



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

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

Thirty-seventh session
15 January – 2 February 2007

**Responses to the list of issues and questions for consideration of the
combined second and third periodic report of India**

General

1. The Committee addressed a first request, at its 29th session, to the State party to indicate the anticipated date of submission of the combined second and third periodic reports, including information on the events in Gujarat and their impact on women. Similar requests were submitted to the State party at several subsequent sessions of the Committee (see A/58/38, part II, para 459; A/59/38, part I, para 425, and Part II para 442). The second and third periodic report does not provide the requested information on the events in Gujarat and their impact on women. The Special Rapporteur on violence against women reported that extensive violence against women took place in Gujarat in 2002, and that following the Gujarat riots, a culture of impunity was created where sexual violence was allowed to continue and that women victims of violence were denied access to justice (E/CN.4/2003/75/Add.1 (2003) para 988). Please provide information on the events in Gujarat and their impact on women. This should in particular indicate the steps the Government has taken to ensure access to justice and rehabilitation for women victims of violence in conjunction with the Gujarat events. It should also include information on the steps taken to investigate and prosecute perpetrators of violence against women committed during the events, which provisions have the accused been charged under, the status of arrests, if any; the status of trials and the status of convictions, and punishments given. State what victim protection measures were put in place during the trials, as well as the nature of legal aid and support given to victims. What were the obstacles in bringing perpetrators to justice and what measures were put in place to overcome them, and with what results? In addition, please give details of steps taken by the central and State Government to put in place gender-specific rehabilitation plans, and the number of women who have benefited from these plans. Also explain the steps taken by the Government to enable economic rehabilitation of the communities and rebuilding of basic infrastructures destroyed during the riots. Also explain what confidence-building measures have been taken for the reintegration of the society.

Reply Q.1:

On 27th February 2002, the Sabarmati Express train was forced to halt about one kilometer away from Godhra railway station, due to chain-pulling and stone throwing by a large crowd of miscreants on either side of the railway line who had come armed with large quantities of petrol and kerosene and set the train on fire. One bogie was completely burnt. As a result, 59 passengers were burnt alive and 43 persons received injuries. Those killed in the incident included 12 children, 27 women and 20 men.

The District Administration, including the District Magistrate, the Superintendent of Police, and senior officers rushed to the spot and arranged for medical relief to the injured. Medical teams were also rushed from Ahmedabad, Additional forces were deployed. A special train was arranged for moving the stranded passengers.

As a fallout of this incident in Godhra, incidents of communal violence, arson and stabbing were reported later on from Baroda, Anand, Ahmedabad and some other parts of the State of Gujarat, which continued for some time. As per information from the State

Government of Gujarat, 1054 persons died and more than 2500 persons sustained injuries in the disturbances and 223 persons were reported missing. The loss of property was estimated to be around Rs.687.62 crores.

In order to cope up with the situation and to maintain law and order, the State Government deployed State/Central Forces, including Army columns in full. Curfew was imposed in many Police Station areas in the State. The Chief Minister of Gujarat and the then Prime Minister visited the affected area.

The Prime Minister of India announced in the *Lok Sabha* [Lower House of the Indian Parliament] on 30 April 2002 a special economic rehabilitation package Rs.150 crore for those affected by the riots; the implementation of which was monitored by the Cabinet Secretariat, Government of India. As per available information, the State Government has informed that an amount of Rs.205 crore have been spent so far towards relief measures which includes funds released by the State Government also.

Relief and rehabilitation measures have included setting up of more Scheme for Rehabilitating Women in Difficult Circumstances (SWADHAR) Homes for widows covering 196 women and 148 children, programmes for skill upgradation benefiting 267 women and livelihood restoration benefiting 5858 women under other schemes operated in the State. Besides these governmental programmes, the Self-Employed Women's Association (SEWA) has also held skill training and livelihood programs for women and for the rehabilitation of orphan children affected by the incidents.

The Parliamentary Committee on Empowerment of Women (which visited the riot affected areas) in their 9th (2002) and 17th (2003) Reports on "Violence against women during riots" have specifically pointed out the condition of women victims and recommended stringent and speedy action against the culprits. The recommendations of the Committee were forwarded to the State Government for appropriate action. The Action Taken Report (ATR) on the said 9th Report in respect of the State Government as well as the Union government were sent to the *Lok Sabha* Secretariat in December, 2002 and March, 2003 respectively while ATR on 17th Report in respect of the Union Government was filed in May, 2004.

Prosecution of offenders: As per the information received from the State Government 4,259 cases have been registered in connection with the incidents of communal violence, charge sheets have been filed in 2135 cases and 23,777 accused were arrested in substantive offences. 182 cases resulted in acquittal and 6 cases in conviction so far. Other cases are in various stages of prosecution and trial. In pursuance of the Supreme Court directive dated 17 August 2004, nearly 2000 cases were taken up for review by a Committee consisting of high ranking police officers and a quarterly report on the progress in being submitted to the Apex Court. The Best Bakery case was re-opened on the initiative of the National Human Rights Commission (NHRC) and transferred to the State of Maharashtra for trial in pursuance of the orders of the Supreme Court of India. Similarly, the Central Bureau of Investigation (CBI) started its inquiry into the Bilkis Bano rape case on the directions of the Supreme Court.

Petitions have also been filed in the Supreme Court for transfer of eight other cases outside the State of Gujarat. Writ Petition 221 © of 2002 – Dr. Mallika Sarabhai and other Vs Union of India on communal violence in Gujarat is pending before the Supreme Court. This petition, along with some other Writ Petitions, has been tagged with Writ Petition (Crl) No. 109/2003 filed by NHRC vs State of Gujarat and Ors. In their judgement dated 17 August 2004, the Supreme Court disposed of those parts of prayers relating to appointment of Special Investigation team and compensation to riot victims and directed that the State Government should review all the closed cases by appointing a Cell consisting of Range Inspectors General etc. and directed that the parties could approach the State High Court with regard to compensation where certain cases on the matter are already pending. The Supreme Court has not so far issued any specific direction to the Union Government.

Commission of Inquiry: The Government of Gujarat has appointed a Commission of Enquiry under the provisions of Commission of Inquiry Act, 1952 consisting of Justice G.T. Navavati, Retired Judge of the Supreme Court as Chairman and Justice K.G. Shah, Retired Judge of High Court of Gujarat as Member to enquire into the incident of setting on fire some coaches of the Sabarmati Express train near Godhra Railway Station and subsequent incidents of violence in the State in the aftermath of the Godhra incident. The Inquiry is in progress. The Commission has already received more than 4000 affidavits/statements/witnesses. The term of the Commission has been extended up to 31 December 2006.

2. Please inform the Committee on how Security Council Resolution 1325 is being implemented in India and how gender perspectives are being mainstreamed in military operations in “disturbed areas” and conflict areas. Please give further details (scale, number of persons trained, etc.) on the gender-sensitization training given to armed forces operating in conflict areas mentioned in para 18 of the report. In its concluding comments, the Committee recommended a review of the prevention of terrorism legislation and the Armed Forces Special Powers Act, in consultation with the National Human Rights Commission, the National Commission on Women and with civil society. Please indicate whether such a review was conducted, and if so, what actions were taken to implement the recommendations of the review. Please give details of military personnel prosecuted under the Army Act mentioned in para 17 of the report.

Reply to Q.2

The contents of the Security Council Resolution 1325 have been circulated to relevant Ministries in the Government. There are no situations of ‘armed conflict’ within the territory of India, and hence the Security Council Resolution 1325 relating to Women in Armed Conflict is not applicable to India.

The Indian Army has an excellent track record of protecting human rights, and is particularly sensitive to the rights of women and children, while carrying out its duties. With regard to the mainstreaming of gender perspectives in ‘disturbed areas’, the following actions are regularly undertaken:

- In the Indian Army, systematic education, training and sensitization in human rights of all ranks is ensured. This is done during the pre-commission as well as post-commission training. Both at Indian Military Academy, Dehradun and Officers Training Academy, Chennai, all issues of human rights, including gender perspectives when operating in insurgency/militant areas are adequately highlighted through capsules on the subject to ensure that no abuse or exploitation occurs against women. Adequate emphasis on gender sensitization, constitutional rights and importance of human rights is laid in all important training schools and counter terrorism / counter insurgency courses. A similar theme at an appropriate scale is incorporated in basic training of recruits at training centres of all Arms and Services.
- Adequate emphasis on gender sensitization, constitutional rights and importance of human rights is also placed in all important training schools and counter terrorism / counter insurgency courses. This aspect is specially focused on in 'Junior / Senior commander courses' and all basic 'young officer courses' of all arms and services. For the other ranks, this important aspects is included in syllabi of platoon commanders' and junior leaders' courses. Apart from the above, during the unit and formation training undertaken in the form of various promotion cadres, training cycles, and sub unit/unit level exercises, the teachings carried forward from pre-commission / recruit training days is systemized into sub unit / unit mainstream.
- In Counter Insurgency and Warfare School (CIJW), Vaireingte, Mizoram, regular courses for officers and other ranks are conducted with a specific sub-theme of gender mainstreaming and related issues of human rights practices. All units prior to being inducted into counter insurgency/counter terrorism environment are put through four weeks of pre-induction training in 'Corps Battle Schools' specifically run with geographical and demographic nuances dovetailed, to enable the units to carry out their assigned tasks in the area of operation, keeping human rights and gender sensitization uppermost in mind. All such training case studies are circulated to the students and discussed.
- As regards quantification, during the pre-induction training period of four weeks about 10 % of the time is specifically devoted to the gender sensitization aspects. As the duration, objective and method of training on various courses and capsules are at vast variance, gender sensitization aspects are covered under different training modules covering important provisions of constitution, salient aspects of law, including Armed Forces Special Power Act and Human Rights. More importantly, aspects of conduct, self restraint and adherence to laid down procedures are also suitably emphasized upon.

With regard to the concluding comment of the Committee to review the prevention of terrorism legislation and the Armed Forces Special Powers Act, the following actions have been taken:

- (i) Government of India has abolished the Prevention of Terrorism Act (POTA) in September, 2004, and
- (ii) Government of India has constituted a Committee under the Chairpersonship of Justice Jeevan Reddy, a Retired Judge of the Supreme Court of India, in November,

2004 to review the Armed Forces Special Powers Act. The Committee has already submitted its recommendations to the Government.

Every allegation of sexual abuse or exploitation is rigorously enquired into. Where misconduct or crime against women is/are established, immediate and exemplary punishment is meted out, as per the law. A total of 33 complaints dealing with misconduct or crimes against women were received against Indian Armed Forces personnel during the last three years, including 17 cases in 2004, 9 cases in 2005 and 8 cases in 2006. Punishments ranging from Reprimand, Rigorous Imprisonment and Dismissal from Service have been awarded to those found guilty in line with the gravity of the offence committed.

3. In the light of recent natural disasters such as tsunami in India, please indicate whether the Government has assessed the effectiveness of humanitarian assistance given to victims from a gender perspective and whether the Government has developed a framework for delivery of gender-sensitive humanitarian assistance.

Reply Q.3:

The response plans of the National Disaster Management Framework in India aim to enhance community capacity to respond effectively to disasters with special attention paid to capacity building of vulnerable communities and groups including women. The Framework also recognizes that vulnerable groups including women should be provided special assistance in terms of evacuation, relief, aid and medical attention in disaster situations. The Draft National Policy on Disaster Management enunciates that community involvement and awareness generation, particularly that of the vulnerable segments of population and women, is a critical component of the policy since communities are the first responders to disasters and, therefore, unless they are empowered and made capable of managing disasters, any amount of external support cannot lead to optimal results. It further emphasizes training of members of the Village Councils (*Panchayat*), wherein women play an important role, as they are considered important in tackling disasters through early warning system, relief distribution, providing shelter to the victims, medical assistance etc.

During the recent natural disaster Tsunami, the Central and State Governments took up various measures for relief and rehabilitation of affected women, children and disabled people. Child Helplines were set up; Short Stay Homes for women have been opened; Central Government coordinated with the State Governments and NGO's for long-term rehabilitation of affected women and children. District Disability Rehabilitation Centres in the affected States/Union Territories (UT) have been made responsible for providing aids and appliances for the disabled persons, particularly disabled women. The State Governments/UT Administrations kept close vigil for the safety of the children who have been orphaned and women who have been widowed in the Tsunami, and prepared lists of such orphaned children and widows, and monitored their welfare closely.

Constitution, legislation and national machinery for the advancement of women

4. Please provide information on the process of preparing the combined second and third periodic report. This information should indicate which Government departments were involved and the nature and extent of their participation, whether consultations were held with non-governmental organization (NGOs) and if the report was presented to Parliament.

Reply Q.4

The Ministry of Women and Child Development has set up an Inter-Ministerial Committee in June 2004 to monitor and review the implementation of the provisions contained in CEDAW. The Committee was chaired by the Secretary, Ministry of Women and Child Development, and officers of all the Ministries/Departments concerned as well as the Chairpersons of the National Commission for Women and the National Human Rights Commission, as its Members. The Combined Second and Third Report of CEDAW was prepared in consultation with the members Committee representing Ministries/Departments concerned. The draft Report was also placed in the Ministry's website seeking comments of interested citizens, including the NGOs. The Report was also sent to all the State Governments for their comments and suggestions. The draft Report was also published in the leading national daily newspapers. The Report was not presented in the Parliament.

5. The report notes in paragraph 36 that the National Commission of Women has reviewed and suggested amendments to discriminatory measures in 32 Acts, that proposals to amend other laws that are discriminatory to women have also been made by other bodies and that an inter-Ministerial Committee has been constituted to review existing laws and to address discrimination and ensure equality to women'. Please specify what concrete strategies, plans and timetable are in place for the repeal of all laws that discriminate against women. Explain what steps are being taken to have consultations with the relevant communities, including women, on this matter.

Reply Q.5

The Inter-Ministerial Committee monitoring the status of implementation of the amendments suggested by the National Commission for Women (NCW) held a meeting in June 2005 to expeditiously finalise the amendments in the laws. The Prime Minister's Office is currently reviewing the status of implementation of the amendments suggested by the NCW.

The Committee includes as its members prominent women lawyers, organizations working on legal issues, NGOs, and women's organizations. A number of organizations held regional level consultations and the recommendations emerging from these meetings have also been forwarded for consideration of the Committee.

6. In its previous concluding comments, the Committee expressed its concern that constitutional guarantees of equality and non-discrimination do not apply in the private sphere. In response, the report observes in paragraph 14 that 'implementation of the standard of the CEDAW Convention at the domestic/private

sphere is still a challenge to be addressed'. Please indicate what steps and strategies are being contemplated to fully address discrimination in the domestic/private sphere, including whether the enactment of a Sex Discrimination Act in line with the Committee's recommendations is being considered.

Reply Q.6

The Protection of Women from Domestic Violence Act has been passed in 2005 to provide effective protection of the rights of women who are victims of violence of any kind occurring within the family. A Bill for Prevention of Sexual Harassment at the Workplace is also being drafted to include women working in the private sector as well as in the unorganized sector, which includes domestic workers.

7. The report in paragraph 29 states that recommendations made by the Parliamentary Committee on the Empowerment of Women and by the CEDAW Committee in its previous concluding comments to strengthen the powers of the National Commission of Women (NCW) are receiving 'active consideration of the Government'. Please provide full details of the recommendations of the Parliamentary Committee in this regard and indicate the concrete plans and time frame to ensure the full implementation of all recommendations to strengthen the powers, including provisions for complaints mechanisms, and resources of the NCW and to establish links with the state women's commissions. Also indicate whether the recommendations include provisions for the representation of NGOs in the Commission.

Reply Q.7

The 2nd and 10th reports (13th Lok Sabha) of the Parliamentary Committee on the Empowerment of Women have made recommendations to strengthen the National Commission for Women. Some of the suggestions made by the Parliamentary Committee on the Empowerment of Women are as under:-

- i) The appointment of Chairperson and other members should be in consultation with concerned organisation dealing with womens' rights and people working for and with women. The selected people should have the perspective, the experience and capacity to implement its mandate. For this selection, a Search Committee should be constituted which may consist of eminent personalities of considerable experience and working with the women's movement.
- ii) The Member Secretary of the Commission should not be a Member of the Commission but should be Secretary to the Commission for facilitating the administrative needs of the Commission. The Chairperson should have the final powers to implement the decisions taken by the Commission.
- iii) The Commission should be strengthened to work as a high powered autonomous and statutory body to protect the constitutional rights of women. The Commission must be given autonomous status along the lines of the National Human Rights Commission, since autonomous functioning of the Commission, its role as a watchdog body as well as

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- mandatory consultations by Government on policy matters has been under severe pressure by Government at various times. The Commission should not be a subordinate office of the Department of Women and Child Development. As per Section 10(4) of the Act, the Commission has the powers to summon and enforce the attendance of any person from any part of India and examine him / her on oath. The provision of the Section can be properly exercised only if the status of the Chairperson and Members of the Commission is suitably enhanced. For this, the Chairperson should be of the rank of Cabinet Minister and the Members should have the status of Minister of State.
- iv) The Commission must be given financial autonomy. There should be a three tier system whereby the financial powers are shared amongst the Secretary, the Chairperson and the Whole Commission depending upon the nature of the expenditure to be incurred.
 - v) The Commission should have the freedom to appoint its own requisite staff within the allocated funds and till such amendment is made in the Act, the additional workforce asked for by the Commission, should be immediately provided by the Department of Women and Child Development.
 - vi) Action to appoint the Chairperson and Members of the Commission should be initiated well in advance before their term comes to an end.
 - vii) All the Ministries/Departments of the Government of India must be directed to consult, work and network with, the Commission, whenever they frame policies pertaining to women and the girl child.
 - viii) The Commission should have the power to summon and enforce the attendance of any person from any part of India and examine him/ her on oath. A provision for penalty in case the person fails to appear before the Commission without reasonable cause, may also be made.

The Government has carefully considered these recommendations. The replies of the Government on all observations/suggestions of the Committee are contained in the website: <http://164.100.24.208/ls/committeeR/Empowerment/listofreports.html>. The Government in its replies noted that recommendations which raise an issue of policy are under its consideration. It was also pointed that the Commission has full powers to spend the money from the grants to carry out its functions. The approval of the Government is not required for this purpose. As such, the Commission has full financial autonomy. It may be added that from 1992 onwards, there has been a steady increase in the quantum of grants to the Commission. Some of the recommendations of Committee such as the power to summon and enforce the attendance of any person from any part of India, consultation with the Commission on issues concerning women and girls as well as financial autonomy are already contained in the NCW Act.

The present Act provides for cooption by the Commission of persons who are not members of the Commission as members of the Committee to be set up by the Commission.

State Commissions for women are set up by the respective State Governments under a Government Order/State Act. As such the NCW and the State Commissions are independent entities, independent of each other in their mandate and reporting. However, the NCW endeavours to maintain networking with the State Commissions. The State Commissions are invited to the programmes conducted by NCW and the Chairperson/Members of NCW meet their counterparts of the State women commissions

during their visit to the respective states. In inquiries instituted by NCW, state commissions are generally made part of the inquiry team. The NCW has also been organising annual/regional meetings of NCW with the State Commissions for Women.

The National Commission of Women was reconstituted in 2005. A proposal for strengthening the Commission by amending the National Commission for Women Act has been under consideration of the Government.

Violence against women and trafficking in women

8. In its previous concluding comments, the Committee recommended the development of a national plan of action to address the issue of gender-based violence in a holistic manner in line with its general recommendations 19 and 24. Since, then, however, violence against women has increased (see paras 15 and 83). Please provide reasons for this development, and as requested by the Committee in its previous concluding comments, provide statistics and information on violence against women, disaggregated according to caste, ethnic and religious groupings, including the incidence of customary practices such as dowry deaths and dowry harassment, sati and devadasi. Also kindly give full information on steps taken, or planned, to address the problem of violence against women in a comprehensive, coordinated and concerted manner including details of the Programme of Action set out in the Government's 10th Plan in this regard (para 83), and the content of the proposed legislation to address domestic violence.

Reply Q.8

The Protection of Women from Domestic Violence Act, 2005 has been enacted by the Indian Parliament. This Act came into force from 26 October 2006. Salient features of the Act are as follows:

- 1) It covers those women who are or have been in a relationship with the abuser where both parties have lived together in a shared household and are related by consanguinity, marriage, a relationship in the nature of marriage, or adoption. In addition, relationships with family members living together as a joint family are also included. Even those women who are sisters, widows, mothers, single women, or living with the abuser are entitled to the protection under the proposed legislation. However, whereas the Act enables the wife or the female living in a relationship in the nature of marriage to file a complaint against any relative of the husband or the male partner, it does not enable any female relative of the husband or the male partner to file a complaint against the wife or the female partner.
- 2) It defines "domestic violence" to include actual abuse or the threat of abuse that is physical, sexual, verbal, emotional or economic. Harassment by way of unlawful dowry demands to the woman or her relatives would also be covered under this definition.
- 3) It confers on the aggrieved woman the right to reside in a shared household, whether or not she has any title or rights in the same. In fact, a respondent, not being a female, can be directed under the Act to remove himself from the shared household or to secure for the

aggrieved woman the same level of alternate accommodation as enjoyed by her in the shared household or to pay rent for the same.

4) The orders for relief the aggrieved woman is entitled to under the Act include protection orders, residence orders, monetary relief, custody orders and compensation orders.

5) It empowers the Magistrate to pass protection order in favour of the abused to prevent the abuser from aiding or committing an act of domestic violence or any other specified act, entering a workplace or any other place frequented by the abused, attempting to communicate with the abused, isolating any assets used by both the parties and causing violence to the abused, her relatives or others who provide her assistance against the domestic violence.

6) It provides for appointment of Protection Officers and recognizes and involves non-governmental organisations as service providers for providing assistance to the abused with respect to her medical examination, obtaining legal aid, safe shelter etc.

The Act can be accessed from the web site of the Ministry of Women and Child Welfare at the URL: <http://www.wcd.nic.in/wdvact.pdf>.

Data on crime against women is published in a Report titled “Crime Statistics” brought out by the National Crime Records Bureau, Ministry of Home Affairs (MHA).

Under the Seventh Schedule to the Constitution of India, ‘Police’ and ‘Public Order’ are State subjects and therefore, State Governments are responsible for the prevention, detection, registration and investigation of crime and prosecution of perpetrators of crime, as well as maintenance of law and order within their jurisdiction. The Central Ministry of Home Affairs supplements the efforts of the State Governments by providing them financial assistance for modernization of the State Police Forces in terms of weaponry, communication, equipment, mobility, training and other infrastructure under the Scheme of Modernization of State Police Forces. Further, the Ministry has from time to time been issuing advisories to the State Governments to give more focused attention for improving the administration of criminal justice system and, in particular, to ensure the prevention of crime and atrocities on all vulnerable sections of the society, including women, children. In addition, intelligence inputs are regularly shared by the Central Security and Intelligence Agencies with the State Governments to prevent crime and law and order related incidents.

Besides above, MHA has taken several other measures to combat crime against women and children, including their trafficking. The Bureau of Police Research and Development (BPR&D), on behalf of the Ministry of Home Affairs, has been organizing various programmes to sensitize police officers of various levels towards prevention of crime against all vulnerable sections of the society. BPR&D has been organizing Vertical Interaction Course for IPS Officers on “Minority and Policing” at Hamdard University, Delhi. Central Detective Training schools, Chandigarh, Kolkata and Hyderabad have been organizing courses on “Human Rights, vis-à-vis, Crime against Women” and “Juvenile Justice and Human Rights” for Police Officers of the rank of Assistant Sub-Inspectors to

Deputy Superintendent of Police. Workshop cum Seminars on “Trafficking in persons and Role of Police” are being organized in the States to sensitize their Police Officers of the rank of SHO/ACP/Dy. SP on these issues. Such workshops have already been organized in Mumbai, Delhi, Guwahati, Chennai, Hyderabad, Vijayawada, Anantapur, Goa, Gandhinagar, Udhampur and Jaipur. BPR&D also organized a 3-day Workshop on “Gender Sensitization and Prevention of Violence against Women” with the help of National Institute of Public Cooperation and Child Development, New Delhi from 26-28 July, 2006. BPR&D has published and circulated a Training Manual on Human Rights in English and Hindi and circulated to all States/Central Public Organisations and the Police Training Institutions in the country so that Police Officers could be sensitized on issues of human rights.

State Governments are also being sensitized regarding atrocities against all vulnerable sections of the society, including women by way of including the issues in the agenda items for discussion in the annual conferences of Directors General of Police and Chief Secretaries and also in the Conference of Chief Ministers on Internal Security and Law & Order.

The issue of trafficking in persons has also been of serious concern to the Government. A Working Group to study the issues of cross border trafficking in women and children was constituted by the MHA. The Working Group made some valuable recommendations, which were forwarded to the State Governments emphasizing the urgent need for evolving a comprehensive strategy for effectively dealing with the problem of trafficking. The MHA, in association with the National Human Rights Commission and UNODC organized on 27-28 October, 2005 a two-day National Seminar on combating human trafficking. The recommendations which emerged out of the deliberations in the seminar have been sent to State Governments for taking necessary action. Simultaneously, BPR&D is also organizing regional workshops for sensitizing police personnel towards the safety and security of women. Further a two-year project on strengthening the law enforcement response against human trafficking through training and capacity building has recently been taken up by the MHA in association with the UNODC. The MHA has also set up a Nodal Cell (Anti-Trafficking Cell) in MHA to exclusively deal with matters relating to trafficking in human beings. The Cell in inter-alia, responsible for collecting and analyzing the data relating to trafficking from the States/Union Territories, identifying problem areas, monitoring of action taken by State Governments/Union Territory Administration for combating the crime and organizing co-ordination meetings with nodal Police Officers of States/UTs,

Amendments in Criminal Procedure Code and Indian Penal Code :

The Indian Parliament has enacted two laws during the last one year to amend the Code of Criminal Procedure (Cr.P.C.) and the Indian Penal Code (I.P.C.) – as detailed below:

- (A) The Code of Criminal Procedure (Amendment) Act, passed in 2005, has the following provisions concerning women :-

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1. Arrest of a woman after sunset and before sun rise prohibited barring exceptional circumstances;
 2. Mandatory judicial inquiry in case of rape of a woman while in custody of the police.
 3. Provision for a medical examination of the victim of rape by a registered medical practitioner employed in a hospital run by the Government or a local authority and in the absence of such a practitioner by any other registered medical practitioner.
 4. Insertion of the following Explanation to Section 53 Cr.P.C. regarding examination of an accused by a medical practitioner at the request of the police officer : “examination” shall include the examination of blood, blood stains, semen, swabs in case of sexual offences, sputum and sweat, hair samples and finger nail clippings by the use of modern and scientific techniques including DNA profiling and such other tests which the registered medical practitioner thinks necessary in a particular case.

The above provisions of the Act came into effect from 23 June 2006.

- (B) The Criminal Law (Amendment) Act, 2005, which was passed by the Parliament in 2005, has, inter alia, the salutary provision of providing punishment for threatening to give false evidence. This has come into effect from April, 2006.

Action is also being taken for bringing suitable amendments to the Criminal Procedure Code to address the matter of witnesses turning hostile. A bill on the subject is being drafted by the Legislative Department of the Ministry of Home Affairs.

A bill based on the recommendations of the 172nd Report of the Law Commission, which deals with rape laws, is in the process of being drafted. The recommendations in the report include, inter alia, providing more stringent punishment for sexual assault, making the definition of sexual assault / rape, gender neutral and insertion of a new section to deal with unlawful sexual contact.

The respective State Governments have banned the *Devdasi* System through the following acts:

- Bombay *Devdasi* Act, 1934;
- *Devdasi* (Prevention of dedication) Madras Act, 1947;
- Karnataka *Devdasi* (Prohibition of dedication) Act, 1982; and
- Andhra Pradesh *Devdasi* (Prohibition of dedication) Act, 1988;

Concerted efforts are being made by the State Governments to prevent the practice of *Devdasi* and to provide rehabilitative measures for women who could be weaned out of the practice and also to ensure that the children are not dedicated as part of traditional customs. The Karnataka State Women’s Development Corporation commenced *Devdasi* Rehabilitation Programme in 1991 coupled with Education and Awareness Campaigns at temples and in villages. Project volunteers motivate people to clear their matted hairs and 95% of them have done so. The results of various programmes such as educational

facilities to their children, formation of Self Help Groups and economic programmes, which were implemented, have yielded encouraging results.

The Government has taken all steps to ensure that the practice of *Satipratha* is fully eradicated. However, two incidents came to the notice of the Government in the recent years in which immediate steps were taken to bring persons responsible to book and also to stop any glorification of these incidents. The National Commission for Women has also been making unremitting efforts to ensure that no such incident is ever repeated. The NCW also proposed amendments to the Commission of Sati (Prevention) Act of 1987.

Apart from the web sites of the relevant Ministries of the Government, print and electronic media has been used effectively to increase awareness of the Protection of Women from Domestic Violence Act, 2005 as well as the Dowry Prohibition Act and Rules.

9. In its previous concluding comments, the Committee called upon the Government to review existing legislation on forced prostitution and trafficking. The report notes in paragraph 142 that proposals have been made to amend the Immoral Traffic (Prevention) Act 1956. Please give details on the proposed amendments to the law, including the definition of trafficking as well as the provisions dealing with rescue, rehabilitation and reintegration and indicate how the proposed amendments will respond to the Committee's concern about the HIV and other health-related risks for women victims of forced prostitution and trafficking. Please provide data on prevalence of trafficking, cases brought to court under this law and who has been prosecuted. Is there a comprehensive national plan to combat trafficking, with a time frame? Does this Plan include programmes for rehabilitation of trafficked women and children, with an adequate budget?

Reply Q.9

The amendments proposed to the Immoral Traffic (Prevention) Act, 1956 include the following:

- Deletion of Section 8 that provides punishment for seducing or soliciting for purpose of prostitution; Deletion of Section 20 that relates to the removal of a prostitute from any place. (Deletion of these sections has been proposed keeping in a view that women involved in prostitution are victims of trafficking and booking them under these Sections re-victimizes them.)
- Insertion of a new clause defining the offence of "Trafficking in Persons" in line with the definition of trafficking as contained in the Optional Protocols on trafficking and the UN Convention on Transnational Organized Crime,
- Insertion of a new clause to give punishment to persons involved in Trafficking in Persons and punishment for a person who visit or found in a brothel for the purpose of sexual exploitation;
- Insertion of a new clause to constitute a Central Authority as well as a State Authorities for the purpose of effectively combating "Trafficking in Persons".

The Immoral Traffic (Prevention) Bill 2006 has been introduced in the Lok Sabha on 22 May 2006. The Bill is now under examination of the Parliamentary Standing Committee.

Ministry of Women and Child Development has also formulated a National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children in 1998, with the objective to mainstream and to reintegrate women and child victims of commercial sexual exploitation back into society. Guidelines have been issued to the States for the implementation of the National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children.

The Ministry has constituted a Central Advisory Committee (CAC) which functions under the chairpersonship of Secretary, Ministry of Women and Child Development, Government of India with members from Central Ministries, State Governments, prominent NGOs working in this area, international organizations working in this field, National Commission for Women, Central Social Welfare Board and National Institute of Public Cooperation and Child Development. Representatives of National Crime Records Bureau, Border Security Force, Intelligence Bureau, Central Bureau of Investigation, etc. and some of the Director Generals of Police of States where the magnitude of the problem is stated to be acute are being nominated on the Advisory Committee as special invitees. The CAC holds meetings at three-month intervals.

The Ministry of Women and Child Development (MWCD) formulated a Protocol for Pre-rescue, Rescue and Post-rescue operations of child victims of trafficking for the purpose of Commercial Sexual Exploitation. The MWCD in collaboration with NIPCCD and UNICEF has developed three manuals:

- ‘Judicial Handbook on combating Trafficking of women and Children for Commercial Sexual Exploitation’;
- ‘Manual for Medical Officers for Dealing with Child Victims of Trafficking and Commercial Sexual Exploitation’; and
- ‘Counseling services for Child survivors of trafficking’.

The MWCD in collaboration with MHA and UNODC is developing Training Manuals for Police and Prosecutors and also is setting up Anti Human Trafficking Units (AHTU) in selected states like Andhra Pradesh, Maharashtra, West Bengal and Goa.

The Ministry of Home Affairs has set up a dedicated nodal Cell for prevention of trafficking. The main function of the Cell is to coordinate, network and provide feedback to the State Governments and other concerned agencies as well as to share data, best practices, innovations etc. on a sustained and continuous basis to enable better outcomes. It holds quarterly meetings to review the progress in anti-trafficking activities.

Ministry of External Affairs will be setting up an internal Task Force with representatives from the concerned Ministries/Departments to prepare an Action Plan for operationalising the provisions of the Convention and also to ensure that the enabling legislation, enforcement mechanism, policies etc are in place.

All State Governments have been requested for holding regular meetings of State Advisory Committee constituted under National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of women and children, 1998 and to monitor initiatives being undertaken on prevention, rescue, rehabilitation, reintegration and repatriation of victims of trafficking in the respective States. They have also been requested to sensitize the lower level functionaries at cutting edge level on issues related to sexual abuse or molestation, so that perpetrators of child abuse are severely dealt with under the provisions of Indian Penal Code and other child specific laws.

The Ministry of Women and Child Development in collaboration with National Institute of Public Co-operation and Child Development (NIPCCD) is organizing a series of workshops for NGOs on issues relating to trafficking of children for commercial sexual exploitation. A special module for counselors of trafficked victims has been formulated.

The issues related to trafficking and sexual exploitation will be added in the training curriculum of *Anganwadi* workers, who are engaged by the Government to work in the State operated Integrated Child Development Services which cater to the health and pre school education needs of 0-6 year old children as also the health and nutrition needs of pregnant women, nursing mothers and adolescent girls - in order to sensitize them and generate their awareness on these issues.

Police personnel are also imparted training on issues of trafficking by the Bureau of Police Research and Development. Wide dissemination of women's' help line numbers has been undertaken.

Three pilot projects are being implemented to combat trafficking women and children for commercial sexual exploitation:

- To combat trafficking women and children for commercial sexual exploitation under the sanction of tradition
- To combat trafficking of women and children for commercial, sexual exploitation in source areas and
- To combat trafficking of women and children for commercial sexual exploitation in destination areas.

Based on favorable feedback on the implementation of the pilot projects, it has been decided to convert these three projects into a comprehensive scheme in consultation with NGOs and State Governments. The proposed new scheme which is under formulation consists of two components –

- (a) Preventive activities to be undertaken through awareness generation programs like peer education, rally, campaign, poster, booklet, wallpaper, handbill, street play,

puppet show or through any other traditional art, and use of radio and local news paper and

- (b) The other component is for rescue and rehabilitation of victims of trafficking for commercial sexual exploitation and provision of rescue cost, counseling to overcome psychological trauma, shelter home, medical care, legal aid, witness/victim protection, education vocational training, networking with various stakeholders, repatriation and restoration etc.

Action points for regional cooperation in preventing and combating trafficking in women and children for prostitution are suggested for discussions in the meetings of the Regional Task Force as well as in the forum of the SAARC Social Charter.

The National Human Rights Commission has designated one of its Members as a Focal Point on Human Rights of Women, including Trafficking issues. The Focal Point undertook several activities, which included among others, an Action Research on Trafficking in Women and Children in India and a National Workshop to 'Review the Implementation of Laws and Policies Related to Trafficking: Towards an Effective Rescue and Post-Rescue Strategy'. A number of recommendations and suggestions, including amendments to be made to the Act, were made in these Workshops. The Commission has formulated a comprehensive Plan of Action to prevent and end trafficking in women and children in India and has disseminated the same to all concerned in the Central Government and State Governments/Union Territory Administrations for guidance and facilitating their actions.

Stereotypes and discriminatory cultural practices.

10. Throughout the report, the persistence of stereotypical attitudes, and certain cultural and traditional practices and customs are cited as the major obstacles to achieving de facto equality for women (for example paras 86, 122 and 182). The report also acknowledges that legislative reform to eradicate customary practices which discriminate against women has 'not brought about the desired changes in the role and position of women in India' (para 122). Please provide information on whether a comprehensive strategy exists, including enforcement of all laws to prohibit customary practices which discriminate against women, to develop a socio-cultural climate to the benefit of women, including education and awareness-raising targeted at members in place or anticipated to eliminate discriminatory cultural practices and harmful stereotypes across all sectors and spheres. Also provide information on steps taken to end discriminatory cultural practices through the formal education system, including the details of the National Policy on Education on this regard.

Reply Q.10

The Government has clearly recognized that education and awareness-raising through the medium of appropriate teaching material is a crucial element of any comprehensive strategy that may be framed to address the elimination of discriminatory cultural practices and harmful stereotypes.

The National Policy on Education 1986, as modified in 1992, on the subject states that "education will be used as an agent of basic change in the status of woman. In order to neutralise the accumulated distortions of the past, there will be a well-conceived edge in favour of women. The National Education System will play a positive, interventionist role in the empowerment of women. It will foster the development of new values through redesigned curricula, textbooks, the training and orientation of teachers, decision-makers and administrators, and the active involvement of educational institutions. This will be an act of faith and social engineering. Women's studies will be promoted as a part of various courses and educational institutions encouraged to take up active programmes to further women's development".

The policy further states that "The removal of women's illiteracy and obstacles inhibiting their access to, and retention in, elementary education will receive overriding priority, through provision of special support services, setting of time targets, and effective monitoring. Major emphasis will be laid on women's participation in vocational, technical and professional education at different levels. The policy of non-discrimination will be pursued vigorously to eliminate sex stereotyping in vocational and professional courses and to promote women's participation in non-traditional occupations, as well as in existing and emergent technologies".

The National Curriculum Framework (NCF) 2005 also recognises clearly that the education system in India does not function in isolation from the society of which it is a part. It further states that "Hierarchies of caste, economic status and gender relations, cultural diversity as well as uneven economic development deeply influence access to education and participation of children in school". The NCF further recognises that girls belonging to weaker sections among the rural and urban poor and the disadvantaged sections of religious and other ethnic minorities are educationally most vulnerable. Further, unequal gender relations not only perpetuate domination but also create anxieties and stunt the freedom of both boys and girls to develop their human capacities to the fullest.

In its discussion of teaching of the social sciences, the NCF recognises that gender concerns need to be addressed by making the perspective of women integral to the discussion both of historical events and of contemporary concerns. This requires an epistemic shift from the patriarchal preconceptions that inform much of the social studies at present. The NCF also points out that the health needs of adolescents, particularly their reproductive and sexual health needs, are to be addressed. While this is an issue that concerns young boys as well as young girls, the focus sought to be given is of specific relevance to the situation in which young girls and women find themselves. The larger issue of enabling women to be in control of their lives and their bodies begins with education. The NPE emphasizes the need to encourage the participation of women in non-traditional employment.

Directorate of Audi-Visual Publicity (DAVP), the primary multi-media advertising agency of the Central Government, has been highlighting the need to eradicate customary practices that discriminate against women and girls. It issued advertisements and outdoor publicity media against child marriages. Comprehensive publicity has been undertaken on

the issue of health of the girl child as well as women – through audio-video spots, advertisements, outdoor publicity and posters. Similarly, publicity has been launched on promoting nutrition on behalf of the Food and Nutrition Board, Ministry of Women & Child Development. Advertisements have also been issued highlighting scholarship schemes for 'Single Girl child'. It also issued advertisements on the occasion of International women's Day.

11. The report states that Government has 'provided paternity leave for men' in order to encourage them to participate in caring for children. Please provide details on this initiative, including its scope of application, and what is being done to encourage men to take paternity leave.

Reply Q.11

A male government servant (including an apprentice) with less than two surviving children may be granted Paternity Leave for a period of 15 days during the confinement of his wife for childbirth i.e., 15 days before or six months from the date of delivery of the child. During Paternity Leave, he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave. This leave is in addition to the normal leave entitlement of Government servants. The Paternity Leave can be combined with leave of any other kind. Paternity Leave shall not be debited against the leave account. The details of Paternity Leave are widely circulated among the Government employees directly as well as through Employee Unions. Paternity Leave is normally not refused.

12. Participation in political and public life

Women's participation in the national Parliament has not exceeded nine percent (para 161) and in State legislatures their representation is 'abysmally low' (para 163). Their participation in other decision-making bodies, and specifically in the judiciary and Lokadalar, also continues to be low (para 181). The report states that the 10th Plan will take the 'necessary steps to guarantee equal access to and full participation of women in decision-making bodies' (para 183). Please provide details of the steps envisaged in the Plan, including the measures in accordance with article 4, paragraph 1 of the Convention and general recommendation 25, to increase the number of women, including women from backward classes and scheduled castes and tribes, rural women and minority women, in all public and decision-making bodies

Reply Q.12

The 10th Five-Year Plan proposed to translate the National Policy for Empowerment of Women of 2001 into action through, among measures, by providing equal access to participation and decision-making for women in social, political and economic life of the nation. In this direction, the Plan envisages following steps:

(i) Introduction of women friendly policies to encourage women to participate effectively in all the administrative decision-making processes;

(ii) Affirmative action such as reservations/quotas, including in the higher political, administrative and judicial bodies will be considered. The Plan proposes to expedite action to legislate reservation of not less than one-third seats for women in the Parliament and in the State Legislatures and thus ensure women in proportion to their numbers reach decision-making bodies. The Plan also recognizes the need to initiate affirmative action to ensure at least 30 percent of reservation for women in services in the Public Sector, along with required provisions for their upward mobility;

(iii) Providing easy and equal access to and free education for women and girls at all levels and in the technical and vocational education and training in up-coming and job oriented trades, so as increase the percentage of women in productive work force;

(iv) Gender sensitizing both the administrative and enforcement machinery and ensuring that the rights and interests of women are taken care of, besides involving them in planning, implementation and monitoring processes;

(v) Gender sensitize the existing personnel policies to facilitate upward mobility of women in Services;

(vi) Private sector partners and media will be involved at all levels to ensure equal access for women in all areas, particularly in the field of information and communications technologies;

(vii) Initiating action for enacting new women-specific legislations; amending the existing women-related legislation, if necessary, based on the review made and recommendations already available to ensure gender justice, besides, reviewing all the subordinate legislations to eliminate all gender discriminatory references that contribute towards women's participation in decision-making levels.

(vii) To effectively monitor the progress of implementation of various programmes aimed at gender justice, the Plan recommended steps to expedite standardization of the Gender Development Index based on which gender segregated data will be collected at national, state and district levels; both the national and State level human development reports to allocate a separate chapter on Gender; the Parliamentary Committee on Empowerment of Women to oversee and review from time to time the progress made by women in achieving gender equality/gender justice on par with men.

13. Please provide information as to whether there is a strategy and a time frame in place for the introduction of the reservation of one-third of seats in the Parliament and State legislatures for women (para 183).

Reply Q.13

The Common Minimum Programme of the United Progressive Alliance (UPA) Government states that the Government would take the lead to introduce legislation for one-third reservation for women in the *Lok Sabha*, (Lower House of the Indian Parliament) and State Legislative Assemblies. Reservation for women in the Parliament would need an amendment of the Constitution, which require a majority of votes of the

total number of that House and by a majority of not less than two-third of the Members of that House present and voting. In respect of the State Legislatures, the amendment would in addition also require ratification by not less than one-half of the State Legislatures. Consensus among the political parties is necessary before a Bill seeking amendment of the Constitution is introduced in the Parliament. A meeting was held by the Chairperson of the United Progressive Alliance on 22 August 2005 to evolve consensus among constituents of the UPA and the Left Parties. Subsequently the Prime Minister held a meeting with the leaders of all political parties on 24 August 2005. The Government is continuing with its efforts to forge a consensus on the Bill.

14. The report states that a ‘no-confidence motion’ was passed by elected representatives against women chairpersons in local government. The report ascribes this occurrence to ‘socio-cultural barriers against women leader’ (para 171). Please describe the steps that the Government has taken to remove the barriers to the effective participation of women in political and public life, programmes are in place for elected representative at all levels.

Reply Q.14

The example of ‘no-confidence motion’ as a means to deny leadership role for women in Panchayat (Village Council) has been cited merely to illustrate the challenges still being faced by women to assume leadership role at the grassroots level. It may be clarified that such instances of ‘no-action motions’ are isolated in nature, and in no way represent a general trend. As explained in the reply, the State Legislatures are indeed taking corrective measures to prevent use of such procedural motions to deny women leadership role in village councils.

Among various measures taken by the Government to remove the barriers to effective participation of women in political and public life in rural areas, include:

- The Ministry of Panchayati Raj is working on a training design with a view to bring innovation resulting in new paradigm shift in the approach for capacity building. Emphasis will be given to weaker sections, neo-literate and women representatives. All newly elected representatives would be exposed to one round of training from 2-4 days within six months of election for creating awareness, building capabilities and to ensure accountability and fiscal prudence. Data base to pool all the resources at national, state and district levels is being updated. The gaps and deficiencies in the programmes so far have to be identified and removed so that the capacity building efforts become truly effective;
- The approach envisages every Gram Panchayat to be linked to one Extension Training Center, which will be responsible for full coverage. The training institutes or Extension Training Centres which are defunct or not in good condition are being upgraded and strengthened. The training content would include issues on gender, transparency, accountability, Panchayat Extension To Scheduled Area Act, Right To Information Act, NREGA and other issues related to the subject of agriculture, health, education and public distribution system. Books tracts containing such information prepared in sufficient number in the regional languages would be given to each elected representative for creating awareness and capacity building.

- A National programme on capacity building of panchayats is being prepared. This would comprise of State-wise action plan, training, infrastructure, resource persons required and financial requirement for the progress. A proposal to have the National Institute of Rural Development, Hyderabad as the nodal agency at the national level and the State Institutes of Rural Development (SIRDs) as nodal agencies at the State level is under consideration. SIRDs will also prepare their individual action plans based on a broad plan for each State. Training periods for different levels of participants are being planned. Different kinds of modules have been suggested for varying coverage and intensity depending on the level of participants.
- The *Panchayat Mahila Shakti Abhiyan* – a movement to strengthen the elected women representatives of Village Councils - has been initiated with the objective of setting up a state level organization of Elected Women Representatives of PRIs. State level conferences have already been held in Rajasthan and Punjab, and conferences in other states are being planned. Through this movement, the Elected Women Representatives (EWRs) of PRIs are taking stock of their achievements, experiences and challenges in order to devise ways for effective empowerment of women at grass root levels
- The National Commission for Women has organized some State Level and Regional Level Workshops in States including Punjab, Andhra Pradesh, West Bengal, Uttar Pradesh and Madhya Pradesh, to elicit views of elected women representatives of Panchayati Raj Institutions on problems experienced and confronted in their efficient functioning and governance roles. The recommendations that have emerged from the consultation will be used to devise improved methods of functioning. .

15. Education

The report notes several hurdles which impede girls' education including 'culturally dictated' practices such as son preference and patriarchal values (para 218). Please describe the specific steps that are being taken or envisaged to overcome these hurdles, including what is being done to tackle cultural practices and obstacles faced by female students and to encourage their enrolment and retention in schools, particularly in rural areas and in states where there are low enrollment and high drop-out rates. In addition please indicate what strategies and steps have been taken to implement Article 21A of the 86th Amendment Act to the Constitution (2002) which provides for free compulsory primary education and its impact on girls' enrollment and retention at schools, including in the rural areas. What strategies are in place to ensure the enrollment of girls from marginalized communities, such as dalits, tribals, Muslims, etc.? Please indicate the percentage of GDP that constitutes the budget of the Government allocated to education to education for the period 2004 to 2005.

Reply Q.15

Steady increase in the participation of girls at all stages of the school system may be noticed in the table below, which gives details of enrolment of boys and girls in different stages of schooling since 1991-92.

Participation of girls in education Enrolment by stages
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Year	Primary (I-V)			Middle/Upper Primary (VI-VIII)			High/Hr. Sec./ Inter/Pre-Degree (IX-XII)		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
1991-92	58.6	42.3	100.9	22.0	13.6	35.6	13.5	6.9	20.4
1992-93	57.9	41.7	99.6	21.2	12.9	34.1	13.6	6.9	20.5
1993-94	55.1	41.9	97	20.6	13.5	34.1	13.2	7.5	20.7
1994-95	60.0	45.1	105.10	22.1	14.3	36.4	14.2	7.9	22.1
1995-96	60.9	46.2	107.1	22.7	14.8	37.5	14.6	8.3	22.9
1996-97	61.4	46.8	108.2	22.9	15.2	38.1	15.3	8.7	24.0
1997-98	62.3	48.0	110.3	23.6	15.9	39.5	16.1	9.3	25.4
1998-99	62.7	49.0	111.7	23.9	16.5	40.4	16.6	10.1	26.7
1999-00	64.1	49.5	113.6	25.1	17.0	42.1	17.2	11	28.2
2000-01*	64.0	49.8	113.8	25.3	17.5	42.8	16.9	10.7	27.6
2001-02*	63.6	50.3	113.9	26.1	18.7	44.8	18.4	12.1	30.5
2002-03*	65.1	57.3	122.4	26.3	20.6	46.9	19.5	13.7	33.2
2003-04*	68.4	59.9	128.3	27.3	21.5	48.8	20.6	14.4	35.0
*provisional									

Article 46 of the Indian Constitution states that, “The State shall promote, with special care, the education and economic interests of the weaker sections of the people, and, in particular of the Scheduled Castes and Scheduled Tribes”.

The Government has taken number of steps to strengthen the educational base of the persons belonging to the Scheduled Castes and Scheduled Tribes. Pursuant to the National Policy on Education 1986 and the Programme of Action (POA) 1992, the following special provisions for SCs and STs have been incorporated in the existing schemes of the Departments of Elementary Education and Literacy and Secondary and Higher Education:

- Relaxed norms for opening of primary /middle schools; a primary school within 1 km walking distance from habitations of population up to 200 instead of habitations of up to 300 population.
- Abolition of tuition fee in all States in Government schools at least up to the upper primary level. In fact, most of the States have abolished tuition fees for SC/ST students up to the senior secondary level.
- Incentives like free textbooks, uniforms, stationery, schools bags, etc., for these students.
- The Constitutional (86th Amendment) Bill, notified on December 13, 2002, provides for free and compulsory elementary education as a Fundamental Right for all children in the age group of 6-14 years.

To address hurdles faced in girls' education in particular those belonging to Scheduled Caste (SC) and Scheduled Tribe (ST), specific focus has been given to girls in a number of educational schemes run both by the Central Government as well as the State Governments. In this connection, salient elements in some of the programmes are as follows:

Sarva Shiksha Abhiyan (SSA): SSA i.e. Universalisation of Elementary Education (UEE) is a time bound integrated programme implemented in partnership with States aims to provide useful and quality elementary education to all children in the 6-14 age group by 2010. Some of the features of programme focusing on girls, especially belonging to SC/ST communities and Minority groups, are:

- Back to school camps for out of schoolgirls.
- Free textbooks for girls.
- Special coaching/remedial classes for girls and a congenial learning environment.
- Teachers' sensitisation programmes to promote equitable learning opportunities.
- Special focus for innovative projects related to girls' education.
- Recruitment of 50 per cent female teachers.

District Primary Education Programme (DPEP): The thrust of the scheme is on disadvantaged groups like girls, SCs/STs, working children, urban deprived children, disabled children, etc. There are specific strategies for girls and SCs/STs; however, physical targets are fixed, in an integrated manner, including coverage of these groups as well. According to a study by NIEPA, 74,811 schools in DPEP districts had more than 60 per cent students belonging to SC/ST communities.

Janshala: The objective of *Janshala* is to support the efforts for UEE by providing primary education to the children from SCs, Minorities, working children and children with special needs. *Janshala* emphasises on the active involvement of the community in primary education programmes and training of teachers. *Janshala* programme is in operation in 139 blocks of nine States.

Mahila Samakhya (MS): MS addresses traditional gender imbalances in educational access and achievement. This involves enabling women (especially from socially and economically disadvantaged and marginalised groups) to address and deal with problems of isolation and lack of self-confidence, oppressive social customs and struggle for survival, all of which inhibit their empowerment.

National Programme for Education of Girls at Elementary Level (NPEGEL): The NPEGEL under the existing scheme of *Sarva Shiksha Abhiyan* (SSA) provides additional components for education of girls under privileged/disadvantaged at the elementary level. The Scheme is being implemented in Educationally Backward Blocks (EBBs) where the level of rural female literacy is less than the national average and the gender gap is above the national average, as well as in blocks of districts that have at least 5 per cent SC/ST population and where SC/ST female literacy is below 10 per cent based on 1991.

Shiksha Karmi Project (SKP): SKP aims at universalisation and qualitative improvement of primary education in remote, arid and socio-economically backward villages in Rajasthan with primary attention to girls. It is note worthy that in Shiksha Karmi Schools, 74 per cent of the students are from SCs, STs and OBCs.

Kasturba Ghandhi Balika Vidyalayas: Under the scheme of Kasturba Ghandhi Balika Vidyalaya, 750 residential schools are being set up in difficult areas with boarding facilities at the elementary level for girls belonging predominantly to the SCs, STs, OBCs and Minorities. The scheme would be applicable only in those identified Educationally Backward Blocks (EBBs) where, as per census data 2001, the rural female literacy is below the national average and gender gap in literacy is more than the national average. Among these blocks, schools may be set up in areas with concentration of tribal population, with low female literacy and / or a large number of girls out of school.

Jan Shikshan Sansthan(JSS): The Scheme of JSS or Institute of People's Education is a polyvalent or multifaceted adult education programme, aimed at improving the vocational skill and quality of life of the beneficiaries. The objective of the scheme is educational, vocational and occupational development of the socio-economically backward and educationally disadvantaged groups of urban/ rural population particularly neo-literates, semi-literates, SCs, STs, women and girls, slum dwellers, migrant workers, etc.

Literacy campaigns have had an enormous impact on other social sectors. The campaigns have served the cause of promoting equity and social justice in society and fostering of a scientific temper and a sense of belonging to India's great composite culture and consciousness of unity in diversity.

Mid-Day Meal scheme: The Mid-Day Meal scheme is a successful incentive programme. It covers all students of primary classes in all Government, local body and Government-aided schools in the country with the aim to improve enrolment, attendance and retention while simultaneously impacting on the nutritional status of the children.

Kendriya Vidyalayas (KVs): 15 per cent and 7.5 per cent seats are reserved for SCs and STs, respectively, in fresh admissions. No tuition fee is charged from Scheduled Caste and Scheduled Tribe students up to class XII.

Navodaya Vidyalayas (NVs): Reservation of seats in favour of children belonging to SCs and STs is provided in proportion to their population in the concerned district, provided that no such reservation will be less than the national average of 22.5 per cent (15 per cent for SCs and 7.50 per cent for STs) and a maximum of 50 per cent for both the categories (SCs and STs) taken together. These reservations are interchangeable and over and above the students selected under open merit.

National Institute of Open Schooling (NIOS): The SC/ST students are given concession in admission fees.

- Under the Scheme of Strengthening of Boarding and Hostel Facilities for Girl Students of Secondary and Higher Secondary Schools cent per cent financial assistance is given to Voluntary Organisations to improve enrolment of adolescent

girls belonging to Rural areas and weaker sections. Preference is given to educationally backward districts particularly those pre-dominantly inhabited by SCs/STs and educationally backward minorities.

- Out of 43,000 scholarships at the secondary stage for talented children from rural areas, 13,000 scholarships are awarded to SC/ST students subject to fulfillment of criteria laid down.

National Council of Educational Research and Training (NCERT): NCERT focuses on the development of textbooks, workbooks, teacher guides, supplementary reading materials, evaluation of textbooks, vocational education, educational technology, examination reforms, support to Sarva Shiksha Abhiyan, and education of educationally disadvantaged groups.

- NCERT operates the National Talent Search Scheme for pursuing courses in science and social science up to doctoral level and in professional courses like medicine and engineering up to second-degree level subject to fulfillment of the conditions. Out of 1,000 scholarships, 150 scholarships are reserved for SC students and 75 for ST students.
- National Institute of Educational Planning and Administration (NIEPA): Educational development of Scheduled Castes and Scheduled Tribes is an area of major concern of NIEPA. It carries out a number of studies relating to educational programmes and schemes for Scheduled Castes and Scheduled Tribes. It has also been generating material relating to educational institutions and development of Scheduled Caste and Scheduled Tribe students.

University Grants Commission (UGC): UGC provides financial assistance to universities/deemed universities for the establishment of SC/ST cells in universities to ensure effective implementation of reservation policy for SCs and STs. The UGC has established SC/ST Cells in 113 universities, including Central universities to ensure proper implementation of the reservation policy. The Standing Committee on SCs/STs monitors and reviews the work undertaken by the universities/colleges.

- As per the reservation policy, UGC has earmarked 15 per cent and 7.50 per cent reservation for SCs and STs, respectively, in appointments, both in teaching and non-teaching posts, admissions, hostel accommodation, etc., in universities/colleges, professional and technical educational institutions administered by the Central Government. State universities follow the reservation policy as prescribed by respective State Governments. The Commission has been issuing guidelines/directives/instructions from time to time for implementing reservation policy of the Government of India.
- Apart from reservation, there is also relaxation in the minimum qualifying marks for admission for SC/ST candidates.
- UGC has been implementing the programme of Career Orientation to Education (vocationalisation of education) to ensure that the graduates have knowledge, skills and attitudes for gainful employment in the wage sector in general, and self-employment in particular for all, including SCs/STs.
- UGC provides financial assistance for Remedial Coaching to SC/ST students. It provides financial assistance to the existing coaching centres to prepare SC/ST candidates for the National Eligibility Test (NET) conducted by UGC/CSIR.

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- Commission provides financial assistance for extension activities. Under the scheme, all groups of the society are covered, including SCs/STs.

Education of Scheduled Tribe (ST) girls has been treated as high priority sector and therefore, the Draft National Tribal Policy suggests the following measures to improve literacy especially among tribal girls, and reduce drop out rates at elementary and higher levels:

(I) There will be special focus on girls' education, inclusive of context-specific traditional and innovative interventions. Anganwadis/crèches will be linked with schools so that girls are not required to do baby-sitting affecting their education. Special and sustained education initiatives/drives will be continued/launched in low female literacy tribal pockets i.e. in districts having less than 35% ST female literacy with a view to significantly raising the literacy levels among Scheduled Tribe girls by the end of the Eleventh Plan period.

(II) A normative network of primary, secondary and high schools equipped with proper school buildings, hostels and other requisite infrastructure facilities will be worked out for all tribal areas. The norms would generally be one residential high school for ST boys and one residential high school for ST girls in each block in the tribal areas, and at least one primary school and one primary level girl's hostel in every Gram Panchayat.

The Government also implements a fully funded Central Plan Scheme of Area Intensive and *Madrasa* Modernisation Programme. The scheme has two components namely, i) Infrastructure Development and ii) Modernisation of *Madrasas*.

- Infrastructure Development: The basic objective of the scheme is to provide basic educational infrastructure and facilities in areas of concentration of educationally minorities which do not have adequate provisions for elementary and secondary education.
- Modernisation of *Madrasas*: Under this component a maximum two teacher's salary is provided through State Governments to *madarsas* for teaching modern subjects such as Mathematics, Science, Social Studies, English, Hindi, etc.

The paramount objective of the scheme is the integrated development and mainstreaming of the educationally backward Minorities. The scheme will provide adequate educational infrastructure and its upgradation in the minority concentration blocks and areas where these facilities are lacking. Another objective of the scheme is to encourage traditional institutions like *madarsas* and *maktabs* to introduce Science, Mathematics, S. Studies, Hindi and English, etc., in their curriculum. The scheme will bring minority educational institutions, including *madrasas* into the national mainstream education system by linking these to State Boards of Education.

National Commission for Minority Educational Institutions: A National Commission for Minority Educational Institutions has been set up in 2004 to advise the Central Government or any State Government on any question regarding the education of Minorities, to look into the complaints regarding violation of the rights of the Minorities, to establish and administer educational institutions of their choice and to permit a minority educational institution to seek direct affiliation to a scheduled Central University. It is

expected that the Commission will give a greater focus to the issue of Minority education as also make the implementation of the constitutional provisions in these regards more effective. The Commission would also decide cases involving disputes regarding affiliation that may arise between a University and Minority Education Institutions. The Commission would also pay special attention to the education needs girls from minorities.

The Directorate of Advertising and Visual Publicity through its literacy campaign encourages people to send their children to school. For this purpose the Mid-Day meal Scheme is given wide publicity. The importance of girl child education is highlighted in the publicity programmes and field publicity officers impress upon the people to send their girls to schools.

The combined total expenditure on education by Central and State Governments in 2004-05 was 3.49 per cent of GDP. The Central Plan Allocation for education was increased from Rs.8,225 crore in 2004-05 to Rs. 15,244 crore in 2005-06.

16. What steps are the National Literacy Mission and the State Literacy Mission taking to systematically track women's retention of literacy and what substantive plans (backed by resources) do they have for reviving the Continuing Education Programme?

Reply Q.16

To systematically track retention of literacy of both men and women, the National Literacy Mission has adopted an integrated approach to literacy by which **Total literacy Campaigns** and **Post Literacy Programme** are merged. The integrated approach seeks to effectively bring the activities of literacy campaigns under one 'Literacy Project' to achieve continuity, efficiency and convergence and to minimise unnecessary time lag between the two. At the same time, for those who have crossed the basic learning phase, programmes of consolidation, remediation, vocational skills, integration with life skills and such other aspects would be considered the basic unit.

The post literacy programme is of one-year duration implemented in a mission mode with three basic elements viz. identification of learning needs of neo-literates, provision of learning opportunities to meet the needs and creating a socio-economic, political and cultural ambience to sustain the learning environment. *Jan Chetna Kendras* are used as an 'open window' for dissemination of information regarding ongoing development schemes. Many districts have brought out simplified booklets on development schemes for neo-literates that have helped them to make informed choices. Districts are encouraged to create a pool of literature by holding a writers' workshop and tapping the talent of local story-tellers. The village library movement is yet another initiative used to promote self-reliance in learning. In each village where the number of neo-literates is substantial, small *pathagars* with a reading room or a library in the existing shikshan kendra/youth club have been established. Post literacy programmes are open to everybody who takes reading and learning as a way to enrich life. But they are specifically designed to cater to neo-literates in the 9-14 age group who have completed the basic literacy course under the total literacy campaigns, neo-literates in the 15-35 age group, semi-literates/dropouts from the basic literacy phase, dropouts from primary schools and pass-outs from Non-Formal Education programmes.

Post Literacy programme is treated only as a preparatory phase for launching Continuing Education with the ultimate aim of creating a learning society. The continuing education programme is a fully centrally-sponsored scheme. The scheme of continuing education is taken up in a district after it has completed the total literacy and post literacy phases to make the learners aware of the power and significance of education. They realise that education is the agency for improving their lives and they tend to find ways to use their literacy skills in their everyday life to make it more meaningful and rewarding. The continuing education scheme is, therefore, multi-faceted and enjoys supreme flexibility to allow grassroots community participation and managerial initiative.

Establishment of Continuing Education Centres (CECs) and Nodal Continuing Education Centres (NCESSs) is the principal mode of implementing continuing education programmes. The centres follow an area-specific, community-based approach. The scheme envisages one CEC for each village to serve a population of about 1,500-2,000 people. About 10 such centres form a cluster with one more acting as the nodal CEC. The CECs, including the nodal one, are set up in active consultation with the user community and its programme is designed to meet their demands. The stress on imparting literacy skills to non-literates is sustained. Teaching of primers, identification of target groups, environment-building activities, and other items of work if connected with basic literacy eradication continues. Wide acceptance and local sustainability is achieved by involving NGOs, voluntary agencies, social workers, Panchayati Raj institutions in the planning and implementation of the scheme of continuing education. Various development departments, technical institutions and professional groups provide inputs needed by the programme. State Resource Centres and Jan Shikshan Sansthan join hands by giving the necessary resource and training support.

While the Central government does provide financial assistance for initial establishment and running of CECs, in the long run all such CECs are expected to become self-sustaining. The scheme, therefore, envisages provision of financial assistance from the Central government and the State governments for the first five years. The central government provides 100 per cent financial assistance to a district for the first three years. In the fourth and fifth year, the cost is to be shared on a 50:50 basis by the central and state governments. Central support to the programme may be liberalised as more and more encouraging results are obtained.

The continuing education scheme is visualised as a mechanism for integrated human resource development. Well-organised and coordinated infrastructure for continuing education is critical for advancing the course of literacy in India leading to the rise of a learning society.

17. Employment

The report points out the 93 percent of women workers are in the informal sector, including in agriculture, and in low paying jobs (para 238). The report further states that Government plans to ensure that ‘women in the informal sector are given special attention with regard to improving their working conditions’ (para 244). In para 14 of the report, it is stated that the central Government proposed to introduce the Unorganized Sector Workers Bill, which will regulate the employment and conditions

of service of the informal sector. Please indicate the time frame for the introduction of this bill and whether the views of trade unions and women's groups are included in the drafting of this Bill.

Reply Q.17

The provision of social security to workers in the unorganised sector is one of the important items of Common Minimum Programme of the Government. The National Commission for Enterprises in the Unorganised Sector was entrusted with the work of preparing a social security scheme for the unorganised workers keeping in view the earlier draft prepared by the Union Labour Ministry and also one drafted by the National Advisory Council. Views of all stakeholders, including trade unions and Women's organizations, on the Draft Bill have been invited. The Draft Bill has also been placed on the web site of the Ministry for easy access.

The Chairman, National Commission for Enterprises in the unorganised sector submitted a Report and a modified Draft Unorganized Sector Workers Social Security Bill to the Government in May, 2006. The revised Draft Bill submitted by the Commission is currently under active consideration of the Government.

The steps taken by the Government so far in tackling the issues relating to unorganized labour have benefited women workers considerably. The largest numbers of beneficiaries under various schemes of social security for unorganized labour are *beedi* (cigarette made of tobacco wrapped in *tendu* dry leaf) workers. Majority of these workers are women. A number of housing colonies have been set up for the *beedi* workers, wherein a large portion of houses are earmarked for women *beedi* workers.

18. The report notes the wide disparity in the work participation rates between men and women (para 236). It also points out that women workers constitute a small minority in the organized and formal sector (17.2 percent and 14.5 percent respectively) (para 244). Please provide information on the plans in place to achieve this goal, including strategies and a timetable for its implementation and indicate whether the plan envisages the use of temporary special measures for women in backward classes and scheduled castes and tribes and rural women.

Reply Q.18

The National Sample Survey estimates do indicate a disparity in Work Participation Rates between men and women. However, women participation rates have steadily gone up from 21.60% in 1983 to around 25.9% in 1999-2000₂ and 27.4% in 2004. In the organized sector as well, women's employment has gone up from around 17.6% in 2000 to 18.4% in 2003 and to 18.7% in 2004.

The Government places strong emphasis on raising literacy rates and skill level of the work force to increase women's employment both in the organized and unorganized sectors. Government is implementing several programs aimed at providing access to education and vocational training to women. In this context, a Women's Vocational Training Program under the Directorate General of Employment & Training (DGE&T) was launched. The program aims at improving employability of women in wage/self-

employment through skill training/development. Under this program, a separate Women's Training Wing has been set up at DGE& T Headquarters, which is responsible for designing and pursuing long term policies related to providing vocational training to women in the country.

As part of the Women's Vocational Training Program, one national and ten regional Vocational Training Institutes have been set up in different parts of the country. These Institutes organize regular skill/vocational training courses at basic, advanced and post advanced levels, for women who have passed 10th or 12th standard and fulfill the specified eligibility conditions laid down for various courses. Besides the structured long-term courses, these institutes also organize need-based short term/ad-hoc courses for general women groups - housewives, students, school drop-outs, etc. and refresher training programs in advance skills/pedagogy for ITI instructors. So far, about 43,336 trainees have been trained in the above Institutes, and about 3332 seats are being currently offered annually to trainees in various courses.

In the State Sector, a network of exclusive Women Industrial Training Institutes (WITTs) has been set up under the administrative control of the State Governments. These institutes provide basic skill training to women. At present, there are 837 Women Industrial Training Institutes (WITIs) and women Training Wings in General ITIs offer 47391 training seats every year. In addition, the Employment Exchanges -cater to job needs of women registered with them. A number of protective provisions have been incorporated in various labor laws e.g. provision of crèches, prohibition of employment of women in mines, maternity benefits etc.

19. Please provide information on what is being done to address the persistence of wage gaps between men and women (para 238).

Reply Q.19

The Equal Remuneration Act 1976 ensures equal pay to men and women workers for same work or work of a similar nature. The Act is implemented at two levels viz. Central Sphere and State sphere. In the Central sphere, the enforcement of Equal Remuneration Act 1976, is entrusted to the Chief Labour Commissioner (Central) who heads the Central Industrial Relations Machinery (CIRM). The Regional Labour Commissioners have been appointed as appellate authorities to hear complaints in respect of cases decided by the Assistant Labour Commissioners. In cases where the State Governments are the appropriate authorities, the officials of the State Labour Departments do the enforcement of the provisions of Equal Remuneration Act 1976. The Central Government monitors the implementation of the provisions of the Act by the State Governments.

Under the Minimum Wage Act 1948, the Government fixes the minimum wages for scheduled employment in their respective jurisdiction. The minimum wages so fixed for workers engaged in the scheduled employments, have no statutory wage differential between men and women workers. The enforcement of the Act is monitored both by the Central Government as well as State Governments. In the Central Sphere, the implementation is secured through the offices of Chief Labour Commissioner (Central) while, in the State sphere, the responsibility of enforcement lies with the respective State enforcement machinery. The officers of Central and

State Governments are appointed as Inspectors under the statutory provisions of the Act. They conduct regular inspections and advise the employers to make necessary payment. In case of non-adherence, legal and penal actions are taken against the defaulting employers as per the provision of Minimum Wages Act.

In addition, a Task Force on Women and Children was set up by the Ministry of Women and Child to review all laws to provide for legal equality for women. The recommendations of the Task Force and National Commission for Women with respect to the labour laws have been examined in the Ministry in detail, and a process has already been initiated to amend some of the labour laws.

20. In its previous concluding comments, the Committee was concerned about the practice of debt bondage and the denial of inheritance rights in land which result in gross exploitation of women's labour and their impoverishment. Please provide an update on the steps taken to address these concerns, and their results, since the submission of the last report.

Reply Q.20

The Government has comprehensively addressed the denial of inheritance land rights for women by amending the Hindu Succession Act in 2005 to give women also an equal share in ancestral property including agricultural land.

The Centrally Sponsored Plan Scheme for rehabilitation of bonded labour, which was launched in 1978 with a view to supplement the efforts of the State Governments, has been drastically modified in May 2000 to provide for 100% assistance for conducting district-wise surveys for identification of bonded labour, awareness generation activities, and evaluatory studies. The Rehabilitation grant has also been doubled per identified bonded labour. Besides above, the State Governments have also been advised to integrate/dovetail the Centrally Sponsored Scheme for rehabilitation of bonded labour with other ongoing poverty alleviation schemes, such as, *Swaran Jayanti Gram Swa-Rojgar Yojana* (SJGSRY), Special Component Plan for Scheduled Castes, Tribal Sub-Plan etc. Accordingly, the rehabilitation package provided by the concerned State Governments for the freed bonded labourers includes the following major components:

- Allotment of house-site and agricultural land;
- Land development;
- Provision of low cost dwelling units;
- Animal husbandry, dairy, poultry, etc.;
- Training for acquiring new skills; developing existing skills;
- Wage employment, enforcement of minimum wages etc.;
- Collection and processing of minor forest products;
- Supply of essential commodities under targeted public distribution system;
- Education for children; and
- Protection of civil rights

The National Human Rights Commission (NHRC) has been involved in the supervision of the issues relating to bonded labour, based on a judgment of the Supreme Court of India. The NHRC constituted a Central Action Group for holding regular meetings with the State Governments to monitor implementation of the Bonded Labour

System (Abolition) Act, which unilaterally freed all bonded labourers with simultaneous liquidation of their debts. The Central Action Group, in collaboration with the Ministry of Labour & Employment, also regularly holds sensitization workshops on bonded labour at State capitals to sensitize the District Magistrates and other functionaries dealing with identification, release and rehabilitation of bonded labour. Vigilance Committees have been constituted by the Government at the district and sub-divisional level for identification and rehabilitation of bonded labourers including women bonded labourers. The Ministry of Labour and Employment has been reviewing the effective implementation of the Act by holding regular meetings with relevant Ministries in the State Governments. In addition, Centrally-sponsored Schemes for rehabilitation of bonded labour are effectively implemented to identify and rehabilitate bonded labourers including women.

A Manual on Abolition of Bonded Labour System has been developed by the Directorate General of Labour Welfare in 2004 to assist the implementing agencies, the vigilant groups and other interested parties in identification, release and rehabilitation of bonded labour. The 86-page manual combines in itself legislative provisions, penalties for their violation and the schemes being operated for the welfare of bonded labourers. It also contains extracts of the relevant judgments of the Supreme Court and guidelines issued by the Ministry of Labour from time to time.

The Table below shows that as a result of concerted efforts made by the Government through various anti-poverty programmes, awareness, sensitization, etc. the incidence of bonded labour reported from States is declining.

YEAR	INCIDENCE OF BONDED LABOUR REPORTED
1997-98	6000
1998-99	5960
1999-2000	8195
2000-01	5256
2001-02	3929
2002-03	2198
2003-04	2465
2004-05	866
2005-06 (Up to 30 November 2005)	304

21. Health

Please provide information on what practical steps, other than monitoring (mentioned in para 22), the Government has taken to ensure the enforcement and implementation of the Preconception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Act 1994, particularly in states which have a high adverse sex ratio.

Reply Q.21

The Central Supervisory Board (CSB) constituted under the Chairpersonship of the Minister for Health and Family Welfare has been further empowered for monitoring the

implementation of the Preconception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Act. State level Supervisory Boards in the line of the CSB constituted at the Centre has been introduced for monitoring and reviewing the implementation of the Act in States/Union Territories(UTs). The State/UT level Appropriate Authority has been made a multi-member body for better implementation and monitoring of the Act in the States. More stringent punishments are prescribed under the Act so as to serve as a deterrent for minimizing violations of the Act. Appropriate Authorities are empowered with the powers of Civil Court for search, seizure and sealing the machines, equipments and records of the violators of law including sealing of premises and commissioning of witnesses. It has been made mandatory to maintain proper records in respect of the use of ultrasound machines and other equipments capable of detection of sex of foetus and also in respect of tests and procedures leading to pre-conception selection of sex. The sale of ultrasound machines has been regulated through laying down the condition of sale only to the bodies registered under the Act.

The other steps being taken to ensure effective implementation of the Act are:

The National Inspection and Monitoring Committee has been constituted at the Centre to take stock of the ground realities by field visits to the problem States. The Committee visits vulnerable States/districts and submits the report to the Central Supervisory Board (CSB) and the concerned State authorities. It also monitors the prosecutions launched against un-registered bodies and bodies violating provisions of the Act/Rules and directions of the Supreme Court of India in the matter. The Committee has been reconstituted in March 2005 and representatives from Ministry of Women and Child Development, National Commission for Women, Indian Council For Medical research have also been included in the Committee. After its reconstitution, the NIMC has visited the States / UTs of Maharashtra, Himachal Pradesh, Punjab, Delhi, Gujarat, Andhra Pradesh, Uttar Pradesh, West Bengal, Karnataka, Madhya Pradesh and Uttranchal.

A ‘National Support and Monitoring Cell’ with external assistance for effective implementation of the Act, by appointing professionals from police, law and social sciences as consultants, has been set up. Initially, the Cell will focus on Punjab, Haryana, Gujarat, Chandigarh and Delhi where the problem is more intensive. The major expectation is that the cell will help in putting a mechanism in place so that actual wrong doers who are committing female foeticide / abetting female foeticide are apprehended by the Appropriate Authorities. They are expected to network with the Appropriate Authorities / medical officers in the State and help in stepping up successful “sting/decoy operations” by the Appropriate Authorities to nab the actual wrong doers.

Training programs and sensitization workshops have been organized to sensitize the Appropriate Authorities on an ongoing basis on various legal issues for the effective implementation of the provisions of the Act and to remove the doubts. A handbook on the Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (revised edition) have been made available to all relevant authorities.

Sensitization of the Medical Community: Department of Family Welfare has been liaising with the Medical Associations to urge doctors to undertake pre-natal sex determination and pre-conception sex selection strictly in accordance with the Act. States/UTs and Appropriate Authorities appointed under the Act have been continuously meeting with the representatives of Medical Associations like IMA, IRIA, FOGSI for the proper implementation of the Act. A special edition of this Department’s News Letter of April, 2003 was issued on amendment to the Act & Rules. This Newsletter, which has a wide circulation, sent to all health centres in the

country and NGOs. Ministry of Health and Family Welfare has given financial assistance to the IRIA for organizing zonal seminars for its members during 2006-07 for increasing awareness on various aspects of the PC & PNDT Act.

Sale of Ultrasound Machines: The Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 regulate the sale of ultrasound machines only to the bodies registered under the Act. Ministry of Health and Family Welfare issued advertisement in various newspapers all over the country about the amendments made in the PNDT Act regulating sale of ultra-sound machines/imaging machines to clinics registered under the Act for the information of doctors and manufactures of such machines. Reports are received from the manufacturers of the ultrasound machines about the details of clinics/doctors to whom the machines have been sold, so that the Appropriate Authorities could keep a check on the use of these machines.

Awareness Generation: Various activities have been undertaken to create awareness against the practice of pre-natal determination of sex and female foeticide through Radio, Television, and print media units. Workshops and seminars are also organized through Voluntary Organizations at State/regional/district/block levels to create awareness against this social evil. Cooperation has also been sought from religious / spiritual leaders, as well as medical fraternity to curb this practice.

The Government of India has launched 'Save the Girl Child Campaign' with a view to lessen son preference by highlighting achievements of young girls.

The Directorate of Advertising and Visual Publicity had launched an elaborate campaign to publicize the provision of PNDT. Besides several short duration Campaigns on Female Foeticide were organized in Punjab, Haryana and Himachal Pradesh. Programmes on Female foeticide and are now routinely organised under the family welfare campaign.

Training of Judiciary: With a view to sensitise the judiciary, services of National Judicial Academy, Bhopal are being taken during 2005-06. The National Judicial Academy will first provide training to trainers from the state judicial academies that in turn will provide training to the judiciary in the area under their jurisdiction. The training of trainers took place in September 2005. National Judicial Academy has been requested to impress upon the State Judicial Academies for starting the training of Judiciary and include the issue in the regular curriculum of the training of Judiciary.

Involvement of District Magistrate: District Magistrate have been requested to regularly review the implementation of the PC & PNDT Act along with other programmes in their district.

Website on Pre-Conception and Pre-Natal Diagnostic Techniques Act (PNDT): A website for informing the public about the information / activities being undertaken by the Ministry Of Health and family Welfare has been developed. The URL of the website the Ministry is www.mohfw.nic.in. Provision for registering online complaints about the doctors / clinics doing sex determination has been made on this website under the link 'Implementation of Pre-conception and Pre-natal Diagnostic Techniques Act'.

The National Commission for Women (NCW) is also working on female foeticide and has held National Workshops on the implementation of PNDT Act. National Commission for Women is monitoring the implementation of PNDT Act. A National Monitoring Committee has been formed in the Ministry of Health and Family Welfare. The National Commission for Women is trying to pursue the State Government to have the Committees. N.C.W. is in a plan manner interacting with the State Government and wherever required intervening.

A sound track for the Sound and Light programme "*Shatroopa*" with the theme of women's emancipation and empowerment has been produced and presented in various places. The Directorate of Advertising and Visual Publicity has so far presented 12000 programmes including 30 Sound & Light programmes on women- specific issues.

22. Please provide statistical data about the incidence of HIV/AIDS broken down by sex, rural and urban areas, caste and ethnic groupings, and indicate what national programmes are in place to prevent and combat HIV/AIDS amongst women, including awareness-raising and preventative measures.

Reply Q.22

The data is being collated from relevant authorities. It will be submitted to the Committee as soon as possible.

23. Maternal deaths due to complications in pregnancy and childbirth continue to be the leading cause of death among women in the country. The report notes that in as many as twelve states, the rate of safe deliveries of babies in less than 25 percent (para 267). Please provide information on what measures are in place or planned to reduce maternal mortality, especially for women in the rural areas

Reply Q.23

The results of the surveys (Sample Registration System) show a declining trend of Maternal Mortality over the years i.e. from 853 per 100,000 live births (SRS 1972-76) to 407 per 100,000 live births (SRS 1998). As per the District Level Household Survey, the Safe Delivery Rate has increased from 40.2% (1998-99) to 47.6% (2002-04) in India.

The Government of India has taken a number of measures to reduce the maternal mortality in the country. As per the National Population Policy 2000 and National Health Policy 2002, the goal for reduction in maternal mortality ratio has been kept at less than 100 per 100,000 live births to be achieved by the year 2010. Government is actively pursuing this goal under the National Rural Health Mission (NRHM) in order to improve the availability of and access to quality health care including services for Safe Motherhood. The Mission seeks to provide effective health care to rural population throughout the country with special focus on 18 States, which have weak public health indicators and/or weak infrastructure. These States are Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Himachal Pradesh, Jharkhand, Jammu & Kashmir, Manipur, Mizoram, Meghalaya, Madhya Pradesh, Nagaland, Orissa, Rajasthan, Sikkim, Tripura, Uttaranchal and Uttar Pradesh. The Mission will operate over a period of seven years from 2005 to

2012. Under the NRHM, the services provided under the Reproductive and Child Health (RCH) Programme will be strengthened through:

- Implementation of the *Janani Suraksha Yojana* (JSY) under which cash incentives and services are provided to pregnant women belonging to families Below Poverty Line (BPL). In case of institutional delivery, in the low performing States benefits under the scheme are available to Non-BPL Pregnant Women also. The age bar and number of birth criteria have also been removed in these States.
- Appointment of Accredited Social Health Activist (ASHA) for every village with a population up to 1000. ASHA will facilitate the community in accessing health care services and will have specific responsibility of mobilizing pregnant women for antenatal care, institutional delivery and post-natal checkups and immunization to children.
- Operationalising all Community Health Centers as First Referral Units (FRU) for providing Emergency Obstetric and Child Health services
- Making 50% Primary Health Centers functional for providing 24-hour delivery services, over the next five years
- Ensuring quality of services by implementing Indian Public Health Standards (IPHS) for Primary Healthcare Facilities.
- Ensuring skilled attendance at every birth both in the community and in institutions.

Maternal deaths due to complications in pregnancy and childbirth have engaged the attention of the Government. National Commission for Women (NCW) in association with the Central Department of Family Welfare organised a National Meet of Health Secretaries on 'Gender and Health' on 12 October 2004 in Delhi, wherein issues relating to high maternal mortality rate, lack of reproductive health services for women, population policy and missing girls were discussed. These discussions have enabled in identifying practical recommendations to implementing agencies to address the above problems.

The NCW also launched a programme '*Chalo Gaon Ki Ore*' (Let us Move to Villages) in 2006. This programme is directed towards rural women to spur their empowerment. One of the main aims is to improve the awareness of women on health problems, including HIV/AIDS and Sexually Transmitted Diseases and also to familiarize them with various programmes of Central and State Governments. A three-tier training system at District level, Block level and Village level to train the women has been designed for implementation by the State Governments. A book titled '*Meera Didi Se Pooncho*' has also been brought out by the NCW as training material for use in different levels of training programmes.

24. Please provide information on what is being done to facilitate women's access to health care, particularly in rural areas, and the integration of family planning services in primary health care.

Reply Q.24

Family Planning Services in the Government sector have been provided as an integrated service along with the primary health care in all the Sub-centres, Primary Health Centres, Community Health Centres and all other levels of health institutions since 1970s. Under the Reproductive and Child Health Project-II (RCH II) and National Rural Health Mission (NHRM) large number of measures are being taken to scale up quality primary health care services in all these health institutions including the family planning services.

The Accredited Social Health Activist (ASHA) appointed at the village level would provide complete information and knowledge on the contraceptives and counseling to the eligible couples in the community for planning their family, for which ASHA is being provided the requisite training.

Over the next five years, 50% of the Primary Health Centres would be made functional to provide 24-hour delivery services. This would also ensure availability of health providers for providing family planning services at these centres.

Operationalising Community Health Centres (CHCs) as the first referral unit by strengthening their infrastructure and providing requisite manpower - This would also ensure provision of family planning services (both temporary and permanent methods like mini-lap, laparoscopic sterilization for females and No-Scalpel Vasectomy (NSV) for male sterilization and temporary methods like Oral Contraceptive Pills, Emergency Contraceptive Pills, IUD insertions, condoms etc. at these centres.

With the above measures, regular services of permanent contraceptive methods would be assured till the CHC levels and spacing methods including oral contraceptives, IUD insertions and emergency contraceptive pills would be available at the sub-centre level.

Male participation in family planning is given a high priority through propagating the NSV sterilization for males, which would address the gender equity issues also.

All the above measures would contribute to integrating the family planning with the health systems and increasing the access of women to family planning services, particularly in the rural areas.

25. Rural women

Given that rural women constitute nearly 70 percent of the female population, please provide information about the impact of the Government's National Agricultural Policy on rural women and girls, in sectors such as health, education, employment, economic development, access to credit and participation in decision-making.

Reply Q.25

The National Agriculture Policy accords high priority to women empowerment. The policy states that appropriate structural, functional & institutional measures will be initiated to empower women and build their capacity to improve their access to inputs and other farm resources.

As part of the implementation of the National Agricultural Policy, the Women Cell of the Ministry of Agriculture has implemented women specific programs to provide training, extension, input, managerial, entrepreneurial and other support services to the women farmers. These are being executed in 143 districts of 21 States of the country. The impact

of these programmes as assessed through Review Missions & Consultancy Studies reveals that project interventions have led to:

- An increase in general awareness levels of women farmers
- Substantial increase in production and income levels of women farmers
- Marked increase in farm women's access to information, training & skill up-gradation levels, and
- Visible improvement in the socio- economic status of women farmers.

The Centrally sponsored scheme 'Support to State Extension Programmes for Extension Reforms' which has been launched in 2005-06 with the total outlay of Rs. 2260.70 million, provides for allocation of minimum 30% of resources meant for programs & activities for women farmers and women extension functionaries. This scheme at the district level is being operationalized through the Agriculture Technology Management Agency (ATMA). The Governing Board (GB) of ATMA or ATMA-like bodies set up at the district level provides representation of women farmers to ensure that their areas of interest are safeguarded and their involvement in decision making is substantially improved.

The National Gender Resource Centre in Agriculture (NGRCA) and the Gender Budgeting Cell (GBC) set up in Department of Agriculture and Cooperation (DAC) have also been instrumental in identifying and promoting 'gender issues' within the mainstream programs of the agriculture sector. A more comprehensive exercise on 'Review & Analysis of existing schemes of DAC for Incidence of Benefits & cost of delivery of services to women' is also in the pipeline.

26. The report notes that 89.5 percent of female workforce is concentrated in the agricultural sector, yet they are landless (para 319). Please indicate how the Government intends to effectively implement land reforms legislation and increase women's access to land.

Reply Q.26

The 10th Five-Year Plan has noted that it will ensure effective implementation of land reform legislations, ceiling distribution of surplus land and issue of Joint *Pattas* [Joint holdings] under the Government schemes. It will also make concerted efforts to ensure that the benefits of training and extension in agriculture and its allied activities of horticulture, small animal husbandry, poultry, fisheries, etc. reach women in proportion to their numbers. Special training programmes in latest technologies, keeping in view the role of women as producers, will be expanded to assist rural women in meeting the market demands. With the rise in the number of women-headed households, the phenomenon of feminization of agriculture will be attended to as a concern at the policy level.

The Hindu Succession Act has been amended in 2005 to give women also an equal share in ancestral property including agricultural land. This also would contribute towards reduction of landless women workforce.

The National Agriculture Policy of 2000 also recognises women's rights in land as an important component for achieving rural development and land reforms. It also envisaged involvement of rural poor in the implementation of land reforms with the help of *Panchayati Raj* institutions, voluntary groups, social activists and community leaders.

27. What are the measures taken by the government to stop the displacement of adivasi people especially as a result of development projects, resulting in adivasi women's loss of control over common resources? What are the concrete steps that have been taken to formulate a policy for the advancement of adivasi people? What is the place of adivasi women in that policy?

Reply Q.27

The National Policy on Resettlement and Rehabilitation of Project Affected Families (PAFs) has been notified by the Ministry of Rural Development in 2003. The policy provides a comprehensive rehabilitation package to mitigate adverse impact of displacement due to construction of development projects on project-affected families including Scheduled Tribe PAFs. The Policy contains specific additional benefits for tribal people over and above the provisions which apply to others, which inter-alia protect their culture and community way of living. Besides, the policy makes it mandatory for the Administrator for R&R to involve the women of the PAFs while preparing the scheme/plan for Resettlement and Rehabilitation. Further, the policy envisages the Resettlement & Rehabilitation benefits for all PAFs including Scheduled Tribes. It prescribes that the land allotted to the PAFs may be in the joint names of wife and husband of the PAFs

The Ministry of Tribal Affairs has recently prepared a draft "National Tribal Policy 2006", and sought comments from all concerned. The comments received are under examination. The draft National Tribal Policy has been formulated specifically for the advancement of the Scheduled Tribes(STs). The draft National Tribal Policy also includes a chapter on Displacement, Rehabilitation and Resettlement of Scheduled Tribe PAFs, which states as follows:

- (i) The principle of least displacement would be mandatory. All the technological/financial/displacement activities should be explored and reasons given to justify that the proposed projects involve least displacement.
- (ii) There shall be a threshold of displacement viz. the maximum number of persons that can be displaced in one project. Projects involving displacement of more than 50000 would not be considered, if the majority are Scheduled Tribes.
- (iii) An exhaustive social impact assessment would be conducted before initiating a development project.
- (iv) Displacement would be after mandatory consultation with the community as provided in the *Panchayats (Extension to Scheduled Areas) Act of 1996*.
- (v) The laws applicable to the Fifth and Sixth Schedule Areas would not be amended to open up the areas for control or ownership by private non-tribal individuals, industries or institutions.
- (vi) The definition of 'public purpose' will be re-examined. What is public purpose for one category of population may result in the trauma of displacement for the tribal people.
- (vii) Use of tribal land on lease basis rather than on acquisition, will be encouraged, with provision for the land to revert to the original tribal owner on expiry of the lease period or on earlier closure of the project or the enterprise.
- (viii) The principle of 'land for land' in the command area of zone of influence would be followed scrupulously. This would lessen the inbuilt inequities between the

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- upstream displaced persons and the downstream beneficiaries in case of, say, irrigation projects.
- (ix) There will be mandatory consultations with Tribes Advisory Councils in case of displacement of STs from the Scheduled Areas.
 - (x) STs displaced from Scheduled Areas shall be allotted alternative lands in Scheduled Areas only.
 - (xi) Compensation would be computed not merely on the basis of the replacement value of the individual land rights lost, but on the market value of land, the concept of net present value, loss of opportunity cost, community rights, and livelihoods.
 - (xii) The cash compensation to be made available will be invested in such ventures as yield regular income. For instance, supplemented with institutional loan, it may be invested in housing to be built for the project staff or for shops, yielding monthly rent, etc.
 - (xiii) Land and other assets would be provided in the joint names of both spouses or in the name of the woman of the household.
 - (xiv) Unused land will, after a fixed period of time, be physically handed back to the original owner or heirs in a condition fit for agriculture or other use.
 - (xv) In industrial enterprises set up in the Scheduled Areas (except in small ventures), the community would get suitable benefits, which could be in the form of being made a partner in the said industry or a certain percentage of the profits being utilized for local area development. The displaced would become co-sharers in the fruits of acquisition. Suitable amendments in the Companies Act would be introduced for this purpose.
 - (xvi) The PAFs would have first right to get employment in the project. Training should be organized for the introduction of PAFs even before the project is initiated.
 - (xvii) The implementation of R&R would be upfront to make the process of displacement more humane.
 - (xviii) A ground level monitoring mechanism involving representatives of the PAFs, and post implementation social audit will also be ensured.
 - (xix) In application to Scheduled Areas, the provisions of the Land Acquisition Act, 1894, the National Policy on Resettlement and Rehabilitation of Project Affected Families-2003, the Coal Bearing Areas (Acquisition and Development) Act, 1957 and the National Mineral Policy, 1993 will be amended to harmonize with those of the PESA Act, 1996.
 - (xx) The detailed cost benefit analysis, and proposed rehabilitation package as per the norms of this policy should be spelt out at the stage of the notifications under Section 4 of the Land Acquisition Act itself to enable people to examine the same. These provisions would be put in place through suitable legislation.

In the Draft National Tribal Policy, the Gender Equity and empowerment of ST women has been recognized as a central issue in determining the status of women. The Draft Policy suggests that the following efforts will be made for the upliftment of tribal women:

- (a) Special literacy programmes drives would be continued or launched in low female literacy pockets, with special focus on girls' education.

- (b) Measures would also be taken through community efforts to eliminate certain pernicious practices which result in the torture and oppression of women e.g. witch craft.
- (c) Migration of tribal women to urban areas, to take low paid, domestic and menial work would be discouraged by providing an enabling regulatory/policy framework.
- (d) Customary practices (of inheritance, ownership of property, etc.) which discriminate against women would be examined with a view to bring about gender parity.
- (e) Social, Economic and political empowerment of STs, especially women to enable them to exercise effective control over their natural resource base and make informed choices.
- (f) Examination of customary practices of inheritance that excludes women and modification of such practices.

Regarding the advancement of *adivasi* women, the National Commission for Women organized a consultation meeting with the Secretary of Tribal Development of the State Governments on issues concerning empowerment of women. The Commission organises training programmers for elected Tribal Women representatives with a view to imparting knowledge and awareness about social and legal rights to *Panchayat* representatives and Legal Awareness Programmes for tribal women to make them aware of their legal rights.

28. Please illustrate how affirmative action policy has impacted dalit women as compared to other women and as compared to dalit men, as regard education, employment, political participation and decision-making. Please provide sex disaggregated data.

Reply Q.28

The data is being collated from relevant authorities. It will be submitted to the Committee as soon as possible.

29. Equality in marriage and civil law

The Committee notes that under the National Empowerment Policy for Women steps are being taken to make each of the personal laws gender just by repealing discriminatory provisions, and that this is being done with the participation of all stakeholders, including community and religious leaders (para 4, p.3-4). Please indicate the time frame for such amendments to be completed. Please indicate whether the proposed amendments are in line with CEDAW principles. Please indicate what proactive measures have been taken by the Government to raise awareness in the diverse communities of women's rights to equality in marriage. Also inform the Committee whether consultations with the communities for the independent amendment of personal laws have started and whether women's groups are participating in these consultations.

Reply Q.29

The Government with the help of the National Commission for Women examined the provisions of Personal Laws with a view to identifying the provisions, which have a gender discriminatory aspect. The Government brought amendments in the Indian Succession Act, 1922 and the Hindu Succession Act, 1956 so as to bring in gender equality. The Indian Divorce Act, 1869 has also been amended so as to mitigate the hardships caused to Christian women as compared to their other counter parts. The policy of the Government is not to interfere in the Personal Laws of the Minority Communities

unless the necessary initiatives for change come from a sizeable cross section of the communities concerned.

30. Ratification of Optional Protocol

India has not yet ratified the Optional Protocol. Please indicate what steps are being taken or considered for India to become a party to the Optional Protocol.

Reply Q.30

The Optional Protocol is under examination of the Government.
