



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

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**Committee on the Elimination of Discrimination  
against Women  
Fifty-eighth session**

**Summary record (partial)\* of the 1220th meeting**

Held at the Palais des Nations, Geneva, on Wednesday, 2 July 2014, at 3 p.m.

*Chairperson:* Ms. Ameline

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

*Combined fourth and fifth periodic reports of India (continued)*

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\* No summary record was prepared for the rest of the meeting.

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*The meeting was called to order at 3 p.m.*

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

*Combined fourth and fifth periodic reports of India (continued) (CEDAW/C/IND/4-5, Corr.1 and Add.1; CEDAW/C/IND/Q/4-5 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of India took places at the Committee table.*

*Articles 7 to 9 (continued)*

2. **Mr. Aggarwal** (India), replying to questions asked at the previous meeting (CEDAW/C/SR.1219), said that the Government was committed to introducing quotas for women in the lower house of parliament, but that the exact number had yet to be fixed. There was no quota for women in the civil service or the foreign service; however, many departments gave priority to women in the recruitment process. Appointments to the high courts and the Supreme Court were made solely on the basis of merit and experience, not gender.

3. **Ms. Gangte** (India) said that, although the Constitution did not provide for any preferential treatment in court appointments on the basis of gender or social background, the Government had instructed the Chief Justice to give due consideration to female candidates as well as persons from scheduled castes and scheduled tribes and other officially recognized disadvantaged groups.

4. **Mr. Lal** (India) said that the current Minister for External Affairs was a woman and that there were several female ambassadors. In recent years, between 20 and 25 per cent of new foreign service recruits were women and the men and women joining the service came from diverse social backgrounds.

5. **Mr. Aggarwal** (India) said that there was a gap between the law and its enforcement on the ground, which was a major challenge in India given its pluralism, the size and complexity of the population and a federal system under which most laws and regulations were implemented at the state level. However, the Government was committed to bridging the gap and was making swift progress in that regard.

6. **Ms. Pires** asked whether the so-called two-child norm was still being used in certain states to prevent candidates from standing for office and, if so, what steps was the Government planning to take to end the practice. She also asked what measures were being taken to address the disproportional impact of internal displacement on women and whether the State party intended to ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

7. **Ms. Haidar** asked whether the Government might at the very least consider taking targeted action to promote the inclusion of women in electoral lists and help them to run for office.

8. **Ms. Gangte** (India) said that the practice of using the two-child norm to prevent candidates from standing for local government posts had been abolished and that anyone could run for office irrespective of how many children they had.

9. **Mr. Aggarwal** (India) said that internal displacement was infrequent; however, when it did occur, the women concerned were all provided with housing and drinking water and, where possible, employment. Furthermore, thanks to an electronic tracking system for missing persons, many children had been traced and returned to their families. Increasing women's preparedness to run for office was a major challenge because it entailed a change

in mindsets. Nevertheless, a large number of programmes directed at women, men, implementing agencies and law enforcement personnel had been set up to that end.

*Articles 10 to 14*

10. **Ms. Gbedemah**, commending the State party on adopting the Right of Children to Free and Compulsory Education Act, asked whether the programmes to implement it had been evaluated and, if so, what the outcome had been. Pointing out that the State party had failed to follow the Committee recommendation to provide disaggregated data on the retention rate of girls at all levels of education, she asked whether the Government intended to introduce temporary special measures to encourage girls, especially those belonging to minorities and vulnerable groups, to stay in school beyond the primary level and to increase their access to higher education and vocational training, particularly in the sciences and business administration. She also asked what measures were being taken to expand the catchment area of State-funded residential schools under the Sarva Shiksha Abhiyan programme for universal basic education and to involve communities in ensuring the programme's success and sustainability.

11. She enquired about the legal framework for punishing perpetrators of violence against girls in school settings. She wished to know what measures were planned to upgrade school sanitation facilities in the light of the fact that over 95 per cent of schools did not meet the minimum sanitation standards set out in the Act. Given the low literacy rate among women with disabilities, she asked whether the Persons with Disabilities Act contained a gender perspective, in accordance with the Convention on the Rights of Persons with Disabilities. She requested information on the availability of materials in Braille, the training of teachers to teach students with special needs, the accessibility of education facilities and the prevalence of inclusive schools.

12. **Mr. Bruun** said that the percentage of women in the workforce was extremely low compared to other countries and that the Committee continued to have concerns over the State party's efforts to train more women. It was especially concerned at the considerable discrepancies in employment between young men and women in urban areas. He therefore asked when the Government intended to take more meaningful steps to increase the participation of women in the labour market. He also asked whether the Equal Remuneration Act had been amended to bring it into line with the Convention and international labour standards.

13. Although the Committee welcomed the adoption of the Sexual Harassment of Women in the Workplace (Prevention, Prohibition and Redressal) Act, it was concerned about the provisions that mandated conciliation between victims and offenders and punished women who made false allegations of harassment. Would the Government consider revising those provisions? He asked whether the bill prohibiting women from working nights 16 weeks before and after delivery, in keeping with ILO Night Work (Women) Convention (Revised), 1948 (No. 89), had been adopted. He wished to know whether the sexual exploitation of all girls and women was banned. He asked whether the State party intended to implement the recommendations made by a number of international entities to ensure that sex workers had enforceable rights in terms of workplace health and safety and to ratify ILO Domestic Workers Convention, 2011 (No. 189). He requested further information on the employment of women with disabilities.

14. **Ms. Nwankwo** said that, despite an overall decline in maternal mortality, disparities in access to maternal health care persisted, especially between urban and rural areas. Alternate sources claimed that maternal mortality was more than double the official figure in certain states and among certain population groups; therefore, it was unlikely that the State party would reach the relevant Millennium Development Goal by 2015. Accordingly, she asked whether the Government might increase the health budget, what measures it was

taking to design policies that addressed the specific needs of vulnerable groups, especially regarding access to contraceptives, and how it was tackling the root causes of maternal death and morbidity. She wished to know how the Government ensured that certain legal provisions, such as the ban on underage sex and the mandatory reporting of minors who sought abortions, did not hinder access to safe abortions. She enquired about measures to protect women with intellectual impairments from forced sterilization. Lastly, she asked whether measures were in place for the strict monitoring of private and State-run institutions to ensure that laws authorizing the forced committal of persons with psychosocial disabilities were not abused.

15. **Mr. Aggarwal** (India) said that further progress had been made in reducing maternal mortality thanks to improved capacity, better management and increased public spending.

16. **Mr. Jahlani** (India) said that efforts were under way to address disparities in health outcomes among states, social categories and urban and rural areas, most notably the introduction of a continuous care programme from birth to adulthood, including prenatal care. In addition, at least 25 per cent of all districts had been designated as a high priority based on a composite health index, which entitled them to 30 per cent more funding per capita. The Government also cooperated with international development partners to provide technical support in those districts. Various ministries and departments were rolling out initiatives to prevent early marriage and teenage pregnancy.

17. **Mr. Jahlani** said that it was inaccurate to suggest that some Indian states had a maternal mortality rate of over 500 deaths per 100,000 live births; there had been an overall decline in maternal deaths in recent years and the State party was on course to meet the health-related Millennium Development Goals, including target 5.A to reduce by three quarters the maternal mortality ratio.

18. The Government remained committed to increasing public health spending and attached great importance to improving the health of the nation, particularly that of vulnerable and disadvantaged women. Expert working groups within the Ministry of Health had been formed to identify key spending priorities, such as reproductive and sexual health services, and several initiatives had been implemented at a national level to improve the care provided to expectant and new mothers, including the introduction of free hospital transportation and a mother and child monitoring scheme.

19. Unsafe abortions accounted for around 8 per cent of maternal deaths. The Government intended to reduce that figure and had embarked upon an awareness-raising scheme for medical staff. It had provided additional abortion services in around 8,000 hospitals and had granted abortion licences to several private health clinics. Community health-care workers also provided care to pregnant women and encouraged them to attend the nearest State hospital for treatment where necessary.

20. There was no legislation requiring doctors to inform the authorities of abortions performed on women under the age of 18 and there had been no recent complaints of forced sterilizations on women with disabilities.

21. **Mr. Aggarwal** (India) said that the Prohibition of Child Marriage Act had significantly reduced the number of early marriages. Pursuant to the Act, marriages of girls under the age of 18 could be annulled and criminal prosecutions against the husband could be brought.

22. **Mr. Kumar** (India) said that the Government had established the Department for Disability Affairs in 2012 and had introduced new legislation to guarantee the equal rights and social, economic and political participation of persons with disabilities. A budgetary line had been established in order to provide financial assistance to persons with disabilities

and a bill criminalizing the ill-treatment of women with disabilities, including forced sterilization, had been submitted to the Parliament for review.

23. **Mr. Aggarwal** (India) conceded that employment and training prospects for women in India remained limited, but said that the Government had implemented a series of measures to address the issue. For example, an employment scheme had been introduced in rural areas to encourage rural and indigenous women to train and apply for jobs.

24. As for cases of sexual harassment, in accordance with the Sexual Harassment of Women in the Workplace (Prevention, Prohibition and Redressal) Act (2013), women could file a police report at any stage of the workplace complaints process, including during the initial conciliation phase. At present, women who lodged false complaints faced penalties; however, the Government would consider introducing alternative ways of deterring wrongful claims.

25. **Mr. Jahlani** (India) said that a number of steps had been taken to increase women's participation in the labour market, including the introduction of the National Rural Employment Guarantee Act (2005). The State had taken a series of measures to facilitate women's access to public sector employment, namely the improvement of maternity benefits and the establishment of crèche facilities. A number of states had also established a quota system under which between 30 to 50 per cent of public sector positions were assigned to women. In addition, a vocational training scheme had been set up to enable women to gain the necessary skills required to join the private labour market.

26. **Ms. Kaur Dwivedi** (India) said that, in accordance with national educational guidelines, independent educational experts conducted biannual inspections to assess schools' performance. The Government used the results to identify key spending priorities and develop appropriate education policies. By virtue of such efforts, the dropout rate for girls had steadily decreased in recent years and had fallen below that of boys at the primary and secondary school level. Specific additional measures had also been taken for vulnerable groups, including rural and indigenous girls, in order to combat female illiteracy and improve school attendance. Moreover, a vocational training module had been incorporated into the secondary school curriculum to prepare girls for entering the labour market. As for the provision of toilet facilities, in 2013 around 84 per cent of schools had separate toilets for girls. The Government would ensure that all schools had separate toilet facilities as soon as possible.

27. **Ms. Pires** asked whether the State party intended to further increase the proportion of the national budget assigned to education. She also wished to know what steps had been taken to prevent the government security forces from using school buildings as barracks and thereby hindering girls' access to education.

28. **Mr. Aggarwal** (India) said that no school was currently occupied by the security forces. The last school had been vacated two to three months earlier.

29. **Ms. Kaur Dwivedi** (India) said that, to date, the budgetary allocation for elementary education had increased by more than 150 per cent since the 2008/2009 academic year and, despite the ongoing economic crisis, national spending on education continued to rise significantly year-on-year.

30. **Ms. Pomeranzi**, stressing the importance of land and property rights and access to loans for women, asked the delegation to provide further information on the gender budget initiative including whether specific measures had been taken to facilitate women's access to credit through microfinancing. Had any specific steps been taken to ensure that vulnerable women, including women with disabilities and rural women, could easily access such funds?

31. **Ms. Gabr** asked the delegation to provide further information on the Land Acquisition Act of 2013, including the consent process contained therein, and to comment on reports that women continued to be marginalized in terms of land ownership, particularly in rural areas. What steps had been taken to eliminate the discrimination faced by women in respect of inheritance and property ownership? She also wished to know whether women had received financial compensation for loss of land following evictions or land expropriations. Noting that the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act of 2006 provided that land must be registered jointly in the name of both spouses, she enquired as to whether unmarried women had equal rights to forest landownership.

32. With regard to nutrition, she asked whether the Government would be developing plans according to the Food and Agriculture Organization Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests. Rural women especially required access to adequate sanitation and health-care services. Was the Government taking steps to introduce conventional health-care methods to tribal women? She would appreciate further details of the impact of the continued construction of flood control projects on the rights of the local communities, particularly the land rights of rural women. Lastly, how were the new mechanisms in place for the empowerment and legal protection of women, including the High Level Committee on the Status of Women, specifically advancing the rights of rural women?

33. **Mr. Aggarwal** (India) said that, although estimations varied, around 22 per cent of the population lived below the poverty line. He referred to the concept of an “empowerment line”, or the level of consumption required for achieving a decent standard of living, including nutritious food, comfortable housing, good education, health services, social security, sanitation and clean drinking water. Currently, more than 50 per cent of people were living below the empowerment line, but he trusted that that share could be reduced considerably within the coming years given the resolve of the Government. Gender budgeting was carried out by all Government ministries and departments and funds were clearly earmarked for women under the budget and the five-year plans. To lift women out of poverty required capacity-building and access to credit. The Government was promoting a large number of microfinance institutions and new bank had been opened that specifically targeted women. A scheme was also being created for rural women to allow them to apply for loans electronically. There was a strong political and administrative will to protect women from vulnerable groups and enable them to participate in economic growth, as such growth was meaningless unless it was inclusive.

34. **Ms. Gangte** (India) said that the issue of sexual harassment in school was covered by the Protection of Children from Sexual Offences Act, which provided for severe penalties for such offences. With regard to women’s property rights, she referred to the Hindu Succession (Amendment) Act and the Personal Laws (Amendment) Act, as outlined in the replies to the list of issues. The sexual harassment of domestic workers was covered under the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act.

35. **Mr. Aggarwal** (India) said that the High Level Committee on the Status of Women was a specialized committee mandated to address the status of women in Indian society. It would shortly submit a report to the Government so that relevant policies could be drawn up. India did not have an indigenous population as such, but rather scheduled tribes and scheduled castes. Under the law, land belonging to a person from a scheduled tribe could not be conveyed to a person from a non-scheduled tribe. If a will was not drawn up, any property was inherited in equal parts by all eligible children, regardless of sex. In rural areas, land was also passed down to unmarried daughters. His delegation could provide further details of inheritance and property rights at a later date. With regard to basic

services, the Government aimed to provide drinking water and toilet facilities on a consistent basis to all rural women and would promote telemedicine to ensure access health care.

36. **Ms. Gangte** (India) said that the Government was planning to amend its national law in order to harmonize it with the International Convention for the Protection of All Persons from Enforced Disappearance. The Constitution also provided for strong protection in that area and guaranteed the right to bring cases of enforced disappearance before the highest courts. The courts had also awarded compensation in a number of such cases, even though compensation was not specified under the law.

37. **Ms. Halperin-Kaddari** noted that identity-based personal status laws continued to prevail in the State Party. She referred to general recommendation 29, which recommended that family codes and personal status laws should provide for individual choice as to the observance of religious law or ethnic customs, embody the principles of equality between spouses or partners and be harmonized with the Convention. She expressed regret at the State Party's response to the suggestion to remove the declaration on articles 5 (a) and 16 (1). While recognizing the complexity of the legal situation in the State Party, she reiterated the Committee's recommendation that the Government should work with women from different religious groups in order to examine how personal status laws could be harmonized with the Convention. What steps had the Government taken to that end?

38. The Special Marriage Act provided for the option of a civil marriage, but statistics indicated that requests to register marriages under the Act were almost always denied. The requirements that a couple must meet to register their domicile in a specific state of their choice were cumbersome as were the requirements for parental consent to marry. Although the requirement of such consent had been struck down by a court in Delhi, the practice had been maintained and, in reality, women had no freedom of choice. Law enforcement officials were complicit in hindering that freedom by sending women to State-run rehabilitation facilities and legitimizing so-called love or honour crimes on the part of their families. General recommendation 29 called on State parties to ensure that women had an equal share of assets accumulated during marriage, but that did not seem to be reflected in Indian law. As the experience of other countries had shown, the issue of property could be removed from religious or customary laws and be regulated by civil law alone. The bill to amend the marriage laws currently pending was insufficient, since it guaranteed women a share in matrimonial property only in the case of "no-fault" divorce. Lastly, more information was needed on the steps being taken to eradicate child marriage and ensure that all such marriages were not only voidable but also void.

39. **Mr. Aggarwal** (India) said that the Government did not interfere in religious or customary laws. However, such laws governing personal status no longer took precedence over the law of the land and were not exempt from constitutional provisions prohibiting discrimination. Progress was being made with respect to the judgement of the court in Delhi referred to by the expert. Voiding all child marriages was unrealistic and would give rise to huge problems. Nevertheless, India was currently undergoing a transition and making progress towards ending the practice.

40. **Ms. Sekhar** (India) said that many marriages had been solemnized under the Special Marriage Act and the domicile and health requirements under the Act were in keeping with marriage registration requirements elsewhere in the world. She did not have statistics on the number of marriages registered under the Act to hand but would provide them at a later date.

41. **Ms. Gangte** (India) said that she had been married under the Special Marriage Act and that the process had been extremely simple. The issue of child marriage was a matter of deep concern and there were gaps in the implementation of the Prohibition of Child

Marriage Act. The problem had arisen from generations of abject poverty and a lack of awareness and should be examined in a holistic manner. Under the Act, state governments had appointed child marriage prohibition officers in more than 20 states and there had been wide publicity on the penal provisions of the Act in order to produce a deterrent effect. State governments had drawn up their own child marriage prohibition rules and were encouraged to take effective and coordinated action to stop the practice, particularly on the holy days when many weddings occurred. India was looking at the issue very seriously. Marriage was voidable under the Act and annulment could be requested by the child's parent or guardian. The Act also provided for alimony and accommodation for the female spouse and for child custody. Lastly, she recalled that India was a party to the Convention on the Rights of the Child.

42. **Mr. Sinha** (India) said that all people living in India at the time of independence were considered indigenous. Tribal peoples were covered under specific legislation and had a dedicated Ministry of Tribal Affairs. India had voted in favour of the United Nations Declaration on the Rights of Indigenous Peoples and the ILO Indigenous and Tribal Populations Convention, 1957 (No. 107), and was undertaking relevant policies and programmes, particularly for indigenous women.

43. **Mr. Aggarwal** (India) said that India would continue to work towards the elimination of discrimination and violence against women so that all women could contribute as equal partners to the country's development. India was committed to promoting and protecting human rights, especially those of women and children, and would seek to advance its legal framework and develop policies and programmes to achieve the objectives of the Convention. All citizens, including civil society and the private sector, were equal partners in pursuing those goals. India looked forward to receiving the Committee's recommendations so that it could implement them appropriately with targeted programmes and policies.

44. **The Chairperson** thanked the State party for the information provided and said that it should work to strengthen its legal framework to ensure the effective implementation of the Convention, particularly with regard to violence against women.

*The discussion covered in the summary record ended at 5.00 p.m.*