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INTRODUCTORY STATEMENT

BY

H.E. MR. A. GOPINATHAN

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY

AND PERMANENT REPRESENTATIVE OF INDIA

TO THE UNITED NATIONS OFFICE IN GENEVA

AT

THE CONSIDERATION OF INDIA'S FOLLOW-UP REPORT BY

**THE COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN (CEDAW)**

AT ITS FORTY SEVENTH SESSION

GENEVA

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Madam Chairperson, Members of the Committee,

I am honoured to have this opportunity today to engage with the Committee on the Elimination of Discrimination against Women (CEDAW) on behalf of the Government of India.

02. Before getting into the substantive issue that brings us together, I would like to recapitulate briefly the events leading up to today's meeting.

03. In January 2007, the Government of India presented its combined second and third periodic reports to CEDAW. In its concluding comments to that report in February 2007, the Committee raised specific questions related to the incidents of violence that took place in Gujarat in 2002 and their impact on women. Accordingly, at the request of CEDAW, a follow-up report on this issue was submitted by us in July 2009.

04. It is this report, issued by the CEDAW Secretariat in December 2009, along with the supplementary material provided by us, that I have the privilege of presenting to the Committee today. In this regard, my delegation and I have been fully briefed to engage the Committee. We also have the benefit of having in our delegation the nodal officer in our Ministry of Women and Child Development dealing with CEDAW-related issues. Regrettably, another member of our delegation, who is the Joint Secretary to the Government of India in charge of human rights at our Ministry of Home Affairs, has had to drop out at the last moment on account of an illness. We look forward to engaging in a comprehensive and constructive conversation with the esteemed members of the Committee and address all your comments and concerns.

Madam Chair,

05. Please allow me to begin by placing the report in a larger historical context by making three broad points.

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06. Firstly, it is the broad sweep of a nation's history, rather than some episodic aberrations, which reveals more about the soul of a nation. And if we broaden the horizon with this perspective, we would find – and indeed appreciate – that not only has India had a tradition of tolerance since time immemorial, but also that it has always been an *exceptionally* tolerant land. And I say this fully conscious of our imperfections and humbled by the awareness that, like all other societies, we too have our extreme fringes who are on the wrong side of history. That, however, does not alter the fundamental reality about India as an *especially* pluralist and tolerant country where cultural syncretism takes precedence over cultural homogeneity.

07. I come from a nation where the idea of secularism and tolerance is not merely a Constitutional principle, but a *civilizational* precept. We are a nation of unparalleled diversity, where numerous minorities and cultures have lived together in peace for millennia. India is the home of Buddhism, Hinduism, Jainism, and Sikh faiths. Islam has been in existence in India for thirteen hundred years, and one in every ten Muslims in the world is an Indian. Christianity has been in India since the lifetime of Jesus Christ himself. Jews have lived and practised their faith without hindrance in India for centuries. India has welcomed and sheltered Zoroastrians, Bahais, Ahmadiyahs and many others who have fled intolerance and persecution *elsewhere*.

08. Secondly, India is, as a relatively young nation – and here we need to draw a distinction from India as a civilization – still waging a struggle of epic proportions in its attempts at socio-economic development while – and this is the important point – retaining its values as a liberal democracy, committed to secularism and the rule of law. India, as you are well aware, lives in several centuries at the same time, with huge variations in time and space on virtually any indicator of socio-economic development. While these factors may partly be attributable to characteristics innate to a society, they were certainly not helped by the two centuries of an exploitative colonial rule that also did not, *inter alia*, shy away from often instigating communal discord as an expedient tool of governance. In fact, this led to the partition of our country with one of the largest and bloodiest exchanges of populations in human history that left a lasting legacy and thwarted socio-economic progress. But despite *all* odds, and despite the often competing narratives in our quest for accelerating an inclusive

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socio-economic growth for *all* of our sizeable population, we have never wavered in our commitment to the vision of our nation's founding fathers to uphold universal human values and preserve our democratic and secular credentials. Indeed, if pluralism is the backbone of our national existence, our diversity makes the liberal character of our democracy inevitable. It is worth reiterating that while the complexities of our diversity make it a challenge to achieve a *quick* socio-economic transformation, we give equal importance to guarding our liberal democratic values in the process.

09. It is, therefore, not surprising, that our Constitution has extensive provisions to safeguard fundamental rights, and our judiciary, media and civil society have fiercely guarded these rights for *all*. In fact, it is easy to find a rich history of Indian courts testing the limits of their mandate vis-à-vis the Executive, and the Indian media, which is one of the most vibrant and free media in the world, testing the limits of freedom of expression and privacy.

10. It is also not surprising that successive governments have sought to enhance the voice for the citizens, since the most effective way of protecting the weak and the vulnerable is by empowering them. To this end, one notable effort has been to enhance the economic and political empowerment for *women* through various measures, be it through reservation of one-third of seats in the local governments for women – something we did about 17 years ago – or emphasizing the education of the girl child, or providing economic independence to women – nearly half of the rural household beneficiaries of our National Rural Employment Guarantee Scheme are women. The relatively recent legislation on the Right to Information as a *justiciable* right has further empowered our civil society. This path-breaking legislation strengthens the ability of our citizens to check arbitrary action on the part of the Executive.

11. Thirdly, India's governance has to be viewed through the prism of its federal character. In terms of administrative units, India comprises 28 states and seven Union Territories, with most of them run by independent, democratically elected governments. Further, there exists a complicated division of powers, including those concerning law and order, between the federal government and the state governments. While at one level, the federal system is both a necessity and an asset in view of the country's size and diversity, at

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another level it poses several challenges for governance, especially in the time it takes for consensus on Executive decisions to develop and be implemented.

Madam Chair,

12. In expounding on these three points, it is not my intention to underplay the multifarious challenges that exist in our multi-layered society. It is not our case that everything is perfect with regard to the situation of minorities in our country. It can perhaps never be so in *any* society. But it is very much our case that adequate systems and safeguards are in place to tackle the aberrations and the extreme fringes of different religious groups, both from a legislative and administrative framework viewpoint, as well as in terms of the availability of judicial remedies. My purpose in highlighting the three points was merely to stress our underlying strength as an inherently tolerant and pluralistic society and our unremitting commitment to the ideals of liberal democracy, notwithstanding the complexities in our society and our federal structure which often impede the pace at which we would like to move forward.

13. The violence that occurred in Gujarat in 2002 is to be deplored in the strongest terms. It was an aberration and should never have happened. What happened in Gujarat does not, however, detract from the core and true spirit of our nationhood. As a nation, we have institutions, capacities and democratic maturity to own up to our shortcomings and our problems, to introspect, and to embark on course correction, whenever and wherever required. It is in this spirit that the role played by our judiciary, media, civil society and the National Human Rights Commission has to be lauded.

14. With these words, Madam Chair, let me know turn to the eight specific issues on which the Committee had requested my Government information through a follow-up report.

I. Reopening of 2,000 odd cases of violence

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15. Madam Chair, the Committee had requested information on the 2,000-odd cases pertaining to violence that had been reopened on the orders of the Supreme Court of India. As mentioned in our follow-up report and the supplementary material to this report, the Supreme Court had, in an order in 2004, asked further investigation in 2,017 cases that had been closed earlier. These investigations had to be carried out by high-ranking police officers (*of the rank of Inspector-General of Police and above*) under the direct supervision of the state Director-General of Police. Further, the investigations were monitored by the Supreme Court through quarterly progress reports. Accordingly, an eleven-member Special Cell Committee headed by the Director-General of Police carried out further investigations into these 2,017 cases, information about which was widely publicised.
16. Upon scrutiny, the Committee found 1,958 cases as fit for detailed review, after following the procedure laid down under the law and as directed by the Supreme Court. The remaining 59 cases were not found fit for re-opening and information about them was posted on the Riot Cell Website. Since then, no objections have been received from anyone in respect of these 59 cases. Of the 1958 cases that were found fit for review, charge-sheets have been filed in 104 cases (*and in connection with which 1,185 persons were arrested*). Of the remaining 1,854 cases, 1851 cases have been filed as 'A' Summary cases, i.e. cases closed for lack of sufficient evidence, but which can be re-opened as and when evidence becomes available, with the Supreme Court asking for further directions from the Court, while three cases are pending investigation. It may be noted that in addition to the 1,958 cases reviewed by the aforesaid Committee, 15 *new* cases were also registered based on the facts which emerged during the scrutiny and tendering of evidence. Out of these 15 new cases, charge-sheets have been filed in 13 cases against 92 accused persons and the remaining two cases are pending further investigation.
17. The disaggregated data by sex has been provided in the supplementary material. The cases are at various stages of trial. All efforts are being made to expedite the trial of the pending cases in the court. Special Public Prosecutors have been appointed. Instructions have been given to District Government Pleaders to impart top priority to these cases. Police authorities have also been instructed to ensure maximum service of summons and warrants.

II. Cases of Violence and Sexual Offences Against Women

18. The second aspect on which the Committee had requested information was on the number of cases of sexual assault and violence against women that had been reported and the resolution of such cases. Madam Chair, there are, at present, 120 cases registered under various provisions of the Indian Penal Code. These charges include, amongst others, unlawful assembly, rioting and rioting with deadly weapons, voluntarily causing hurt, rape, murder and criminal intimidation. Eight of these 120 cases involve sexual offences under Section 376 of the Indian Penal Code on rape. About 200 accused persons have been arrested and are facing trial in these cases.

19. Specifically, with regard to the status of these eight cases pertaining to sexual offences, two cases have ended in convictions and, in one case, the accused have been acquitted. Four cases are pending trial. One case has been closed as what is called a 'C' summary case since it had been filed in two police stations. I would like to inform the Committee that as per the directions of the judiciary, such riot-related cases wherein the accused were acquitted were referred to the Advocate-General for scrutiny. Based on Advocate-General's opinion, appeals against orders of acquittal have been filed in the higher courts.

III. Victim and Witness Protection Measures

20. The third aspect on which the Committee had requested information was on victim protection measures. Madam Chair, the state government has taken steps to provide protection for witnesses as well as the victims of violence wherever required. Many of the victims later on became witnesses and this protection continued till it was required or demanded. A total of 80 women witnesses have been provided protection by the state government. Besides giving individual protection to witnesses, protection has been provided on a group basis by posting teams for protecting the areas by the State Reserve Police and even by the Central Industrial Security Force. In addition to the arrangements made by the state government, the Supreme Court, while constituting Special Investigation Teams to investigate the nine major offences of violence, has issued directions for elaborate victim and witness protection measures. A summary of protection provided to witnesses/victims at

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various places by the state government, including disaggregated data on protection provided to women witnesses, has been provided in the supplementary material.

IV. Action Taken Against the Officials and Others Who were Found Complicit in the Crime

21. The fourth aspect on which the Committee had requested information was on action taken against officials who had been found complicit in crimes. Madam Chair, action has been initiated against police enforcement officials who were found guilty or responsible for dereliction of duty during the riots. As of June 2010, criminal cases or departmental proceedings or both had been initiated against 167 investigating and supervising police officials. Punishments have been awarded to 46 officials, 33 have been acquitted and proceedings are pending against 86. Two officials have expired. In the nine cases of major offences of violence investigated by the Special Investigation Team on the directions of the Supreme Court, departmental action was initiated against 26 police officials of whom four have already been awarded punishment. Further, 11 criminal cases were lodged against police officers and other government employees in connection with the Godhra riots. Conviction has taken place in one case, acquittal has happened in two cases whereas the remaining cases are pending trial.

22. In addition, a Commission of Inquiry set up by the state government and headed by a retired judge of the Supreme Court, is inquiring into the role and conduct of the then Chief Minister and/or any other Minister in his council of Ministers, police officers, other individuals and organizations in the said incident. Its report is awaited.

V. & VI. Relief and Rehabilitation Measures, Including Compensation

23. The fifth and sixth aspects on which the Committee had requested information were regarding measures taken to rehabilitate women and compensation awarded to women victims. Madam Chair, we have provided detailed information in the supplementary material on these aspects. Specifically, families of 338 women who died were awarded half a million rupees, or roughly about USD 10,000, by way of *ex gratia* payment to survivors of persons

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who had died. Also, 326 women were paid about Rs. 40, 750 each, or roughly USD 800, as assistance for injuries. 480 widows were given widow pensions and over 200 widows employed by the Government in its mother and child-care centres. In addition, extensive assistance was provided through cash doles, rations, medical care, trauma counselling, loans and interest subsidies. The government extended assistance through renowned NGOs for livelihood training for nearly 6,000 women.

VII. & VIII. Rehabilitation of Muslim Families Displaced by Violence and Economic Rehabilitation of Affected Communities

24. The seventh and eighth aspects on which the Committee had requested information were regarding rehabilitation of Muslim families displaced by violence and economic rehabilitation of affected communities. Madam Chair, we have provided detailed information on this in our supplementary material. The riot affected families have settled down mainly in 86 sites/colonies in different parts of Gujarat. There are 4,122 families with a population of 21,461 residing in these 86 colonies. Of these, 3,353 are riot-affected families. To cater to the social, economic and infrastructural needs of the people residing in these colonies, considerable work has been done in providing facilities such as public health centres, schools, Integrated Child Development Services centres, public distribution centres, drinking water, electricity, road and sanitation facilities.

Madam Chair,

25. Let me conclude by reiterating the Government of India's firm resolve to ensure that justice should be served and the guilty punished for the repugnant crimes committed in Gujarat in 2002. We are equally determined to make sure that what happened in Gujarat should never be repeated in any part of India. In carrying forward this resolve, we are aided by an independent judiciary, autonomous robust institutions like the National Human Rights Commission, National Commission on Minorities and National Commission on Women, a free media, vibrant civil society and non-Governmental organizations. Moreover, the new legislations/measures in the pipeline would ensure added institutional frameworks of

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safeguards to avoid the recurrence of similar incidents. We look forward to a constructive engagement and benefiting from the collective wisdom of the members of the Committee.

I thank you for your patience and kind attention.
