



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Twenty-second session**

**Summary record of the 452nd meeting**

Held at Headquarters, New York, on Monday, 24 January 2000, at 10 a.m.

*Chairperson:* Ms. González

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*The meeting was called to order at 10.55 a.m.*

**Consideration of reports submitted by States parties under article 18 of the Convention** *(continued)*

*Initial report of India (CEDAW/C/IND/1)*

1. *At the invitation of the Chairperson, Ms. Aggarwal (India) took a place at the Committee table.*

2. **Ms. Aggarwal** (India), introducing the initial report of India (CEDAW/C/IND/1), said that India had ratified the Convention in 1993 with two declarations and one reservation. The preparation of the report had been preceded by consultations with a number of women's organizations, reflecting the belief that only with the involvement of the voluntary sector could India fulfil its commitments under the Convention.

3. Since gaining independence, India had made significant progress in several areas of human development: the population growth rate had fallen from 2.14 in 1981 to 1.9 in 1991 and there had been reductions in both the death rate and the infant-mortality rate, with sex differentials narrowing. The median age at marriage for women had been steadily increasing, while the female-literacy rate currently stood at 50 per cent. In recent years, structural-adjustment programmes had been introduced with a view to improving economic performance through competition and market-based incentives.

4. India was characterized by its ethnic and cultural diversity. Living standards varied significantly between the urban and rural populations and among the different states. Aggregate statistics were therefore only indicative of trends. India was also a federal State, in which legislative and executive powers were shared between the centre and the states, and building a national consensus could thus take time and effort.

5. Turning to the individual articles of the Convention, she said that the principle of equality of men and women (articles 1 and 2) was enshrined in the Indian Constitution, which prohibited discrimination on grounds of sex and provided for affirmative action by the State. Her Government had established a Department of Women and Child Development. There was, in addition, a National Commission for Women, as well as 16 state commissions for women, and the Central Social Welfare Board maintained links with

almost 12,000 women's non-governmental organizations.

6. The ninth five-year plan, developed with the participation of prominent women's organizations, had identified the empowerment of women as a strategy for development. It had called for the development of a national policy for the mainstreaming of the gender perspective into all government policies, plans and programmes, but the policy's adoption had been delayed because of a change of government. Pursuant to the plan's "women component", the Planning Commission would ensure that at least 30 per cent of funds for development flowed to women.

7. Another strategy for the advancement of women was community mobilization. Her Government had worked with local self-help groups to implement programmes in the fields of education, health and rural development and to increase women's access to credit.

8. With regard to article 3 of the Convention, she said that the participation of women in India's freedom struggle had paved the way for progressive legislation on women's rights. However, the personal status laws of some minority communities remained unchanged, in accordance with her Government's policy that any demand for change must come from within the communities themselves. The National Commission for Women monitored the working of the constitutional and legal safeguards for women, took up individual cases of discrimination and reviewed laws to ensure that they did not discriminate against women. It had recently drafted a bill on domestic violence, for which the majority of state governments had expressed their support.

9. Her Government had established a system of people's courts in order to meet the needs of poor and illiterate women, who had difficulty gaining access to the legal system. The courts offered an alternative means of resolving disputes, and since 1987 their decisions had been binding. A three-year project on gender training for judicial officials was currently under way. Public-interest litigation in the higher courts had led to greater executive accountability and to landmark rulings on such issues as child prostitution, sexual harassment and guardianship.

10. Regarding temporary special measures (article 4), she said that article 15, paragraph 3, of the Constitution provided for affirmative action in favour of women. Currently, one third of all elected seats in local-

government bodies were reserved for women, and, in the future, one third of the chairpersons of those bodies would be women. Her Government had recently introduced legislation aimed at extending the quota system to the national parliament and the state legislative assemblies. A number of states had established quotas for women in government service.

11. In order to combat gender bias (article 5), new gender-sensitive textbooks had been produced for primary schools, while the National Book Trust was taking steps to ensure that the books it published were free from traditional stereotypes. In addition, the national radio and television networks were encouraged to broadcast programmes that contained positive images of women. Currently, the Department of Women and Child Development was formulating a policy on the portrayal of women in the media. The National Literacy Mission was an important vehicle for raising awareness of gender-equity issues, and it was to be hoped that the granting of the right to paternity leave to all central-government employees would encourage men to share responsibility for child care.

12. While the family played a pivotal role in Indian society, it was also a source of discrimination against women. Phenomena such as domestic violence, female foeticide and infanticide were causes for concern. Since law enforcement was critical for bringing about change, her Government had introduced special training to sensitize law-enforcement officials to gender issues. A number of states had set up police stations managed by women officers in order to encourage women to report acts of violence against them and several states had established help lines.

13. With respect to prostitution (article 6), she said that most women were forced into that trade because of poverty, although custom and tradition played a part. The phenomenon, largely concentrated in the cities, was being tackled through an act amended in 1986. Offences were dealt with by special police officers. It had been proposed that the act, which tended to penalize the prostitute more than the exploiter, should be amended to decriminalize prostitution and introduce harsher penalties for procurement.

14. About 80 facilities had been established to provide education and vocational training for sex workers, while non-governmental organizations were running child-development and care centres for their children. In one initiative, a group of sex workers had

formed a committee to protect their rights and to provide information to other sex workers in the area on sexually transmitted diseases and human immunodeficiency virus (HIV). The Department of Women and Child Development had drawn up a plan of action to combat trafficking and commercial sexual exploitation of women and children, the main objective being their reintegration into society. India had participated in the drafting of a convention of the South Asian Association for Regional Cooperation (SAARC) aimed at preventing cross-border trafficking through intergovernmental coordination.

15. Turning to article 7, she said that women in India had the same rights as men to vote in elections and to stand for election to public bodies. Women had also effected change through their participation in popular movements against alcohol, drug trafficking and gambling and in favour of environmental protection. Her Government was currently organizing and funding training programmes for women elected to local-government bodies, who numbered almost 700,000, in order to turn that large presence into effective participation. By 1997, women had constituted 13.8 per cent of public-sector employees, compared with only 8.6 per cent in 1971. Although there had been a sharp increase in the number of women voting and standing as candidates, they remained underrepresented in the national parliament. As to article 8, her Government was endeavouring to encourage women's participation in the work of international organizations.

16. The Citizenship Act of 1995 granted women the same rights as men to acquire, change or retain their nationality (article 9). In accordance with an amendment to the Act, any child born in India or abroad would acquire Indian citizenship if either parent was an Indian citizen at the time of the birth, whereas, in the past, only the father had been able to confer his nationality on his children.

17. Female education was a recognized factor in lowering fertility and mortality rates. In addition, education and development reinforced each other. The expansion of education in Kerala, for example, had been instrumental in breaking down barriers of caste, class and gender, which in turn encouraged education. The Supreme Court had ruled that education was a fundamental right for children aged 6 to 14, and the Government was endeavouring to universalise elementary education. Plans had been made to introduce programmes in human-rights education and

to inculcate awareness of violations of women's human rights.

18. The Government was working to increase its investment in education from about 4 per cent to 6 per cent of the gross domestic product, in fulfilment of the obligations it had undertaken at the 1995 Beijing Conference. Significant strides had been made in education in recent years, and literacy rates had risen to 62 per cent (73 per cent for males and 50 per cent for females). Female literacy had grown faster than that of men. Although education for children was also improving, in rural areas only 70 per cent of boys and 55 per cent of girls attended school. Education was still beyond the reach of many girls, owing to the remoteness of schools, the lack of separate toilets, the shortage of women teachers, the unfavourable attitudes of parents, and girls' household chores.

19. The Government had recently revamped its policy for the girl child, which aimed to change attitudes towards girls and to improve school enrolment and attendance. In many states, for example, education for girls was free. Moreover, various alternative models were being implemented. A primary-education programme had been launched in areas with low female-literacy rates, providing for alternative schooling, girls' education, and education for children with special needs. A women's empowerment programme, which responded to needs identified by rural poor women with a view to promoting their empowerment, had demonstrated that mobilizing women led in turn to women's demand for education for themselves and their daughters. In remote areas of Rajasthan, one project had improved girls' participation in education, while another was seeking to address the teacher absenteeism problem by recruiting educated local residents to teach in the schools, 10 per cent of whom must be women. In addition, model-school project provided education to talented rural children, 30 per cent of whom must be girls.

20. With regard to vocational training, various ongoing programmes for women were aimed at improving their employment possibilities. Vocational training institutes for women and community polytechnics for girls provided skills training, although the number of polytechnics was inadequate. Training schemes had also been initiated for girl dropouts.

21. Non-formal education had been expanded. There were 160,000 girls' learning centres, designed to meet the needs of girls who could not benefit from formal education and to create a cadre of educated young women in regions with low literacy levels. The National Open School had formulated innovative projects aimed at providing alternative schooling to neo-literates and dropouts, among others. A continuing education project for neo-literates was operating in 13 states. In addition, the Indira Gandhi Open University provided distance education to women and disadvantaged groups, and had launched a women's empowerment programme.

22. Turning to article 10, she said that the Constitution granted all citizens equality of opportunity in employment. Further, the Equal Remuneration Act forbade discrimination against women at the time of recruitment and during employment. Complaints could be filed about violations of that Act, and the courts could prosecute offences thereunder.

23. Indian labour legislation reflected the concerns of the International Labour Organization, and a number of provisions sought to promote women's employment and social security. Women in the workforce were mostly engaged in the informal sector; they were therefore unacknowledged in the national economy and were unprotected by legislative safeguards in such areas as the minimum wage. To counter such "invisibility", the 1991 Census had increased the enumeration of women's economic activities, and greater efforts would be made in 2001.

24. Although the female-work-participation rate had risen from 14 per cent to 22 per cent from 1971 to 1991, it was still much lower than the male rate in both urban and rural areas. Women's share in the organized sector had increased to about 16 per cent, while women held only about 14 per cent of government posts. Although the only restrictions on women's employment were related to hazardous forms of work, in practice most women still worked in traditional occupations. Increasing numbers of women had, however, begun to enter fields previously reserved for men.

25. The Government was doing its utmost to extend maternity benefits to all women and to promote child-care services for working women. Laws enjoined employers to provide crèches if a certain percentage of their workers were women. In addition, the Government provided assistance to voluntary agencies

to run child-care services, including mobile crèches for children of women labourers and poor women. Efforts were under way to expand the child-care network throughout the country.

26. In a landmark decision, the Indian Supreme Court, relying on the provisions of the Convention, had established norms prohibiting the sexual harassment of women in the workplace. Rules of conduct for employers had been amended, and legislation was being drafted to incorporate the findings of the Court.

27. On article 12, she said that Indian women received a smaller share of health goods and services than men, even though they had significant economic, procreative and family responsibilities. The health of Indian women was related to their age, socio-economic status, and status in the home. Family and child health had, nevertheless, significantly improved during the past decade. Coverage of six vaccine-preventable illnesses had risen, and in 1995 130 million children had been vaccinated in a single day, resulting in a drastic drop in the incidence of polio.

28. Population stabilization was a major national goal, and the need for family planning was now universally acknowledged. The focus had, however, shifted away from sterilization as the sole contraceptive approach and towards offering a wide range of choices to couples. Male participation in family-planning programmes was also encouraged.

29. India had a vast network of health institutions, and its primary-health-care system was one of the largest in the world. A programme was designed to enhance the nutritional and health status of vulnerable groups, including pregnant and nursing women. To that end, and in keeping with the commitments it had made at the Beijing Conference, India had 4,200 projects operating throughout the country, and was planning an additional 850.

30. The recognition that population development could be achieved not merely through contraceptive services but through a holistic health programme for women and children had constituted a major reform in the health sector. A nationwide reproductive- and child-health programme had recently been launched, the aim being to integrate and expand health services and to make them more accessible. It was also addressing the problem of the high maternal-mortality rate, which stood at over 400 per 100,000 live births, by increasing institutional deliveries, training

traditional birth attendants, and promoting the involvement of non-governmental organizations and the private sector in areas where the governmental infrastructure was weak.

31. The task of improving the health status of ordinary people was still unfinished. The nutritional status of women was far from desirable, and despite health programmes for pregnant and nursing mothers, many suffered from nutritional anaemia. A national nutrition policy emphasized improvement of the health and nutrition status of pre-school children and of pregnant and nursing mothers.

32. Recent data indicated that HIV/AIDS was prevalent in almost all parts of the country, and had been spreading from high-risk behaviour groups to the general population. Twenty-five per cent of reported cases were of women. A national AIDS-control programme had been launched to prevent sexual, perinatal and parental transmission of HIV infection, stressing information, education and social mobilization. A multimedia awareness campaign had been launched; a national AIDS helpline had been set up in Delhi and other cities, and plans were under way to expand it to other state capitals. The Government was encouraging greater participation of non-governmental organizations, and workshops were being conducted with a view to mobilizing women's organizations. Efforts were being made to integrate HIV/AIDS prevention and control into primary-health services and other schemes.

33. Although foeticide and infanticide were offences under the Indian Penal Code, female infanticide was still practised, and was indeed prevalent in some rural areas. Furthermore, sex selection at birth was prohibited under the law, and prenatal diagnostic techniques were permitted only for the purpose of detecting abnormalities, and only in registered clinics. A new act, which allowed women to end unwanted pregnancies, had been passed in order to reduce maternal mortality caused by unsafe, illegal abortions. The strong preference for male children and the neglect of female babies was a matter of grave concern, and the Government, at both the central and state levels, was focusing health, nutrition, education and literacy programmes on the girl child. The proposed national policy for the empowerment of women would also pay particular attention to girl children.

34. As to article 13, men and women had equal rights to all family benefits, and all labour legislation provided for maternity leave and the payment of benefits. Maternity leave for employees of the central Government had been expanded to 125 days in 1998, and maternity leave could be combined with any other leave.

35. Women's ability to obtain credit was severely constrained, since women had little access to property and banks insisted on collateral in the form of property. Moreover, they were discouraged why the time-consuming, complex nature of credit procedures and by the fact that most bankers, especially in rural area, were men. The Government had instituted one-third quotas for women in all major credit and subsidy schemes for poor families, and alternative-credit systems managed by non-governmental organizations in the informal sector had also proven successful. A credit fund set up to promote the flow of credit to poor women had reported high recovery rates from groups of women borrowers, despite the absence of collateral requirements.

36. In addition, a programme designed to meet the credit needs of the poor was setting up links between banks and self-help groups, most of which consisted of women. Many groups had moved on to income-generating activities and had fully repaid their loans. The Government had recently launched a programme to generate self-employment for 45,000 women in rural and urban areas, offering financial assistance and services. The programme had begun with pilot projects in various women's organizations. Innovative schemes had been undertaken with outstanding success in the western and southern parts of India.

37. Women in India enjoyed the full right to participate in recreational and cultural activities, and had in fact shown distinction in those fields.

38. Turning to article 14, she said that rural women made up nearly 80 per cent of the female population and were major contributors to the agriculture-based economy. The current strategy was to facilitate access to employment, skills training, credit and other support services in order to promote income-generating activities. It had been amended in 1999 to cover all aspects of self-employment, with a focus on vulnerable groups among rural poor, with 40 per cent of the available credit reserved for women. Women's development corporations had been set up in 19 states,

and women's participation in local government was growing steadily. In most regions, women were more dependent on agriculture than men, as men shifted to non-farm employment. An estimated 20 per cent of rural households were headed by women, yet very few women had title to land and even fewer controlled it. Some states, however, had passed legislation to enhance their property rights.

39. With regard to equality before the law (article 15), the Constitution provided for equal protection, but states were permitted to make special provisions, which sometimes were discriminatory. Men and women were required to be treated equally by all law courts, but translation of de jure rights into de facto reality remained a challenge. Women had the right to choose where to live, but the patriarchal system meant that they lived with their fathers before marriage and then with their husbands. Their mobility was also affected by limited economic options.

40. Concerning article 16, religious personal-status laws of the major religious communities (Hindu, Muslim, Christian and Parsi) had traditionally governed such matters as marriage and family relations in accordance with a policy of non-interference in such laws unless the community itself demanded change. In view of the difficulties women faced in pursuing their rights in court, however, the Government had placed all family-law matters under the jurisdiction of the family courts. The law prohibiting dowries had recently been amended to make punishment for offences more stringent. With respect to domestic violence, the Penal Code provided that, where a woman had committed suicide within seven years of her marriage and it was shown that her husband or any of his relatives had subjected her to cruelty, the court could presume that the suicide had been abetted by her husband or his relative. A draft bill on domestic violence had been sent to state governments for review.

41. In conclusion, she said that work was currently proceeding on India's second report.

42. **Ms. Goonesekere** said that India faced great challenges in implementing the Convention for the benefit of its 477 million women, and the efforts of its vibrant civil society were encouraging. Non-governmental organizations had been actively involved in those efforts, and she would like to know if any regulatory measures restricted their activities, as was true in some other countries of South Asia. In the

educational field, she would be interested to hear some examples of the changes made in curricula to address women's needs and concerns.

43. The Nationality Act allowing children to take the nationality of either parent was groundbreaking in many ways, yet she was concerned at the declaration India had made to article 16, paragraphs 1 and 2, of the Convention and at the unwillingness of the Government to intervene in the personal laws of the various religious communities. She saw a need to develop some form of uniform civil court, and it would be very important for women's voices to be heard in its establishment. Many cases arising out of the religious personal laws and requesting government intervention were currently before the Supreme Court; she would be particularly interested to hear the outcome of the cases involving compulsory education and whether the Supreme Court decisions concerning prostitution had been integrated into government policy. She also wondered whether constitutional protections had any impact on the lives of "untouchable" women and what efforts were being made to reach that group.

44. It was important to integrate the rights-based approach embodied in the Beijing Platform for Action and in the Convention into planning. Information on the share of budget resources allocated to women and children was of critical importance as an indication of the real commitment to improving their lives.

45. The report lacked information on the key issue of violence against women, and more discussion was needed of rape, sexual violence and customary violence. The legislative framework inherited from the British required certain reforms to allow the Convention to be integrated at all levels, and specific time frames should be established to give impetus to those reforms. She wondered whether resources allocated for enforcement were adequate: for example, despite laws governing medical termination of pregnancy, there was a high rate of septic abortion from illegal procedures. She would like to know the extent to which doctors participated in enforcing laws on abortion.

46. Lastly, she would like to hear the reasons why the draft amendment to the Constitution reserving 33 per cent of seats in Parliament for women had recently failed to pass.

47. **Ms. Acar** said that genuine democracy could not be achieved until there was equality in both the public

and private spheres. Such was not the case in India, although it was well known that the separation of the two spheres was detrimental to the advancement of women. Genuine democracy also depended on the elimination of certain social and cultural values that were often legitimized on the grounds of tradition, history or religion. Therefore, the cultural and religious norms that tended to make women subject to patriarchal traditions should be reinterpreted from the perspective of the advancement of women.

48. The Government should not use India's cultural, religious and ethnic pluralism as an excuse for failing to meet its obligation of introducing legislation to counteract those discriminatory patriarchal norms. Indeed, leaving personal laws to ethnic and religious communities was tantamount to endorsing the status quo, although it was clear that women were discriminated against. That situation was incompatible with women's rights and constituted a breach of the Convention. Unless a creative way was found to address that situation, it might take an incredibly long time to eliminate discrimination against women. She wondered whether the Government of India intended to change its policy of non-interference in the personal laws of minority communities or whether it had taken any steps to bring about a non-discriminatory and supportive attitude among religious or opinion leaders of the various communities

#### *Articles 1 and 2*

49. **Ms. Cartwright** expressed concern about the apparent absence of a coherent legislative policy to promote the equality of women in India and to protect their rights and physical integrity. She wondered whether article 14 of the Indian Constitution incorporated the principle of substantive equality to prohibit discrimination, and whether there was any intention to amend the constitution if it did not reflect that principle. Referring to the Committee's general recommendation No. 19 on violence against women, she wondered whether the Government intended to accelerate its efforts to enact legislation which prohibited all forms of such violence throughout India, including sexual attacks on women and children, to review and modernize the law relating to rape; to prohibit by law the examination of women's sexual history during trials; and to review the law of consent in crimes of sexual assault to reflect women's attitudes and experiences to sexual violence.

50. She would also like some information as to whether the Government was developing a comprehensive code that applied to all sectors of Indian society in close collaboration with women's non-governmental organizations, and also with the National Commission for Women, the Human Rights Commission and the Law Commission. In that regard, she was concerned that the work of the latter bodies had not been translated into government policy and legislative programmes. She would appreciate any information on the nexus between their action and that taken by the Indian Government.

51. She wondered whether there was any intention to develop a comprehensive family code to govern marriage, divorce and the care of children to be administered by the family courts and a single code for the equal division of property upon the dissolution of marriage. In that regard, she wished to know whether the Government was committed to enacting and enforcing legislation to ensure that women had equal rights with men to own land throughout Indian society. Obviously, such a comprehensive approach to those specific areas of law reform would require the Government to withdraw the declaratory statement to article 16, paragraph 1 of the Convention. There should be a comprehensive code that would guarantee the equality of women in all aspects of Indian life, regardless of the tradition, culture or religion practised in that particular area.

52. **Ms. Taya** said that the provisions of section 497 of the Penal Code of 1860, section 198 of the Code of Criminal Procedure, and section 155 (4) of the Indian Evidence Act of 1872 were all clearly discriminatory against women. In her view, the proposed amendment that would merely stiffen the punishment of rapists was inadequate. It had been recommended that all the foregoing provisions should be abolished. She wondered whether the Government intended to abolish them and would appreciate any information as to the time frame for doing so.

53. **Ms. Manalo** asked about the status of the Convention under Indian law. Specifically, she wanted to know whether merely becoming a party to an international instrument necessarily made it a part of national law. Noting that the National Commission for Women had a programme on legislative reform, she wondered whether the Commission would be able to secure the support of all sectors of society to ensure success in that endeavour and what the target date was.

The various policies highlighted in the report did not appear to have been formulated in the framework of equality. Accordingly, she wished to know whether the Government had any mechanisms to monitor the efficacy and suitability of policies to bring about equality. She also wondered whether any steps had been taken to enact a uniform civil code.

54. **Ms. Schöpp-Schilling**, congratulating the Government of India on its Constitution, particularly on the provision for affirmative action, endorsed the concerns of previous speakers with regard to the need for a uniform civil code. The report did not make clear the exact relationship between the national Government and the state and union territory governments with regard to legislation and allocation of resources. She wondered how the central Government ensured that state and union territory governments actually implemented the provisions of various laws. She would also welcome information on the specific mandates of the various levels of governments.

55. The report also lacked information disaggregated by state, union territory and caste system. As to the Scheduled Caste and Scheduled Tribes Prevention of Atrocities Act of 1989, she wondered to what extent it had been implemented. She wished to know, for example, whether there were special courts in all the states and union territories, whether such courts were accessible to women and what action had been taken to combat police bias towards castes.

*The meeting rose at 1 p.m.*