved civil society in the Social Audit of the right to education (RTE) to strengthen the process of performance and delivery.

75. In case of paragraph 33 of the concluding comments, it is stated that data disaggregated by sex, caste and minority status on the enrolment and retention of girls and women have been provided for different levels of education in the Common Core document of this report. Government have taken several steps to facilitate higher education for women. Equal Opportunities Cells (EOCs) have been set up for SC/ST/OBC/minorities to address the needs and constraints these disadvantaged groups face in institutions of higher learning. To bring about gender parity in literacy, Government have launched its flagship programme 'Saakshar Bharat Mission' to achieve the goal of total literacy though the allocation of resources in education is 3.57% of the GDP in 2006-2007, there are States whose allocation on education, far exceeds 6 per cent of total State Domestic Product.

76. Recognizing that increased female literacy is a force multiplier for social development programmes, the Government have launched a National Mission for Female Literacy in 2009 to make every woman literate in five years.

77. Paragraph 35 of the concluding comments has been dealt in paragraph 119 of this report. Paragraph 37 of the concluding comments has been dealt in paragraphs 157, 166 and 167 of this report. Paragraph 39 of the concluding comments has been dealt in paragraph 171 of this report.

78. In case of paragraph 41 of the concluding comment, it is stated that Government have taken a holistic and inclusive approach to address women's health issues and have initiated programmes such as NRHM, on a mission mode to improve access and delivery of quality services particularly to women from the marginalized/disadvantaged groups such as the adolescent girls, children below the age of three, older persons, the differently abled, SCs, STs, minorities and the poor.

79. Interventions of the Government include: addressing the unmet need in contraception through assured delivery of family planning services, capacity-building of service providers, increasing male participation through No Scalpel Vasectomy (NSV) and promotion of Intra Uterine Contraceptive Devices (IUCDs). Other interventions are the Revitalization of Postpartum Family Planning to address high unmet need for family planning and utilizing the opportunity provided by increased institutional deliveries, strengthening community-based distribution of contraceptives by involvement of ASHAs, providing Family Planning Insurance Scheme, promoting public-private partnerships by accreditation of private providers and facilities, ensuring quality care in family planning services by establishing Quality Assurance Committees at central, state and district levels.

80. Several interventions have been made by the Government to reduce Maternal Mortality. Details are in Article 12 and some of these are:

- i. Strengthening health services by ensuring early registration of pregnancy, antenatal and postnatal care services.
- ii. Upgrading and operationalizing the Primary Health Centres (PHCs) as 24X7 facilities and the Community Health Centres (CHCs) as First Referral

Units (FRUs) for providing basic and comprehensive obstetric and newborn care services.

- iii. Essential and Emergency Obstetric Care by skilled attendants at birth.
- iv. Multi-skilling of doctors by training them on Life Saving Anaesthesia Skills (LSAS) and Emergency Obstetric Care (EmOC).
- v. Referral systems strengthened through Public Private Partnership (PPP), voucher schemes and funds for referral transport.
- vi. Safe abortion services made available at all FRUs and (MCH) facilities.
- vii. Strengthening outreach activities by the organizing Village Health and Nutrition Days in rural areas every month at Anganwadi Centres (AWCs) for provision of maternal care including counselling of pregnant women, where ANMs, Accredited Social Health Activists (ASHAs), AWWs and other field functionaries provide MCH services.

81. In respect of paragraph 43 of the concluding comments, it is stated that the Constitution (108th Amendment) Bill was passed in the Rajya Sabha in March 2010. Steps have been taken by the Government to increase the number of women in government service, administrative and political posts. Instructions to all ministries has been issued to increase representation of women in Central Government jobs by making a reference of the government's commitment to have a gender balanced workforce. Other initiatives include the presence of a woman member on recruitment boards and exempting women from the payment of examination fees while appearing for the UPSC and the SSC examinations. There has been a progressive increase in the representation of women in the All India and Central Services. Women holding high ranking positions of power include that of the President of India, 4 women Governors, the position of the Speaker of the Parliament and a woman Additional Solicitor General of India who is also the member of the CEDAW Committee. Percentage of women in Indian Administrative Service (IAS) stands at 13.93% in 2011.

82. In case of paragraph 45 of the concluding comments, it is stated that Government have enacted the Unorganised Workers' Social Security Act, 2008.

83. Regarding paragraph 47 of the concluding comments, it is stated that no study has been taken up in MWCD on the impact of mega projects on tribal and rural women. The land granted by the government is usually granted in the joint names of both the husband and wife. Only the surplus land available with the government is granted. Women can avail of many schemes such as those cited under Article 14 of this report, for making the land cultivable.

84. Under the National Rehabilitation and Resettlement Policy, 2007 replacing the National Policy on Resettlement and Rehabilitation for Project Affected Families, 2003, no project involving displacement of families beyond defined thresholds can be undertaken without a detailed social impact assessment and particular attention is given to the socioeconomically vulnerable sections such as indigenous population or Scheduled Tribes (STs), Scheduled Castes (SCs), woman-headed households, widows, abandoned women, destitute, disabled, orphans, unmarried girls, and persons above fifty years of age and those below poverty line (BPL) etc.

85. With respect to paragraph 49 of the concluding comments it is stated that as per Child Labour (Prohibition & Regulation) Act, 1986, children below the age of 14 years are prohibited for employment in hazardous occupations/processes specified in the Act. Consequently, India has not ratified ILO Conventions No. 138 and 182, which fix minimum age of employment as 18 years. The Government is working on the modalities of ratifying these ILO Conventions, particularly No. 182. Consultations are taking place towards obtaining Governmental approval on the ratification. However, it is pertinent to point out that the Government issued three notifications in the last five years, expanding the list of banned and hazardous processes and occupations in Schedule II of the Child Labour (Prohibition and Regulation) Act, 1986. The number of occupations listed in Part A now is 18 and the number of processes listed in Part B is 65. Further, the worst forms of child labour are already prohibited under various Acts such as, Bonded Labour System (Abolition) Act, 1976, Immoral Traffic Prevention Act, 1956, the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 and Child Labour (Prohibition and Regulation) Act, 1986. Consequently there is no dearth of inclination to progressively eliminate child labour from India. NCPCR implements the Bal Bandhu Scheme in different States.

86. The Government is implementing National Child Labour Project (NCLP) for the rehabilitation of child labour. The NCLP is operational in 271 Districts, with about 10,000 special schools with a sanctioned enrolment strength of over 0.5 million. These special schools impart non-formal/formal education, vocational training, etc. to children withdrawn from employment, so as to prepare them to join mainstream education system.

87. In case of paragraph 51 of the concluding comments, it is stated that India has a long history of being very liberal to the refugees, whether they are Tibetan, Bangladeshi (Chakma), Myanmar or Sri Lankan nationals. India has yet not ratified 1951 UN Convention of the Status of Refugees or 1967 Protocol. However the proactive measures taken for refugees go beyond the contour of any law, thereby making India a safe destination for refugees. Government of India is aware of the need to adopts gender sensitive approach to refugee issues. When instances of foreign women being rescued from human trafficking come to notice, even if the visa/passport is lost or not available, the Government attempt to facilitate their repatriation to their country by using diplomatic channels. India cooperates very closely with the UNHCR offices in India in all matters relating to refugees.

88. In case of paragraph 53 of the concluding comments, it is stated that the Department of North Eastern Region has been upgraded as a full-fledged Ministry in the year 2004-2005. The mandate of this Ministry is to bring about the development of the North East through improvement of socioeconomic and infrastructural facilities. Out of the plan budget of Rs.17410 million in 2010-2011, as much as Rs.15500 million, that is about 89% of allocation is by way of central assistance to the state plans. Women's interests are given due importance and recognition under developmental programmes implemented by the Ministry. Budgetary allocations for programmes benefitting women vary from 36% in Tripura to 11.85% in Manipur for 2011-12.

89. In case of paragraph 55 of the concluding comments, reference has been made in paragraph 29 of this report. Mandatory registration of the wife in all property owned or acquired by the husband is another progressive step taken by many State

Governments. Further, government financed asset ownership schemes have women's ownership of assets. Accordingly, in housing schemes like the Indira Awaas Yojana (IAY) or the Rajiv Gandhi Gramin LPG Vitrak (RGGLPGV) Scheme, the allotment is done in the name of the female member of the households or in the joint names of husband and wife. Further, the amendment of the Hindu Succession Act in 2005 was an important legal reform which will contribute towards economic empowerment of women, giving daughters equal rights in the ancestral property.

Follow-up to international conferences

Beijing Platform for Action (BPfA)

90. For addressing the issue of women and poverty under BPfA Government have adopted a dual strategy to ensure that women and girls have access to improved opportunities. First, mainstreaming of gender concerns in all development activities has been emphasized. Second, to overcome the constraints women face in accessing opportunities, programmes have been designed and implemented exclusively for women. The absolute number of poor in the country has declined from about 320 million (36% of total population) in 1993-94 to about 301 million (27.6% of total population) in 2004-2005. Education and Training of Women has been dealt under Article 10 in Convention Specific document of this report. Women and Health has been dealt under Article 12 in Convention Specific document of this report. Violence against women has been dealt in paragraphs 54 to 60 of this report. There is no armed conflict in India in the sense in which it is defined under the international humanitarian law. Women's participation in the labour force and guaranteed means of livelihood for the disadvantaged groups is a primary concern of the Government. And has been dealt under Article 11 in Convention Specific document of this report. Government have taken proactive action in facilitating women's participation in decision-making institutions. Details have been presented under Article 7 in Convention Specific document of this report. Human Rights of Women have been dealt in the Common Core Document of this report. Various institutions like Ministry of Women and Child Development, National Commissions, State Commissions etc have been established for advancement of women's rights. Media provides women with various channels of communication, enhancing their access to information, opening for them avenues for participation in the process of empowerment and providing them with platforms to express themselves. Regulatory mechanisms are in place to check the negative or stereotypical portrayal of women. Considering the impact of environmental factors on sustenance and livelihood, special efforts are being made to increase women's participation in the conservation and restoration of the environment and in the control of environmental degradation. The participation of women is encouraged in joint forestry programmes, nursery raising, common property management and watershed programmes implemented by the Government independently as well as in collaboration with NGOs. The girl child in the age group 0-18 years comprises nearly one fourth of the country's total population and 45 per cent of the country's female population. The Government of India observed the decade 1991-2000 as the Decade of the Girl Child. The National Plan of Action for the Girl Child (1992) was drawn up. In 2005 the National Plan of Action for Children was prepared by various Ministries of the Government and included activities for improving nutritional status of children, reducing the Infant Mortality Rate (IMR) and Maternal Mortality Rate (MMR), increasing enrolment ratio and reducing dropout rates, universalization of

primary education, increasing coverage of immunization, etc. In 2007, a National Commission on Protection of Child Rights was established for enforcement of children's rights and effective implementation of laws and programmes relating to children. Besides, Government have also taken various programmatic measures, such as CCT schemes, to enhance the status of the girl child.

Millennium Development Goals

91. Poverty in India has declined at roughly 0.8 percentage points per year during the 11 year period before the Eleventh FYP. The proportion of underweight children has declined by 3 percentage points during 1998-99 to 2005-06, from about 43% to about 40% and at this rate of decline is expected to come down to about 33% only by 2015. By the measure of Net Enrolment Ratio (NER) in primary education the country has already crossed by 2008-09, the 95% cut-off line regarded as the marker value for achieving 2015 target of universal primary education for all children aged 6-10 years. India is likely to attain 100% youth literacy by 2015. By the measure of Gender Parity Index (GPI) in enrolment at primary, secondary and tertiary levels, the female-male disparity in all the three grades of education has been steadily diminishing over the years. The ratio of literate women to men in the age group 15-24 years stands at 0.88 in 2007-08. The ratio of literate women to men in the age group 15-24 years tends to exceed 1 by 2015, implying reaching a state of gender disparity against male youths in literacy by 2015.

92. As per Sample Registration System (SRS) 2009, the neonatal mortality rate (number of deaths of infants less than 29 days per thousand live births) for India was 34 (rural — 38, urban — 21). In 2010, IMR showed significant decline with national level estimate at 47. The Under-Five Mortality Rate (U5MR) U5MR at national level has declined during the last decade. India is expected cover about 89% children in the age group 12-23 months for immunization against measles by 2015. India tends to reach MMR of 139 per 100,000 live births by 2015. The rate of coverage of institutional deliveries in has increased from 26% in 1992-93 to 47% in 2007-08. Epidemiological analysis revealed that the number of new annual HIV infection cases has declined by more than 50 per cent during the last decade. It is estimated that India had approximately 0.12 million new HIV infected persons in 2009, as against 0.27 million in 2000. The malaria cases have consistently declined from 2.08 million to 1.6 million during 2001 to 2010. Similarly Pf cases have declined from 1.0 to 0.83 million cases during the same period. Prevalence of all forms of TB has been brought down from 3.38 per million population (1990) to 2.56 per million population in 2010 and TB mortality in the country has reduced from over 4.2 per million population in 1990 to 26 per million population in 2010 as per the WHO global report 2011.

93. India is on track in achieving the MDG targets for sustainable access to safe drinking water. The overall proportion of households having access to improved water sources, increased from about 68.2% in 1992-93 to 91.4% in 2008-09. The conditions of slum dwellers in India's urban areas as revealed from the NSS results of 2008-09 compared with corresponding results of 2002 show signs of marginal improvement in terms of roads, water supply, electricity connection, sanitation, sewerage, garbage disposal, education and medical facilities, with better improvement in non-notified slums than in notified slums, during periods of 5 years prior to 2002 and 2008-09.

III. Information on non-discrimination and equality and effective remedies

94. In pursuance of the constitutional principles of equality and non-discrimination, a number of legislations have been passed and many of which are being reviewed for amendment, in an attempt to fulfil the Constitutional goals and directives. The Government have adopted various special measures like reservations, quotas, special plans and special funds in order to address historical disadvantages to certain sections/communities such as SCs, STs, women, minorities, and the disabled so as to enable them access the fundamental/human rights and enjoy them without fear or obstruction.

95. The independent and impartial Indian judiciary has been a major catalyst for change and, over the years, delivered far-reaching pronouncements on the protection and promotion of human rights. From an institution entrusted with the task of applying the law in cases brought before it, the Supreme Court has recast itself into an institution that actively promotes making and enforcing of law. For e.g. in a recent petition relating to food security, the Apex court has issued a series of interim orders to the Central and State Governments for effective realization of this issue. The Supreme Court has also recognized the justiciability of some economic and social rights as an extension of the right to life. The Supreme Court of India and the High Courts' over the last thirty years have played a very pivotal role as an activist Judiciary through its Public Interest Litigation for protection against grave violation of human rights. The Judiciary has ensured that, even if India has not signed or ratified any particular international instrument/protocol, cognizance of these is taken through its various judgments.

96. National Human Rights Commission, National Commission for Women, National Minorities Commission etc have been set up to redress violations and infringements of rights. International norms have informed the interpretation of the terms equality and discriminations by the courts and some of the cases have been included in this report. Recognizing the disparity and disadvantages faced by certain communities namely, Scheduled Castes (SC) and Schedule Tribes (ST), Government have adopted proactive measures, affirmative action's and special measures. Enabling principles have been adopted in the Constitution and special laws have also been enacted. Discrimination on the basis of caste is prohibited and laws such as the Protection of Civil Rights Act, 1955, The Schedule Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, protect the rights of the vulnerable groups and provide norms for relief and rehabilitation. Reservations in favour of persons belonging to the SC/ST category in educational institutions, in employment and also in political bodies have been made. These affirmative actions have benefitted many people and they are able to exercise and enjoy the rights and freedom as the people from other communities. Special measures adopted in favour of women have already been highlighted in earlier periodic report and also in this report.