



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

Distr.: General
10 August 2001

Original: English

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

Twenty-second session

Summary record of the 462nd meeting

Held at Headquarters, New York, on Monday, 31 January 2000, at 10 a.m.

Chairperson: Ms. Gonzalez

Contents

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

Initial report of India (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

Any corrections to the record of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.



The meeting was called to order at 10.05 a.m.

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

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

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

2. **Ms. Aggarwal** (India), responding to the questions and comments of members of the Committee, said that her Government had a mutually reinforcing system of institutions to measure the efficacy of policies and laws that ensured equality for women. Such institutions included the National Commission for Women, a Parliamentary Committee on Empowerment of Women and the Planning Commission of India. Referring to the role and authority of the Supreme Court of India, she noted that the Court, established under article 124 of the Constitution of India, consisted of a chief justice and 21 other judges. Its orders had the force of law under article 141 of the Constitution and were binding on all courts and the central and state Governments. Women judges had been appointed to the Supreme Court from time to time.

3. Turning to the five-year plans and the priorities set forth in the Ninth Plan and the strategy for the transfer of social structures to women's groups and non-governmental organizations, she noted that in the earlier phase of development planning — until the 1970s — issues relating to women's development had been mainly welfare oriented. There had been a marked shift in the 1970s from welfare to development, recognizing women as participants in the development process. In the 1980s, a multidisciplinary approach focusing on three core sectors — health, education and employment — had been adopted, while in the early 1990s the thrust had been on training and skill development programmes to make women economically independent and self-reliant.

4. Women's empowerment was one of the nine primary objectives of the current (Ninth Plan) for the period 1997-2002. With regard to resource allocations for women and children in the Department of Women and Child Development, she said that in 1998-1999, a budget of 9,813.17 million rupees had been allocated to

child development, while 1,787.5 million rupees had been earmarked for women's development. In addition, there were more than 36 programmes exclusively geared to women run by other ministries and departments.

5. The women's component plan, which was monitored by the Department of Women and Child Development, was mandated by the Planning Commission under the Ninth Plan (1997-2002) for all ministries and departments. As one of the strategies for empowering women, it was designed to ensure that not less than 30 per cent of funds and benefits flowed to women from other development sectors.

6. The National Commission for Women was an autonomous, high-powered statutory body established to consider cases of atrocities against women, gender discrimination, violation of provisions of the Constitution relating to the rights of women, all aspects of women's empowerment and measures for the elimination of discrimination. All the Commission's recommendations were taken up by the Department of Women and Child Development for further implementation. Its reports were brought before Parliament and it was expected to review periodically the constitutional safeguards and laws affecting women and to recommend amendments that might be needed.

7. It was mandatory for all Government departments to refer for review by the Commission all new bills or amendments to existing legislation, which had any bearing on women. The Commission was also consulted by the National Law Commission on all legislation and amendments involving women's issues and had been asked by the Supreme Court to draft some bills. It could also review existing provisions of law at the specific request of individuals or non-governmental organizations. Individual complaint cases were also referred to the National Commission, which then conducted detailed investigations on those cases that it deemed serious and sent its conclusions and recommendations to the central Government, state ministry or department concerned for the action required. In other cases, it followed up in conjunction with the police to expedite investigations. The complaints received generally related to issues such as domestic violence, dowry deaths, rape, discrimination in employment and sexual harassment at the workplace, including in the private sector. The Commission provided its services free of charge; in select cases, it also provided legal intervention and

legal aid. The state commissions for women had mandates similar to that of the National Commission for Women within state territories. Sixteen states had set up state commissions for women; others were being encouraged to do so.

8. The National Commission for Women and the state commissions for women collaborated on many issues. While the National Commission provided overall guidance for the state commissions, it was not an appellate authority. It held meetings with all state commissions at least once a year. As far as collaboration between the National Human Rights Commission and the National Commission for Women was concerned, she noted that while the former dealt with cases of human rights violations, including violations of the rights of women, the mandate of the National Commission for Women covered all issues of women's rights whether arising out of the conduct of private individuals or public servants. The Chairperson of the National Commission for Women was an ex officio member of the National Human Rights Commission. In many cases of joint participation, the Chairperson and members of the National Human Rights Commission participated in programmes and expert committees of the National Commission for Women and vice versa. Similarly, the National Law Commission sought the opinion of the National Commission for Women on all legislation and amendments involving women's issues.

9. With respect to the National Commission for Women's plans to modify rape laws to include various forms of sexual attack, including marital rape, she said that the Commission was involved in the comprehensive bill being drafted by the National Law Commission for dealing with various degrees of sexual abuse and attacks. Amendments to the Indian Evidence Act had also been suggested to remove gender bias in dealing with cases of sexual attack on women. Amendment of sections of the Indian Personal Code, which were discriminatory against women, was already under consideration by the National Commission. All the recommendations of the National Commission were taken up by the Department of Women and Child Development with a view to their further implementation.

10. The National Commission for Women had a mutually supportive relationship with non-governmental organizations on all important matters. Programmes such as research studies and legal literacy

were conducted through them and they were represented on various expert committees of the National Commission. The Commission disseminated information about its work through non-governmental organizations and published a monthly house journal. It received considerable attention from the media. In order to change the mindset of people about property rights for women, the Government, together with the National Commission and non-governmental organizations, took proactive measures, including the organization of seminars, workshops and awareness-raising programmes for parliamentarians and state legislators. The media also played an important supporting role with respect to various social issues affecting women.

11. Gender sensitization of police personnel and administrators was now a regular exercise in the national and state level training centres. A National Centre for Gender Training and Research had been set up in the National Academy of Administration in Mussourie. The Indian Government welcomed the vigorous involvement of non-governmental organizations in programmes and schemes for women. The majority of her Department's programmes were implemented through non-governmental organizations, which had to meet the criteria laid down by government departments to be eligible for State funding.

12. The Department of Women and Child Development was not only the nodal agency for the Convention but also oversaw the implementation of the strategic objectives of the Beijing Platform for Action by periodically reviewing them with the ministries and State Governments. To popularize the Convention, its text had been widely circulated within central Government and state ministries and departments. Sensitization workshops had been held to familiarize state officials and non-governmental organizations with its provisions. The text of the Convention had been translated into Hindi. India's first country report on its implementation of the Convention was available on the Internet.

13. The principle of gender equality was firmly established in the Indian Constitution. Article 14 provided that the State could not deny to any person equality before the law or equal protection of the law.

14. In order to implement the Supreme Court Judgement in the Gaurav Jain case the Government had

established the Committee on Prostitution, Child Prostitutes and Children of Prostitutes, which had made an in-depth study of those problems. It had drawn up a plan of action to combat trafficking and the commercial sexual exploitation of women and children. Its objective was to reintegrate into society, women and children who had been victims of commercial sexual exploitation. At the regional level, the SAARC (South Asian Association for Regional Cooperation) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, endorsed by the SAARC Council of Ministers in July 1998, was expected to be signed at the next SAARC Summit.

15. While customary and traditional practices, such as the Devadasi system of dedicating girls to serve in temples was dying out and was localized only in a few states, it had degenerated into forms of prostitution. Since the states concerned had laws banning the practice, central legislation was not needed. Central and state governments had been implementing a number of projects for relief and rehabilitation of women and children who were victims through their own agencies and in collaboration with non-governmental organizations. The Government was considering a proposal to set up an agency to coordinate action by the police, customs and the Ministry of External Affairs to counter newer forms of trafficking and exploitation of women, such as sex tourism, exploitation of domestic workers and mail order brides.

16. In response to a question concerning the number of women at policy-making levels, she said that there were 47 women members of Parliament in the Lok Sabha (House of the People) out of a total of 537 members, or 8.8 per cent of the total. There were eight women ministers in the National Council, which had some 73 members. There were 650 women in the higher civil services in 1997 out of a total of 8,611, or 7.5 per cent. Although there was no quota at the central level, some states had introduced reserved places for women in government services.

17. Indian women held a significant number of professional posts in international organizations. They participated actively in various mass media activities holding positions as journalists, producers and directors of entertainment as well as in educational programmes in the National Television Network and on private television channels. The Central Board of Film Certification was currently headed by a woman and had

12 women members. The principal information officer of the central Government was also a woman.

18. The Constitutional (85th Amendment) Bill 1999, which would reserve one third of the seats in the Lok Sabha and in the Legislative Assemblies of the States for women, had been introduced in the Lok Sabha in December 1999 and was now before Parliament. The 73rd Amendment of the Indian Constitution in 1992 reserved 33 per cent of seats in the *panchayats*. Those seats were kept vacant until women candidates were available. Since those elected bodies were instruments of local cell governments, responsible for plans for economic development and social justice, rural women could now play a leading role in shaping the destiny of their community. A comprehensive training programme had been drawn up, partly funded by the central Government, to train the 34 million elected representatives, including women.

19. In the area of education, there had been a major review of textbooks in 14 states, which had taken steps to sensitize textbook writers and illustrators on ways of eliminating gender bias. A bill to amend the Constitution to make free and compulsory education for children from 6 to 14 years of age a fundamental right, and access to education at all levels a fundamental duty for their parents, had been introduced in the Rajya Sabha in 1997. Initiatives to improve the infrastructure and to open new schools included Operation Blackboard, which made provision for additional teachers, classrooms and teaching/learning equipment.

20. The Government's major literacy programme was the Total Literacy Campaign, which it funded. It launched the National Literacy Mission in 1998 to eradicate adult illiteracy. The Mission was to a large extent devoted to women, especially those from disadvantaged sections of society. Under adult education programmes, 72.56 million people had become literate by March 1999. Approximately 60 per cent of them were women, 22.40 per cent were scheduled castes and 13.20 per cent belonged to scheduled tribes. The literacy percentage for women increased from 13.15 per cent in 1961 to 34.09 per cent in 1991, while the literacy percentage of scheduled caste women rose from 3.29 per cent in 1961 to 23.76 per cent in 1991. For scheduled tribe women, the rates increased in the same period from 3.16 per cent to 18.19 per cent.

21. In higher education, women constituted 28 per cent of the faculty in universities in 1986-1987 as compared to 9 per cent in 1950-1951. At the beginning of 1998-1999, 2.4 million women were enrolled in graduate and postgraduate courses. The Government proposed to gradually increase its spending on education to 6 per cent of gross domestic product. Over 40 per cent of the current annual education budget was for the education of women and girls. Although the resources allocated for that purpose played an important role, they were not the single most important factor. Indeed, a number of low-cost alternative schools introduced in various states had produced better results. Many States provided a range of incentives for girls, including scholarships. In the scholarship schemes of the central Government, preference was given to women scholars and girl students. However, there was a major problem of teacher absenteeism in remote areas. State Governments had started to use para-teachers living in those areas with success.

22. As far as women and labour was concerned, a strategy was being worked out by the central Government to provide protection and benefits to women workers in the informal sector. The Minimum Wages Act of 1948 empowered both the central and State Governments to fix and revise the minimum wage rates. Bonded labour had been abolished by law. Violators faced imprisonment, while victims were given rehabilitation by the States through a centrally sponsored scheme. The Equal Remuneration Act, which gave effect to International Labour Organization Convention No. 100, was applicable to the whole of India. Moreover, the Supreme Court had laid down guidelines which had the force of law for the prevention of sexual harassment of women employees at the workplace. They had been enforced by the Government. There were constitutional, statutory and development measures to eliminate child labour.

23. The Child Labour (Prohibition and Regulation Act) 1986, banned the employment of children below the age of 14 in factories, mines and hazardous employment and regulated the working conditions of children in other employment. In its judgement of 10 December 1996, the Supreme Court had given directions regarding the manner in which children working in hazardous occupations were to be withdrawn from such work and rehabilitated. The Government was translating those directions into action.

24. Turning to women's health issues, she acknowledged that despite the existence of a law stipulating conditions for abortions, illegal abortions still took place. Septic abortions were performed in illegally operated clinics. The Government was considering amending the law to delegate powers from the State to the district level. It had a programme to train and equip doctors in the Government and private sector to conduct legal abortions. The ratio of female to male doctors had declined from 945 in 1947 to 927 in 1991, but, Kerala State had a sex ratio of 1,036 females to 1,000 males. By 1997, 45,581 women had qualified as doctors but there was a shortage of women doctors in both Government and private hospitals, especially in rural areas. The central Government had offered women doctors financial incentives to work part time in rural hospitals.

25. The holistic health programme involved several central Government ministries as well as non-governmental organizations and the private sector. It focused on reproductive health problems, nutrition, immunization and public hygiene. The leading causes of maternal mortality included haemorrhage, abortion, toxæmia and obstructed labour. About 2 per cent of maternal deaths were indirectly caused by malaria. The central Government was tackling malaria through a National Malaria Eradication Programme. As far as the infant mortality rate was concerned, the Government was considering applying the Integrated Management of Childhood Illnesses Programme of the World Health Organization, which addressed common ailments from a holistic point of view. It had initiated a National Mental Health Programme in 1982, and district level mental health programmes had been launched in certain states in 1996. Additional districts were to be covered each year and steps were being taken to ensure that mental hospitals met certain minimum standards.

26. Responding to a query on nicotine addiction and the use of pan masala, she noted that the phenomenon was not specific to women. Smoking was banned in public places in many states and the Government had made it mandatory to provide warning messages on packets of cigarettes and cigars.

27. In the area of family planning, female sterilization was still the major activity; however, promoting male participation was a central objective and the use of condoms was being popularized in conjunction with the AIDS Control Programme and through social marketing mechanisms. Moreover, the

“no scalpel technique” was becoming popular for vasectomies.

28. There were no plans to privatize the health sector, although the participation of the private sector was encouraged at the tertiary level. The Ninth Plan had earmarked 4.01 per cent for health and family welfare. While the Government was committed to providing more resources to the health sector, there were also provisions for involving the private sector wherever Government infrastructure and service delivery systems were weak. There were about 2 million cases of cancer at any given time, while approximately 700,000 new cases occurred every year. The National Cancer Control Programme had been introduced in 1975 and revamped in 1984. The central Government provided funds to equip oncology wings in medical colleges.

29. The key objective of the National Housing Policy was to provide access to adequate shelter for all in order to address the enormous shortage. The Government was an enabler rather than a provider; the private and cooperative sectors were encouraged to be providers. Laws had been amended and institutions established to support the new housing policy.

30. Responding to a question concerning the action taken to adopt a uniform civil code and to influence the leaders of religious communities, she said that under article 44 of the Constitution the state was obligated to try to establish a uniform civil code. Several steps had been taken to prepare the ground for such a code. Thus, the Hindus, Sikhs, Jains and Buddhists, who represented the majority in the country, already had a uniform civil code in place. For the minorities, the Government would not interfere in their personal laws unless the initiative for change came from them. When there was a favourable response from the different minority communities and a national consensus emerged, the Government would propose a uniform civil code. Until then, it would follow a policy of restoration.

31. On the other hand, because of the low levels of literacy, cultural diversity and personal laws governing marriages, the Government did not think it appropriate to make the registration of marriage compulsory. However, provision for registration existed in several legislative documents which governed a large percentage of the population. While monogamy was compulsory under the Hindu Marriage Act of 1955,

polygamy was prohibited under the Service Conduct rules which applied to public servants irrespective of religion and community. Muslim personal law did not prohibit polygamy.

32. With respect to the situation of dalit women, she said that, in addition to certain constitutional safeguards, dalits also benefited from a number of programmes aimed at enhancing their educational, economic and social status. Special emphasis was placed on improving the literacy rate, which nevertheless remained below the national average of 52.2 per cent for women. In accordance with the Protection of Civil Rights Act of 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989, state governments were required to take measures to prevent and penalize discrimination against dalits and many had established special courts for that purpose. The central Government played a coordinating role and provided financial assistance. However, it took time to change attitudes, and women continued to bear the brunt of caste-based discrimination.

33. Almost 130,000 scavengers had received training for alternative employment and over 290,000 had been relocated under the national scheme for the liberation and rehabilitation of scavengers and their dependants launched in 1992. In addition, 153,000 students had received financial assistance under a scheme for the children of persons engaged in manual scavenging and tanning.

34. There were no armed conflicts in India as defined in international humanitarian law. However, there had been terrorist incidents and local insurgencies in Jammu and Kashmir, the north-east and the Punjab. In defending the populations of those areas, the security forces were expected to act within the parameters laid down by Indian law and to ensure that their actions did not violate the human rights of their fellow citizens. The Armed Forces (Special Powers) Act of 1958 applied only in areas declared to be “disturbed” by the Governor of a state. The propriety of its use was subject to judicial review. The Act did not grant members of the security forces immunity from prosecution, but provided that charges could be brought only with the prior agreement of the central Government, which was invariably given.

35. Her Government’s achievements and the problems that remained must be seen against the

background of India's history. During the colonial era, agriculture and health had been neglected, resulting in huge loss of life because of famine and disease, and education had hardly been encouraged. In independent India, by contrast, life expectancy had risen spectacularly and literacy rates were improving, although large-scale natural disasters continued to strike, sometimes wiping out years of development. Nevertheless, a stable, democratic political system had been established and the economic growth rate was currently 6.5 per cent per annum, which was a sizeable achievement in a country the size of a continent with a population approaching one billion.

36. India was a federal State, in which the ability of the central Government to impose uniform policies was limited both by the Constitution and by the structure of government it had laid down. Indeed, to enforce change might create a backlash that would serve only to strengthen conservative and fundamentalist forces. Her Government was working steadily to encourage reform within communities in which discriminatory practices were still prevalent, but, given the state of India's political and social development, it was not in a position to lift its reservations to the Convention.

37. The Committee had emphasized the role of national institutions in effecting change. India's own network of institutions, including the National Commission for Women, the National Human Rights Commission, the Minorities Commission and the Commission on Scheduled Castes and Scheduled Tribes, ensured that women's issues were examined from a variety of perspectives. In addition, civil society was strong and there was a free and often scathingly critical media, while the Supreme Court had ensured, through its judgements on public interest litigation, the constant evolution and updating of human rights law and practice in India.

38. Her delegation had taken note of the observations of the members of the Committee and would draw upon them in the ongoing efforts to eliminate discrimination against women.

39. **The Chairperson** thanked the representative of India for her very informative replies, which, together with the initial report, had provided a clear picture of the progress made by Indian women, the constraints they faced, and the challenges presented by India's historical, geographical and demographic specific circumstances.

40. **Ms. Goonesekere** said that the Government of India was to be commended for its commitment to the advancement of women and the progress it had achieved in the face of enormous problems. However, the level of resources allocated for women's programmes was inadequate. More funds must be targeted for promoting women's role in development. Education must also be accorded greater priority because of its catalytic role. With higher levels of literacy, the Government would be able to make registration of marriage compulsory and lift its reservation to article 16, paragraph 2, of the Convention. Compulsory registration of marriages would in turn facilitate the enforcement of the Child Marriage Restraint Act, and, the reduction of the number of early marriages would enable more girls to remain in school, leading to even higher literacy rates.

41. She remained concerned at the situation of dalits and at the problem of violence against women. The human rights standards established by international humanitarian law, specifically the Geneva Convention relative to the Protection of Civilian Persons in Time of War, applied not only to armed conflicts of an international character, but also to so-called local insurgencies. The requirement of the Armed Forces (Special Powers) Act of 1958 that the Government must give its prior approval before charges could be brought against members of the security forces must be amended so as to ensure that they were subject to adequate scrutiny. The Government must also take measures to address the problem of violence against women activists. Finally, the National Commission for Women should be empowered to take up individual complaints of discrimination.

42. **Ms. Khan** said that India, on the basis of the significant strides it had made towards the elimination of discrimination against women, was a role model for the region. However, financial and human resources allocated to the National Commission for Women, were not sufficient to enable it to discharge its mandate. The Commission also needed broader powers in order to ensure that its recommendations were implemented, while the establishment of a legal unit would enable it to combat violence against women more effectively. The Commission should be the primary body for the dissemination of the Convention, which should be translated into languages other than Hindi.

43. More must be done to improve the situation of dalits, who represented almost one quarter of the

population. She welcomed the measures taken by the Government to that end, but the focus must shift from programme and service delivery to a policy-based approach, and there must be greater awareness of the problem of unintentional discrimination. The Government should consider adopting a national plan of action together with a time-frame for its implementation.

44. The State party should provide more information in its next report on the types of violence against women committed by members of the security forces in conflict areas and on the assistance provided to the survivors. She also wished to have updated statistics on the number of prosecutions. She stressed that the ongoing negotiations must take account of the gender perspective.

45. She welcomed the establishment of vigilance committees to monitor the enforcement of the legislation on bonded labour. She would like to know how many enterprises had been prosecuted on the basis of a report by a vigilance committee and whether the committees were provided with the training necessary to enable them to carry out their tasks.

46. **Ms. Schöpp-Schilling** said that the next report should contain concrete information about the impact of legislation for the advancement of women. She urged the further strengthening of women's non-governmental organizations, particularly in order to place women's issues on the agendas of the religious communities. Finally, she would like to know if the Government of India would accept the amendment of article 20 of the Convention and if it intended to sign and ratify the Optional Protocol.

47. **Ms. Abaka** commended the holistic approach to health described in the report and the replies to questions, but stressed that accessibility of health centres was also a very important part of such programme. With regard to the use of drugs such as pan masala, there was indeed a gender perspective to be considered; the effects of using such substances on pregnant women, for example, should be studied.

48. **Ms. Aggarwal** (India) said that she had taken note of the Committee's comments and suggestions, particularly the observation that Government resources allocated to women's concerns were inadequate. She agreed that education was the fundamental issue in promoting the status of women.

49. **The Chairperson** said that the detailed replies provided to the Committee's questions demonstrated political will on the part of the Government. The Committee's main concern was education, which was not only the most crucial tool for development but a fundamental human right which allowed all other rights to be exercised. Women who did not have enough education to know their rights could not exercise them. The Committee was also concerned about protecting women from violence in the family and in the community. It also hoped that the Government would make some effort to raise awareness of women's rights among the religious communities and encourage them to take the initiative needed to change their personal status laws. Finally, she urged wide dissemination of the report and the record of the Committee's discussion in government as well as non-governmental sectors.

The meeting rose at 11.40 a.m.