

**GOVERNMENT OF INDIA
HUMAN RESOURCE DEVELOPMENT
LOK SABHA**

UNSTARRED QUESTION NO:5658
ANSWERED ON:03.05.2005
CEDAW
Nambadan Shri Lonappan

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

- (a) the details of India's stand for Reservations/Declaratory Statements to the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW);
- (b) whether the Government is contemplating to withdraw its Reservations/Declaratory Statements to the CEDAW;
- (c) if so, the details thereof; and
- (d) if not, the reasons therefor?

Answer

MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KANTI SINGH)

(a) India signed the Convention on the Elimination of All forms of Discrimination Against Women on 30th July, 1980 and ratified it on 9th July, 1993. India made the following declarations and reservation upon signature and confirmed upon ratification:

Declaratory Statements:

"With regard to Articles 5(a) and 16(1) of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that it shall abide by and ensure these provisions in conformity with its policy of non-interference in the personal affairs of any Community without its initiative and consent."

"With regard to Article 16(2) of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of Republic of India declares that though in principle it fully supports the principle of compulsory registration of marriages, it is not practical in a vast country like India with its variety of customs, religions and level of literacy."

Reservation:

"With regard to Article 29 of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that it does not consider itself bound by paragraph 1 of this article."

The text of the concerned Articles is annexed.

(b) No, Sir.

(c) Does not arise.

(d) As regards matters relating to marriage and family relations, the policy is one of non-interference in the personal affairs of any community.

As regards the question of compulsory registration of marriages, although Government is fully in conformity with the principle, it is not practical considering the vastness of the country and the variety of customs, religions and literacy of the people.

As regards compulsory arbitration or adjudication by the International Court of Justice, India has a reservation as there is a well established judiciary and institutional mechanisms like the National Commission for Women and the National Human Rights Commission.

Annexure

Article 5 (a) of CEDAW

States Parties shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.

Article 16 of CEDAW

1. State Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- a) The same right to enter into marriage;
- b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- c) The same right and responsibilities during marriage and at its dissolution;
- d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
- e) The same rights to decide freely and responsibility on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
- g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
- h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Article 29 of CEDAW

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may at the time of signature or ratification of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.