

## CONTENTS

### **Introduction**

### **Section I: Background Framework**

#### **1. General Information.**

- A. Demographic, economic, social and cultural characteristics of the State
- B. Constitutional, political and legal structure of the State

#### **2. General Framework for the Protection and Promotion of Human Rights**

- C. Acceptance of international human rights norms
- D. Legal framework for the protection of human rights at the national level
- E. Framework within which human rights are promoted at the national level
- F. Reporting process at the National level

#### **3. Information on Non-Discrimination and Equality and Effective Remedies**

### **Section II: Convention-specific document**

#### **1. Additional Legal and other Appropriate Steps and Measures Undertaken**

##### A Part I

Article 1: Discrimination

Article 2: Obligation to eliminate discrimination

Article 3: Measures for development and advancement of women

Article 4: Special Measures

Article 5: Sex roles and stereotyping

Article 6: Trafficking and exploitation of women

##### B. Part II

Article 7: Political participation and public life

Article 8: International representation and participation

Article 9: Nationality

##### C. Part III

Article 10: Education

Article 11: Employment

Article 12: Health.

Article 13: Economic and social benefits

Article 14: Rural women

##### D. Part IV

Article 15: Equality law

Article 16: Marriage and family life

#### **2. Implementation of Concluding Comments on Combined II & III Periodic Reports**

#### **3. Outcomes of UN Conferences, Summits and Reviews**

Abbreviations

Reference Documents

## INTRODUCTION

1. India signed the Convention on the Elimination of All Forms of Discrimination against Women on 30<sup>th</sup> July 1980 and ratified it on 9<sup>th</sup> July 1993. The Combined Initial and First Periodic Report was submitted to the Committee in August 1998 and reviewed by the Committee in its 22<sup>nd</sup> session in January 2000. The Combined Second and the Third Periodic Reports were submitted in October 2005 and were reviewed by the Committee in its 37<sup>th</sup> session in January 2007. The Committee sought a follow up report on the impact of the 2002 Gujarat incident on women. The follow up Report was submitted in 2009 and considered by the Committee in its 47<sup>th</sup> session in October 2010.
2. India is presenting the Combined Fourth and Fifth Periodic Reports. This Report covers developments in implementation of the Convention in India from 2006 to 2011. The harmonised guidelines for preparation of Common Core Document and the reporting Guidelines of the Committee on the Elimination of All Forms of Discrimination against Women, 2006 have been followed broadly in the preparation of this Report.

The Report consists of two sections:

- i. **Section I:** Background Framework (Common Core Document) containing general and factual information.
- ii. **Section II:** Convention specific document on implementation.

### **SECTION I: Background Framework**

#### **1. General Information**

##### **A. Demographic, economic, social and cultural characteristics of the State**

3. India is a country in South Asia. It is the seventh largest country by geographical area, the second-most populous country with over 1.2 billion people, and, the most populous democracy in the world and in the earth. India is a plural, multilingual, multicultural and multiethnic society. India is a federal constitutional republic with a Parliamentary democracy consisting of 28 States and 7 Union Territories. Indian economy is the tenth largest economy by nominal GDP and fourth largest economy by Purchasing Power Parity in the world. Since economic liberalisation in 1991, India has become one of the fastest growing major economies. In 1949, India adopted her Constitution which guarantees equality and equal protection to all citizens in eyes of law. The Constitution has evolved and continues to adopt various measures for achieving different commitments since then.
4. India's demography is uniquely diverse. She has more than two thousand ethnic groups, 1652 languages and dialects spoken by 1,210,193,422 people. As per 2011 Census the country has 623,724,248 males and 586,469,174 females. Women constitute 48.46 % of the total population. The population is divided into major religions and castes. As per the 2001 Census, the Scheduled Castes constitute 16.2 % and the Scheduled Tribes 8.2 % of the population respectively. Further complexity is lent by the great variation that occurs

across this population on social parameters such as income and education. As per the 2011 Census, around 68.83% of the population lives in rural areas and the remaining 31.16% live in urban areas.

5. The proportion of women in the reproductive age group of 15-49 years has increased from 47.4 % in 2000 to 48.9 % in 2008. The percentage of elderly women in the age group of 60 years and above was 7.2% in 2008 as against 6.9% for men. Single, widowed, divorced or separated women constitute 8.2 % females in all ages. Life expectancy at birth has gone up over the years from 61 years for males and 62.7 for females during the period 1996-2000, to 62.6 years for males and 64.7 years for females respectively during the period 2002-06.
6. Sex ratio is one of the most important indicators. The female to male sex ratio (number of women per 1000 men) has shown a declining trend over the period 1901-1991. There is a reversal in the trend in both 2001 and 2011 Censuses. The female to male sex ratio increased from 933 in 2001 to 940 in 2011. Census 2011 showed an increase in sex ratio in 29 States/UTs. Child sex ratio in the age group of 0 to 6 years is a matter of concern for the country as it declined from 927 in 2001 to 914 in 2011.

#### **Social, economic and cultural characteristics of the State**

7. As per 2011 Census, 74% of population aged 7 and above is literate and 26% is illiterate. The literacy rate has gone up from 64.83% in 2001 to 74.04 % in 2011, an increase of 9.21 percentage points. Literacy rate for males is 82.14% as against 65.46% for females. The increase in literacy rates among males and females during 2001-2011 is 6.88 and 11.79 percentage points respectively. Further, the gap of between male and female literacy rates has reduced from 21.59 percentage points in 2001 Census to 16.68 percentage points in 2011.
8. The Gross Enrolment Ratio (GER) at the secondary and higher secondary level for boys was 49.2%. It remained almost the same during the period from 2004-05 to 2006-07, but for girls, it increased from 35.1% to 41.4%. The higher percentage of increase in the GER for girls as compared to boys indicates the narrowing of the gender disparity. For the academic year 2009-10, the total number of students enrolled in Universities and Colleges was 13.64 million of which 6.55 million were women, constituting 41.4% of the total enrolment.
9. The work force participation rate of women and men is a good indicator of economic development of the country. Of the total labour force, around 25 to 30 % women in rural and 15 to 18 % in urban areas participate in the labour market. It is observed that there has been remarkable growth in the workforce during the period 1994-2000 and 2000-2005. The increase has been higher for females than for males in both rural and urban areas. During 2000-2005, the employment growth has been significantly higher for urban females (5.66%) than for all other three segments of population, namely, rural females (2.81%), rural males (1.59%) and urban males (3.41%). The proportion of female employees in the Central Government in 1992 and 2001 were 7.58% and 7.53% respectively as against 3.64% in 1981. Agricultural sector is the largest

employer of women, as majority of the female workforce, accounting for 73 % worked in the agricultural sector in 2004-05.

10. The Total Fertility Rate (TFR) has declined from 3.2 in 1999 to 2.6 in 2008. In terms of mortality rates, there has been a decline in the age specific mortality rate from 8.9 in 2000 to 6.8 in 2008. The Maternal Mortality Ratio (MMR) has reduced from 254 (per 100,000 live births) in 2004-06 to 212 (per 100,000 live births) in 2007-2009. There has been a progressive decline in infant and child mortality rates. The Infant Mortality Rate (IMR) for female children has declined from 68 in 2001 to 55 in 2008 as against 64 to 52 during the respective years for male children. During 2007-2008, 47% of the deliveries took place in a healthcare facility and 46.5% of the couples were protected by family planning methods.

## **B. Constitutional, political and legal structure of the State**

### **Constitution:**

11. The Indian Constitution guarantees equal rights and opportunities; and, equal franchise to all its adult citizens. The preamble of the Constitution of India promises to secure to all its citizens, justice - social, economic and political; liberty of thought, expression, belief, faith and worship; equality of status and opportunity; and promote among them all – fraternity, assuring the dignity of the individual and the unity of the Nation.
12. In the Indian Constitution women stand on equal footing with men in all spheres. The Constitution guarantees equality and equal protection in law for men and women (Article 14), prohibits discrimination on the grounds of religion, race, caste and sex or place of birth (Article 15) and discrimination at work place (Article 16). Article 15(3) empowers the State for adopting special measures for women and children and Article 16 (4) empowers the state for making provisions/reservation in employment for any backward class citizens who are not adequately represented in the services. It also provides for special measures to achieve de-facto equality.
13. In addition, the Constitution provides protection of certain freedoms, viz.. Article 19(a) - provides freedom of speech and expression; Article 19 (b) - freedom to assemble peaceably and without arms; Article 19 (c) - freedom to form associations or unions; Article 19 (d) – freedom to move freely throughout the territory of India; Article 19 (e) – freedom to reside and settle in any part of India; Article 19 (g)- freedom to practice any profession, or to carry on any occupation, trade or business; Article 21 provides for protection of life and personal liberty. Right to life has been interpreted by the Supreme Court of India as life with dignity and not a mere existence of animal living. Article 21- A imposes an obligation on the state to provide free and compulsory education to all children of the age of 6 to 14 years. Article 23 (I) provides for a right against exploitation; trafficking of human beings and other forms of forced labour.
14. The Constitution lays down certain Directive Principles of State Policy which, though not justiciable, are ‘fundamental in governance of the country’ and it is the duty of the State to apply these principles in making laws. These are:

- I. Equal justice and free legal aid.
  - II. Right to work, to education and to public assistance in certain cases.
  - III. Provision for just and humane conditions of work and maternity relief.
  - IV. Living wage for workers.
  - V. Participation of workers in management of industries.
  - VI. Uniform civil code for the citizens.
  - VII. Provision for free and compulsory education for children.
  - VIII. Promotion of educational and economic interests of scheduled castes, scheduled tribes and other weaker sections.
  - IX. Obligation of the state to raise the level of nutrition and the standard of living and to improve public health.
  - X. Organization of agriculture and animal husbandry.
  - XI. Promotion of international peace and security.
15. The obligation of State to protect and promote are contained in the directive principles of State Policy. Some of the 'women specific' directive principles, having special bearing on their status are: Article 39(a) articulates the duty to provide adequate means of livelihood equally for men and women. Article 39(d) demands a policy providing equal pay for equal work for both men and women. Article 39(e) mandates that the policy of the State should be geared to protect the health for men, women and child workers. Article 39 (A) directs the State to secure a legal system promoting justice on the basis of equal opportunity and to provide free legal aid for securing justice for its citizens. Article 41 ensures right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want. Article 42 provides for just and humane conditions of work and maternity relief. Article 43 mandates that the state shall secure, to all workers a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities. Article 51A (e) casts a duty on the State to renounce practices that are derogatory to the dignity and status of women. Article 51 (A) (k) casts an obligation on the parent/guardian to provide opportunities for education to his child/ward between the age of 6-14.

**Political structure:**

16. India, a Union of States, is a sovereign, secular, democratic republic with a Parliamentary system of government. The Indian polity is governed by the Indian Constitution, which was adopted by the Constituent Assembly on 26<sup>th</sup> November 1949 and came into force on 26th January 1950. The President is the head of State and the formal head of all the three branches of Indian Democracy - Legislature, Executive and Judiciary. The Council of Ministers headed by the Prime Minister aids and advises the President. The Council of Ministers is collectively responsible to *Lok Sabha*, the House of the People. The legislative arm of the Union, called the Parliament, consists of the

President, *Rajya Sabha* and *Lok Sabha*. *Rajya Sabha*, the House of the States consists of 245 members. Of these, 233 represent States and Union Territories and 12 members are nominated by the President. Elections to the *Rajya Sabha* are indirect; members are elected by the elected members of legislative assemblies of the concerned States. *Lok Sabha* is composed of representatives of the people chosen by direct election on the basis of universal adult suffrage. *Lok Sabha* consists of 545 members with two members nominated by the President to represent the Anglo-Indian Community. The terms of the *Lok Sabha and Rajya Sabha* members are five and six years respectively.

17. There are twenty eight States and seven Union Territories (UT) in India. Each State has its own government with Governor as the Head. Each UT is administered directly by the President through an Administrator appointed by him. In the States, Governor is the representative of the President and is the head of Executive. Council of Ministers headed by the Chief Minister aid and assists the Governor at the State Level. The powers and functions of Central Government and State Government are clearly defined in the Constitution. Both Governments are autonomous within their respective areas of working. Central Government has jurisdiction over 97 subjects whereas the States have 66 subjects under their jurisdiction. The Constitution provides for a Concurrent List of 47 subjects over which both the governments have concurrent jurisdiction. The State of Jammu and Kashmir was accorded a special status and was allowed to make its own Constitution. All provisions of the Constitution of India do not apply to the State of Jammu and Kashmir directly, but dependent on an order made by the President in consultation with the State Government for which provision had been made in Article 370.

### **Local Bodies and Decentralisation**

18. By 73<sup>rd</sup> and 74<sup>th</sup> amendments to the Constitution, Panchayat system has been institutionalized for local governance. Depending upon the size of the population, the Panchayat Raj Institutions (PRIs) provides for three tier levels of governance, that is, *Gram Panchayat*, *Taluk Panchayat* and *Zilla Panchayat* in the rural areas; and Municipal Corporations and Councils in urban areas. The members of these bodies are elected for a period of five years. They provide for reservation of 1/3<sup>rd</sup> of the total seats for women as well as posts of chairpersons in them for women in all categories viz. General, SCs and STs, both in rural and urban areas. Due to this initiative, out of the 2.8 million elected members in Panchayat Raj Institutions (PRIs), around one million are women. The average women representation in Panchayats across the country is 36.94%. The Panchayat (Extension of the Scheduled Areas) Act, 1996 (PESA) has extended the scope of the Panchayat Raj legislation to cover tribal areas, which has thus provided for decentralisation in these areas too.
19. The Government is committed to provide reservation in State legislatures and the Parliament and has made attempts to introduce the Women's' Reservation Bill but could not make a headway due to the lack of consensus amongst the legislators/political parties. In March 2010 the Constitution (108<sup>th</sup> Amendment Bill) providing for reservation for women in the Parliament and the State Legislatures was passed by the *Rajya Sabha*.

20. The Central Government has proposed for effecting a Constitutional amendment to increase the percentage of reservation of seats for women in PRIs from one-third to one-half with a view to empowering women and making Panchayats more inclusive institutions. However, several states such as Andhra Pradesh, Bihar, Chhattisgarh, Himachal Pradesh, Jharkhand, Kerala, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, Tripura have amended their respective Acts to provide 50% reservation for women. In Sikkim, reservation for women is 40%.
21. Women comprise of 340 million voters out of a total electorate of 710 million. Political parties are increasingly fielding women candidates for elections. As on March 2009, out of total of 33 Union Ministers (Cabinet Ministers) and 37 Ministers of State, there are three (3) women in each. As on January 2011, there are 25 women members out of a total 242 members in the *Rajya Sabha*. It is interesting to note that in all *Lok Sabha* elections, though the number of women's representation in Parliament has not been very impressive, the success rate of women candidate (percentage of contestants getting elected) has always been higher than the male contestants.
22. India has a multi-party system with a pre-dominance of regional parties. There are seven recognised political parties at the National level and each State has many other state specific political parties. India has a strong tradition of non-governmental and voluntary action, community based organisations and civil society groups. An estimated 25,000 registered non-governmental organisations (NGOs) operate in India.

#### **Administration of Justice: Administration of Justice:**

23. Supreme Court is the apex court in the country. There are 18 High Courts in the country, out of which three (3) have jurisdiction over more than one state. Delhi has a High Court of its own and the other six (6) UTs come under jurisdiction of different State High Courts. High Court is the head of the state's judicial administration. Each State is divided into judicial districts presided over by a district and sessions judge, who is the highest judicial authority in that district. There are courts of Civil and Criminal jurisdiction. Special Tribunals have been set up to deal with specific matters, viz., administrative tribunals dealing with employment related cases, industrial tribunal, family courts, consumer redressal forum, etc. fast track courts have been established for speedy disposal of the cases.

## **2. General Framework for the Protection and Promotion of Human Rights**

### **C. Acceptance of international human rights norms**

24. India acceded to **International Covenant on Civil and Political Rights 1966 (ICCPR)** in the 10<sup>th</sup> April 1979 with declarations on Articles 1, 9 and 13.
  - i. "With reference to Article 1 of the International Covenant on Economic, Social and Cultural Rights and Article 1 of the International Covenant on Civil and Political Rights, the Government of the Republic of India declares that the words 'the right of self-determination' appearing in [this Article] apply only to the people under foreign domination and that these

words do not apply to sovereign independent States or to a section of a people or nation--which is the essence of national integrity.

- ii. "With reference to Article 9 of the International Covenant on Civil and Political Rights, the Government of the Republic of India takes the position that the provisions of the Article shall be so applied as to be in consonance with the provisions of clauses (3) to (7) of Article 22 of the Constitution of India. Further under the Indian Legal System, there is no enforceable right to compensation for persons claiming to be victims of unlawful arrest or detention against the State.
  - iii. With respect to Article 13 of the International Covenant on Civil and Political Rights, the Government of the Republic of India reserves its right to apply its law relating to foreigners.
25. India acceded to **International Covenant on Economic, Social and Cultural Rights 1966** (ICESCR), on 10<sup>th</sup> April 1979 with the declarations on Article 1, 4, 7 and 8 which are as follows:-
- i. With reference to Article 1 of the International Covenant on Economic, Social and Cultural Rights and Article 1 of the International Covenant on Civil and Political Rights, the Government of the Republic of India declares that the words 'the right of self-determination' appearing in [this Article] apply only to the peoples under foreign domination and that these words do not apply to sovereign independent States or to a section of a people or nation--which is the essence of national integrity.
  - ii. With reference to Articles 4 and 8 of the International Covenant on Economic, Social and Cultural Rights, the Government of the Republic of India declares that the provisions of the said [Article] shall be so applied as to be in conformity with the provisions of Article 19 of the Constitution of India.
  - iii. With reference to Article 7 (c) of the International Covenant on Economic, Social and Cultural Rights, the Government of the Republic of India declares that the provisions of the said Article shall be so applied as to be in conformity with the provisions of Article 16(4) of the Constitution of India."
26. India ratified the **Convention on Elimination of All Forms of Discrimination Against Women (CEDAW)**, on 9<sup>th</sup> July 1993 with two declarations and one reservation. They are as follows:
- Declarations:
- i. "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 are in conformity with its policy of non-interference in the personal affairs of any Community without its initiative and consent.



- ii. With regard to Article 16 (2) of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the 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.”

27. India ratified the **Convention on the Political Rights of Women**, on 1<sup>st</sup> November 1961 with a declaration on Article 3 of the Convention which is as follows:

“Article III of the Convention shall have no application as regards recruitment to, and conditions of service in any of the Armed Forces of India or the Forces charged with the maintenance of public order in India.”

28. India acceded the Convention on Child Rights (CRC), on 11<sup>th</sup> December 1992 with the following declaration on Article 32:

“While fully subscribing to the objectives and purposes of the Convention, realising that certain of the rights of the child, namely those pertaining to the economic, social and cultural rights can only be progressively implemented in the developing countries, subject to the extent of available resources and within the framework of international co-operation; recognising that the child has to be protected from exploitation of all forms including economic exploitation; noting that for several reasons children of different ages do work in India; having prescribed minimum age for employment in hazardous occupations and in certain other areas; having made regulatory provisions regarding hours and conditions of employment; and being aware that it is not practical immediately to prescribe minimum age for admission to each and every area of employment in India – the Government of India undertakes to take measures to progressively implement the provisions of Article 32, particularly paragraph 2 (a), in accordance with its national legislation and relevant international instruments to which it is a State Party.”

29. India has ratified both the Optional Protocols of the Convention on the Rights of Child. Optional Protocol on the Rights of the Child on the involvement of children in armed conflict, was ratified on 30<sup>th</sup> November 2005 with the following Declaration:

“Pursuant to Article 3(2) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Government of the Republic of India declare that:

- i. The minimum age for recruitment of prospective recruits into armed forces of India (Army, Air Force and Navy) is 16 years. After enrolment and requisite training period, the attested Armed

forces personnel is sent to the operational area only after he attains 18 years of age

- ii. The recruitment into the Armed Forces of India is purely voluntary and conducted through open rally system/open competitive examinations. There is no forced or coerced recruitment into the Armed Forces”.

The Optional Protocol on the sale of children, child prostitution and child pornography, was ratified by the Government of India on 16<sup>th</sup> August 2005.

30. India has ratified the **International Convention on the Elimination of All Forms of Racial Discrimination** on 3-12-1968 with the following reservation and Declaration:

"The Government of India declares that for reference of any dispute to the International Court of Justice for decision in terms of Article 22 of the International Convention on the Elimination of all Forms of Racial Discrimination, the consent of all parties to the dispute is necessary in each individual case."

31. The Indian Government has drafted a Bill to ratify the **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or (CAT)**, Ministry of Home Affairs has called for comments on the draft Bill. The Convention against Torture will be ratified in the near future.
32. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, (adopted in December 1990 and entered into force in July 2003)
33. India has ratified **the Convention on the Rights of Persons with Disabilities on 1<sup>st</sup> October 2007.**

#### **D. Legal framework for the protection of human rights at the national level**

34. The Indian Constitution has incorporated various human rights principles as envisaged in the Universal Declaration of Human Rights (UDHR), 1948 and other human rights treaties and the same has been highlighted in paragraphs Nos. 11 to 15.
35. As per Article 51 of the Constitution of India the state shall endeavour to foster respect for international law and treaty obligations. In pursuance to this, the government is committed to respect and promote human rights treaties and to promote and protect the human rights of its citizens. The state has adopted various measures to fulfil its obligations under various treaties and this is an ongoing process. Under Article 253, the Parliament to implement any Treaty and Convention through legislation and this requires incorporation of the treaty before it could be applied to its citizens.

Section 2(d) of the Protection of Human Rights Act, 1993 defines “human rights” as the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by Courts in India. This definition is in conformity with international standards and the accepted interpretation of human rights.

36. Legislation in India is subject to review by Courts with regards to its constitutionality, and the exercise of executive power is subject to different forms of judicial review. In the event of infringement of an individual's fundamental rights, the aggrieved person can move to the Supreme Court under Article 32 of the constitution and the respective state High Court under Article 226 of the constitution. The Supreme Court has, in its concern for human rights, also developed a highly advanced public interest litigation (PIL) regime. Any individual or group of persons highlighting a question of public importance, for the purposes of invoking its writ jurisdiction, can approach the Supreme Court and the High Courts in the states. The Supreme Court has also recognised the justifiability of some vital economic and social rights, by interpreting the 'right to life' as the right to a life with dignity.
37. Courts in India were of the view that unless the provisions of the international treaty are incorporated by an act of Parliament it really does not become a part of the domestic law. Even though the treaties themselves do not become enforceable, the courts are bound by the principle recognised in most national systems that in cases of doubt or in the absence of legislation, the national rule has to be interpreted in accordance with the state's international obligations arising out of the treaties that have been entered into.
38. Supreme Court in more than one judgement held that the rules of customary international law which are not contrary to the municipal laws shall be deemed to be incorporated into municipal laws. Some of the cases are *Nelabatti Behara*' case (AIR 1993 SC 1960), *D.K. Basu -vs- State of West Bengal* (AIR 1997 SC 610) reiterated that the victims of custodial death are entitled for compensation. In *Madhu Kishwar's* case (AIR 1996 SC 1864), Supreme Court dealing with the discriminatory inheritance and succession laws of the Ho tribe in Bihar observed that "...Article 2 (e) of the CEDAW enjoins this court to breathe life into dry bones of the Constitution, international Conventions and the Protection of Human Rights Act, to prevent gender based discrimination and to effectuate the right to life including empowerment of economic and cultural rights. In *Masilamani Mudliar and others -vs- The idol Swaminathaswami Thirukloi and others* (AIR 1996 SC 1697) Supreme Court held that the personal laws, derived from scriptures, conferring inferior status on women is anathema to equality. In *Valsamma Paul vs. Cochin University* (AIR 1996 SC 1011), Supreme Court, held that the right to social and economic justice envisaged in the preamble and elaborated in the Fundamental Right and Directive Principles of the Constitution, particularly Art.14, 15, 16, 21, 38, 39 and 40 of the Constitution, are to make the quality of life of the poor, disadvantages and disabled citizens of the society meaningful. In *Vishaka -vs- State of Rajasthan* (AIR 1997 SC 3011) the definition of sexual harassment in this judgement is similar to the one defined in para 18 of the General Recommendation 19 of the CEDAW. Court observed that "in the absence of domestic law occupying the field, to formulate effective measures to check the evils of sexual harassment of working women at all work places, the contents of International Conventions and norms are significant for the purposes of interpretation of the guarantee of gender equality, right to work with human dignity in Art. 14, 15, 19(1) (g) and 21 of the Constitution and the

safeguards against sexual harassment is implicit therein. Any international convention not inconsistent with the fundamental rights and in harmony with its spirit must be read into these provisions to enlarge the meaning and content thereof to promote the object of the Constitutional guarantee.” In Gaurav Jain’s case (AIR 1997 SC 3021), Supreme Court reiterated the principles of CEDAW and has acknowledged that human rights for women including girl child are inalienable, integral and an indivisible part of the universal human rights. The full development of personality and fundamental freedoms and equal participation of women in political, social, economic, and cultural life are concomitants for national development, social and family stability and growth- cultural, social and economical. In this case, Supreme Court directed the Ministry of Women and Child Development (MWCD) to frame appropriate rescue and rehabilitation for sex- workers. In PUCL –vs- Union of India (AIR 1997 SC 568) Supreme Court held that the Right to Privacy is protected under Art.21 of the Constitution as well as Art.17 of the ICCPR, and is also covered by the freedom of speech and expression under Art.19(1) (a) of the Constitution. The Supreme Court observed that “International Law is not confined to regulating the relations between the States. Scope continues to extend. Today matters of social concern, such as health, education and economic apart from human right fall within the ambit of International Regulations. International Law is more than ever aimed at individuals.” In Apparel Export Promotion Council –vs- A.K. Chopra, (AIR 1999 SC 625) the Supreme Court observed that “These international instruments cast an obligation on the Indian State to gender sensitise its laws and Courts are under obligation to see that the message of the international instruments is not allowed to be drowned and that Courts are under an obligation to give due regard to International Conventions and Norms for construing domestic laws more so when there is no inconsistency between them and there is a void in the domestic law. In Gita Hariharan –vs- Reserve Bank of India (AIR 1999 SC 1149) Supreme Court dealing with the right of a mother to be a natural guardian, referred to CEDAW and the Beijing Declaration to once again reiterate that the state parties have to take appropriate measures to prevent discrimination of all forms against women. In Narmada Bachao Andolan –vs- Union of India ( AIR 2000 SC 3751), Supreme Court held that water is the basic need for survival of human beings and is a part of right to life enshrined in Article 21 of the Constitution of India. The resolution of UNO in 1997 to which India is signatory has also during the United Nations Water Conference unanimously recognised this right. In Municipal Corporation of Delhi –vs- Female workers (Muster Roll) (AIR 2000 SC 1274) Supreme Court held that the principles contained in Article 11 of the CEDAW has to be read into the contract of service between the Delhi Municipal Corporation and women employees and by doing so these women become immediately entitled to all the benefits conceived under the Maternity Benefit Act, 1961. In Life Insurance Corporation of India –vs- Consumer Education & Research Centre (AIR 1995 SC 1811) Supreme Court held that the authorities or private persons or industry are bound by the directives contained in Part IV and III and the Preamble of the Constitution. The right to carry on trade is subject to directives contained in the Constitution, the Universal Declaration of Human

Rights, the European Convention of Social, Economic and cultural rights and the Convention on Right to Development for Socio-Economic Justice. Social security is a facet of socio-economic justice to the people and a means of livelihood. In *Kirloskar Brothers Ltd –vs- Employees State Insurance Corporation* (AIR 1996 SC 3261. Supreme Court referred to the principles of Articles 1, 3 and 25 (1) of the UDHR, Articles 6, 7(b) of the ICCPR and the Preamble of the Constitution of India, fundamental rights and directive principles particularly 39 (e), 42 and 47. In this case, Court held that it is the duty of the State to consider that welfare measures are to be implemented effectively and efficaciously. In *Vasanthha –vs- Union of India*, 2001 (ii) LLJ 843, the Madras High Court has struck down the provisions of Section 66 of the Factories Act. This section prohibits women to work in night shifts and has laid down certain guidelines and welfare measures for the female workers who come forward to work during the night shifts. In *Chairman Railway Board – vs- Chandrima Das’s case* ((2000) 2 SCC 465), Supreme Court, while applying the principles of the International laws and relying upon the Universal Declaration of Human Rights (UDHR), 1948 and Declaration on the Elimination of Violence against Women, 1993 awarded compensation to the rape victim and fasten the liability vicariously on the state as the rape had taken place in the premises belonging to the State. In *Bodhisattwa Gautam – vs- Subhra Chakraborty* (AIR 1996 SC 922), Supreme Court expanded its jurisdiction under Article 32 of the Constitution and held that Court can enforce fundamental rights even against private bodies or individuals and also award compensation for violation of fundamental rights. In *T.M.A. Pai Foundation –vs- Karnataka* (2002(8) Scale), the Court while looking at the minority rights have referred to Article 27 of the ICCPR which guarantees minority rights and also to the General Comment of the Human Rights Committee. It thus held that the concept of equality under Article 14 of the Constitution permits rational or discriminating discrimination. Conferment of special benefits to a particular group of citizens for rational reasons is envisaged under Article 14 and is implicit in the concept of equality.

39. Government of India has referred to the in obligation of the Convention, while enacting laws, viz., Protection of Women From Domestic Violence Act, 2005 and the Protection of Women against Sexual Harassment at Workplace Bill, 2010.
40. As far as administrative structures are concerned, separate Ministries and Departments have been created both at the Centre and in the States for development of women and children, social justice, health, education, labour, with a strong focus on the rights of citizens. A number of essential services like education, health and public distribution system of food have been kept in the public sector to ensure its reach across all sections of the population.

#### **Institutions and authorities for promotion of women’s rights**

41. **Ministry of Women and Child Development (MWCD)**: MWCD is the nodal Ministry for issues pertaining to gender and children and has been working for empowerment of women. The vision of the Ministry is to have empowered women living with dignity and contributing as equal partners

towards the development of the country in an environment free from violence and well nurtured children with full opportunities for their growth and development in an environment free from exploitation. The mission of the Ministry is to promote social and economic empowerment of women through cross cutting policies and programmes, mainstream gender concerns, create awareness about their rights and facilitate institutional and legislative support for enabling them to develop to their full potential. Ministry prepares its policies and programmes in accordance with the priorities outlined in the Eleventh Five Year Plan (2007-2012) document for inclusive growth and development of women and children. The Ministry has successfully evolved policies, plans of action, legislations, programmes and schemes for advancement of women and children and has been implementing them with the support of State Governments/ UTs, Government and Non-Government Organisations for achieving its mandate.

42. **The National Commission for Women (NCW):** National Commission for Women (NCW) was constituted on 31<sup>st</sup> January, 1992 as a statutory body, in pursuance of the National Commission for Women Act, 1990 to safeguard the interests of women. It has a wide mandate covering almost all aspects of women's development, viz., to investigate and examine the legal safeguards provided for women under the Constitution and other laws and recommends to Government, measures for their effective implementation; review the existing provisions of the Constitution and other laws affecting women and recommend amendments to meet any lacunae, inadequacies or shortcomings in such laws; look into complaints and take suo-moto notice of matters relating to deprivation of women's rights etc. It takes up such issues with appropriate authorities; conducts studies/ research on issues of relevance to women, participates and advises in the planning process for socio-economic development of women. The Commission evaluates progress of planning process; inspect jails, remand homes etc. where women are kept under custody and seek remedial action wherever necessary.
43. Some of the issues taken up by NCW are: gender and law enforcement; impact of displacement on women; sexual harassment at workplace; women in detention; anti-arrack movement; issues concerning prostitution; political empowerment of women and technological empowerment of women. The National Commission has conducted many legal awareness programmes, investigated various individual complaints (in the year 2010-11, 14,151 complaints / cases were registered by the Complaint and Investigation Cell of NCW). It took suo-moto cognisance in case of violation of women's rights in incidents such as the mysterious death of Ms. Scarlett Keeling, UK Citizen in Goa in 2008, the case of sexual harassment and abuse of 13 students of Siliguri Women's College by tour operators in Agra in 2010, the case of an 18-year-old Dalit girl and her 70-year-old father who were burnt alive by persons belonging to another community in Mirchipur village of Hisar in Haryana State, the case of physical assault of a school principal by a library secretary in Malarna Dungur of Sawai Madhopur District in Rajasthan State etc.

44. NCW has addressed many practices namely, sati, devadasi and other religious practices; witch hunting; acid attack on women; honour killing etc. Witch hunting is a traditional practice linked with religion that is prevalent in some parts of India such as the states of Bihar Jharkhand, Rajasthan, Gujarat, Odisha and West Bengal. NCW has been conducting workshops, seminars and awareness programmes across the country highlighting the ill effects of witch hunting.
45. NCW has studied the efficacy of various legislations and made recommendations and suggestions on different laws and they are pending consideration by the Government. Some of the pieces of legislation the Commission has focused on, in recent times, are review of implementation of the Protection of Women from Domestic Violence Act; the Protection of Women against Sexual Harassment at Workplace Bill, 2010; the Prevention of Crimes in the Name of Honour and Tradition Bill 2010; the Domestic Workers Welfare and Social Security Act, 2010; the Revised Scheme for Relief and Rehabilitation of victims of Rape; the Scheme for relief and rehabilitation of Offences (by Acids) on women and children. NCW drafted a Bill "Compulsory Registration of Marriage Act 2005"; the implementation of PC&PNDT Act; the Family Courts (Amendment) Bill,2005; the Older Person's Maintenance, Care and Protection Bill, 2005; the amendment of laws relating to rape and sexual assault; the Medical Termination of Pregnancy Act, 1971; the Foreign Marriage Act, 1969; the Guardians and Wards Act, 1890; the amendments to Criminal Procedure Code, 1973 for making offence under Section 498-A compoundable and removing restrictions on lodging of complaint in respect of offences under sections 494 and 495 of the Indian Penal Code; the strengthening of laws to curb incidence of sale of minor girls; the Commission of Sati (Prevention) Act, 1987; the Hindu Marriage Act, 1955; the Prohibition of Child Marriage Act; the Indecent Representation of Women ( Prohibition ) Act, 1986; the Immoral Traffic (Prevention) Act, 1956 (for elimination of child prostitution and devising a comprehensive package for rehabilitation) etc.
46. Based on the recommendation of the Parliamentary Committee on Empowerment of Women (14<sup>th</sup> Lok Sabha) on the subject, "Plight of Indian Women deserted by Non-Resident Indian (NRI) husbands", the National Commission for Women was nominated as the coordinating agency at the national level for dealing with issues pertaining to NRI marriages. The NRI Cell was formally inaugurated on the 24<sup>th</sup> of September, 2009. The Cell deals with complaints received from India and abroad concerning cross country marriages where there is any deprivation of women's rights or any issue involving grave injustice to women. During the year 2010-2011, 540 cases were registered in the NRI Cell.
47. Governments of all the 28 States and 7 UTs have established the State Commission for Women (SCW). These are independent autonomous statutory bodies constituted under the respective State laws and are funded by the State Governments. Since NCW and SCWs are established under separate statutes, there is no structural control or hierarchical structures between these bodies, but, they carry out similar functions. Regular meetings, seminars and

discussions are held by NCW with the SCW. NCW coordinates with SCW on matters relating to deprivation of women's rights particularly on complaints received from the States and also on review of existing laws and introducing new laws.

48. **National Human Rights Commission (NHRC)** – NHRC, established under the Protection of Human Rights Act, 1993 is another state machinery that provides redressal for human rights violations. Review of laws; implementation of treaties, and the international instruments on human rights, economic, social & cultural rights; elimination of bonded labour and child labour; issues concerning right to food; prevention of maternal anaemia and congenital mental disabilities in children; human rights of persons affected by HIV/AIDS; public health as a human rights issue; rights of the vulnerable groups; rights of women, children, minorities, scheduled castes and scheduled tribes; people displaced by mega projects; people affected by major disasters such as the super-cyclone in the state of Odisha and the earthquake in the state of Gujarat; action research on trafficking; promotion and protection of the rights of the disabled; rights of de-notified and nomadic tribes; welfare of the destitute widows of Vrindavan; elimination of manual scavenging etc. are some of the issues amongst many others that are taken up by the NHRC. One of the issues that have engaged the attention of NHRC is human trafficking and it has come out with an integrated plan of action to prevent and combat human trafficking with a special focus on children and women.
49. **National Commission for Backward Classes:** National Commission for Backward Classes is a statutory body established under the National Commission for Backward Classes Act, 1993. The mandate of the Commission is to examine requests for inclusion of any class of citizens as backward class in the Central List of Backward Classes and take up complaints of over-inclusion or under-inclusion of any backward class in the lists and tender such an advice to the Central Government as it deems appropriate with respect to backward classes.
50. **National Commission for Scheduled Caste and Scheduled Tribe:** As per the 2001 Census, the population of Scheduled Castes in India is 160.6 million i.e. 16.2% of the total population. Likewise the population of Scheduled Tribes is 80.4 million i.e. 8.2% of the total population. The framers of the Constitution took note of the fact that certain communities in the country were suffering from extreme social, educational and economic backwardness arising out of age-old practice of untouchability and certain others on account of this primitive agricultural practices, lack of infrastructure facilities and geographical isolation, and who need special consideration for safeguarding their interests and for their accelerated socio-economic development. These communities were notified as Scheduled Castes and Scheduled Tribes as per provisions contained in Clause 1 of Articles 341 and 342 of the Constitution respectively. The statutory National Commission for Scheduled Castes and Scheduled Tribes (NCSCST) came into being consequent upon passing of the Constitution (Sixty fifth Amendment) Bill, 1990, which was notified on 8<sup>th</sup> June 1990. Consequent upon the Constitution (Eighty-Ninth Amendment) Act, 2003, coming into force on 19<sup>th</sup> February 2004, the erstwhile NCSCST was



replaced by (1) National Commission for Scheduled Castes(NCSC) and (2) National Commission for Scheduled Tribes(NCST). The functions, duties and power of the NCSC have been laid down in clauses(5), (8) and (9) of the Article 338 of the Constitution. Accordingly, it is the duty of the Commission: - (a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards; (b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes; (c) to participate and advise on the planning process of socio-economic development of the Scheduled Castes and to evaluate the progress of their development under the functions of Union and any State; (d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards; (e) to make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes; and (f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

51. **MINORITY COMMISSION:** There are five religious minority communities in India namely, Muslims, Christians, Sikhs, Buddhists and Zoroastrians (Parsis) constituting 18.42% of the country's population. With the enactment of the National Commission for Minorities Act, 1992, the Minorities Commission became a statutory body and was renamed as the National Commission for Minorities. Its main functions are to evaluate the progress of the development of minorities under the union and States; monitor the working of the safeguards provided in the Constitution and in laws enacted by the Parliament and the state legislatures; make recommendations for the effective implementation of safeguards for the protection of the interests of minorities by the Central Government or the State Governments; look into specific complaints regarding deprivation of rights and safeguards of the minorities; take up studies to look into problems arising out of any discrimination against minorities and recommend measures for their removal; conduct studies, research and analysis on the issues relating to socio-economic and educational development of minorities; suggest appropriate measures in respect of any minority community and make periodical or special reports to the Central Government on any matter pertaining to minorities and in particular the difficulties confronted by them.
52. **National Commission for Protection of Child Rights (NCPCR):** NCPCR was set up in March 2007 as a statutory body under the Commissions for Protection of Child Rights Act, 2005 (4 of 2006), an Act of Parliament (December 2005). The mandate of the Commission is to ensure that all laws, policies, programmes, and administrative mechanisms are in consonance with the child rights perspective as enshrined in the Constitution and also in the UN Convention on the Rights of the Child (year). It was set up to protect, promote

and defend child rights in the country. The functions of the Commission are: to examine and review the safeguards provided by or under any law for protection of child rights and recommend measures for their effective implementation and submit report to the Government on these safeguards; inquire into violation of child rights and recommend initiation of proceedings in such cases; examine all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence, riots, natural disasters, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, pornography, and prostitution and recommend appropriate remedial measures; look into matters relating to children in need of special care and protection, including children in distress, marginalised and disadvantaged children, children in conflict with law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures; study treaties and other international instruments and undertake periodic review of existing policies, programmes, and other activities on child rights and make recommendations for their effective implementation in the best interest of child; undertake and promote research in the field of child rights; spread child rights literacy among various sections of society and promote awareness of the safeguards available for protection of these rights through publications, media, seminars and other available means; inquire into complaints and take suo-moto notice of matters related to deprivation and violation of child rights, non-implementation of laws providing for protection and development of children, non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children or take up the issues arising out of such matters with the appropriate authorities.

53. **DISABILITY:** As per Census 2001, 21 million persons in India are suffering from disability. (2011 census figures are awaited) The Office of the Chief Commissioner for Persons with Disabilities has been set up under Section 57 of the Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995 and has been mandated to take steps to safeguard the rights of persons with disabilities.

**E. Framework within which human rights are promoted at the national level**

54. Government of India recognises the importance of human rights education in combating discrimination. Human rights education is an indispensable part of the right to education and has gained larger recognition as a human right itself. The Government has adopted a National Action Plan for Human Rights Education to promote awareness about human rights among all sections of the society. Specific target institutions such as schools, colleges and universities, have been identified and human rights education has been made part of the curricula.
55. The Government has taken steps for translating the international/national human rights treaties/convention/statutes into vernacular language and is disseminating information on human rights through print and visual media, brochures etc. Information is also made available on the internet. The Government is regularly conducting training programmes for government

officials, police, doctors and health workers, prosecutors, judges, lawyers, prison officers, members of armed forces, PRIs and general public. Along with NHRC, NCW, SCW, Government institutes such as (NIPCCD) are conducting training and awareness programmes regularly and producing training manuals.

56. The national curriculum for school education of (NCERT) has already included the component on human rights education within social science subjects. Social science subjects taught at various levels of school education are already disseminating human rights education to the children, and are creating positive conditions for a better understanding of human rights in the young minds. In 2007, NHRC evolved a module on human rights training to be incorporated to the training of teachers. Awareness campaigns are also run by several civil society organisations.

#### **F. Reporting process at the National level**

57. MWCD, being the nodal Ministry, had constituted an Inter Ministerial Committee on CEDAW on 24<sup>th</sup> June 2004, comprising of Secretaries of various ministries of the Central Government and relevant organizations such as the Planning Commission, the National Commission for Women etc.. The objective of setting up the Committee is to facilitate greater dialogue and convergence between various ministries responsible for implementing the different laws, policies and programmes formulated to ensure equality of women, monitor the fulfilment of state obligation under the Convention, collate and analyze information from the various ministries at the central and state levels and engage in the writing of the periodic country report to the CEDAW. Since its engagement in the writing and presentation of the combined II and III periodic reports, the Committee has had several meetings to orient the representatives of the various ministries on the application of CEDAW. The inter ministerial committee is also involved in the collation and analysis of information within the CEDAW framework and in the preparation of this report.
58. All concerned Ministries, departments, state governments have contributed in the preparation of this report along with other stakeholders including the national and state human rights organisations and the non-governmental organisations working in the field of human rights, women's rights and related issues.

### **3. Information on non-discrimination and equality and effective remedies:**

59. In pursuance of the constitutional principles of equality and non-discrimination, a number of social welfare laws have been passed and many of which are being reviewed for amendment, in an attempt to fulfil the Constitutional goals and directives. The Government has adopted various temporary measures like reservations, quotas, special plans and special funds in order to address historical disadvantages to certain sections/communities such as SCs, STs, women, minorities, and disabled and to enable them to access the fundamental/human rights and enjoy them without fear or obstructions.

60. Judiciary in many cases had upheld women's right to equality and equal treatment. The Government has undertaken a number of measures to secure de-facto equality and improve the status of women, set up various committees to study and to recommend the necessary changes on specific issues that have a bearing on women. These reports and recommendations largely influenced the Sixth Five Year Plan to devote a separate chapter to women and development. There was a definite shift from welfare approach to development approach to women's career in the Sixth Five Year Plan (FYP) (1980-85). This plan recognised women's lack of access to resources as a critical factor impeding women's development. For the first time, the process of providing joint titles to men and women was initiated at the time of allotment of land to the landless. This programme was expanded in the Seventh FYP period to include support through credit, marketing, training in skills, management and technology.
61. The women component plan was adopted and followed since the Seventh FYP (1985 onwards). Specific attention was paid to allocation of programmes and schemes that directly benefit women. During the Seventh FYP period various Committees and Commissions were appointed to examine various aspects of the status of women. . On the basis of the recommendations of the Committee Report on Status of Women in India (CSWI), National Commission for Women Act was passed in 1990 and was set up in 1992. State Commissions for women were also established in all the states and UTs. The implementation of Women component plan has been further strengthened in the successive FYPs. Gender budgeting has been introduced in the Ninth and Tenth FYP (1997 onwards).
62. The vision of the Eleventh FYP (2007-2010) was to end the multifaceted exclusions and discriminations faced by women and children and to ensure that every woman and child in the country is able to develop their full potential and share the benefits of economic growth and prosperity. The Eleventh Plan recognised that women and children are not homogenous categories and that they belong to diverse castes, classes, communities, economic groups, and are located within a range of geographic and development zones. Special interventions catering to the differential needs of these groups were undertaken in addition to general programme interventions. In the Eleventh Plan, for the first time, women were recognised not just as equal citizens but as agents of economic and social growth. The gender perspectives incorporated in the plan are outcome of extensive consultations with different stakeholders, including a group of feminist economists. The approach to gender equity is based on the recognition that interventions in favour of women must be multi-pronged and they must: (i) provide women with basic entitlements; (ii) address the reality of globalisation and its impact on women by prioritising economic empowerment; (iii) ensure an environment free from all forms of violence against women (VAW)—physical, economic, social, psychological etc. (iv) ensure the participation and adequate representation of women at the highest policy levels, particularly in Parliament and State assemblies and (v) strengthen existing institutional

mechanisms and create new ones for gender main-streaming and effective policy implementation.

63. The Eleventh Plan lays down six monitorable targets viz., to raise the sex ratio for age group 0–6 from 927 in 2001 to 935 by 2011–12 and to 950 by 2016–17; to ensure that at least 33% of the direct and indirect beneficiaries of all government schemes are women and girl children; reduce IMR from 57 to 28 and MMR from 3.01 to one per 1000 live births; reduce malnutrition among children of age group 0–3 to half its present level; reduce anaemia among women and girls by 50% by the end of the Eleventh Plan; and reduce dropout rate for primary and secondary schooling by 10% for both girls as well as boys.
64. The Planning Commission of India has constituted a **Working Group on ‘Women’s Agency and Empowerment’ for the Twelfth Five Year Plan (2012-17)** to conceptualize women’s ‘empowerment’ and define what the Twelfth Plan seeks to achieve while reviewing the existing priorities, policies, strategies, programmes to see how it feeds into the notion of ‘empowerment’, highlighting conceptually what changes are required. The Working Group is looking at the perspective of Women’s Empowerment and fulfilment of women’s rights, both within the women-specific and women-related sectors, and within diverse regional contexts. Among many other tasks included in its terms of reference, the Group will also recommend how the role of Women in Governance can be strengthened, and their rights to participation in improving public institutions and the delivery of public services realized.

## **SECTION II: Convention Specific document**

### **A. PART I: PROVISIONS OF THE CONVENTION AND ITS IMPLEMENTATION**

#### **Article 1: Equality and Anti- discrimination:**

65. The Constitution of India, by guaranteeing fundamental rights that promotes equality and prohibits discrimination, casts obligations on the State in the Directive Principles of State Policies to strive to minimise / eliminate inequalities of status and opportunities. The Constitution promotes substantive equality. The interpretation of the Courts in India also supports substantive equality. Article 14 guarantees equality and equal protection in law. Article 15(3) and 16(4) of the Constitution provides for adoption of policies that improve access to higher education and public employment; based on which special measures such as reservation in employment and educational institutions have been adopted in favour of underprivileged and unrepresented classes of people including women. As stated in the earlier report the Supreme Court has interpreted equality to include differential treatment of persons who are unequal and upheld that special measures in employment to certain groups/sections of people is not unconstitutional. Supreme Court has upheld the constitutional validity of Articles 243-D and 243-T of the Constitution, that provides for reservation of posts for women in panchayats /local self governance institutions which promotes substantive equality rather than

formal equality pertaining to political participation at grassroots level in K. Krishnamurthy (Dr) -vs- Union of India, {(2010)7 SCC 202. Thus the State is committed to equality not only in opportunities but also recognises that de-facto equality requires differential treatment to people differentially situated and also special treatment in some cases.

66. The Rajinder Sachar Committee's 'Report on Social, Economic and Educational Status of the Muslim Community of India' (2006) recommended the constitution of an 'Equal Opportunity Commission (EOC)' to look into the grievances of deprived groups, and for exploration of providing incentives linked to diversity index. Two expert committees, one under Dr. Madhav Menon and the other under Dr. Amitabh Kundu were constituted to consider these recommendations.
67. The Menon Committee Report (2008) proposed an Equal Opportunity Commission (EOC) to prohibit discrimination against 'deprived groups' defined on certain grounds such as sex, disability, religion, caste, language etc. Considering that the Constitution has enough safeguards for individual redressal of discrimination, the Committee suggested that the EOC should address the concerns of all deprived groups with respect to equality of opportunities initially in education and employment sectors and then look into other sectors. It focuses on policy advisory and data gathering and dissemination and equal opportunity auditing and has a very limited and secondary role for grievance redressal.
68. The Kundu Committee Report (2008) recommended that in addition to affirmative action of reservation, a system of incentive and disincentive based on a diversity index should be adopted to bring about a systemic and long term solution to address discrimination and inequalities in educational institutions, employment establishments and housing societies. The proposed 'diversity index' is sensitive to religion, caste and sex. The expert committee has recommended constitution of a diversity commission for implementing the incentive schemes based on diversity index.
69. The Expert Group was of the view that all these would help in initiating a new trend in the country that can erase out the deeply entrenched prejudices and result in elimination of all discriminatory practices. These recommendations explore a combination of anti-discrimination and diversity promotion measures to pursue social justice. It recognises that discrimination takes place on multiple grounds, and that compartmentalising suffering through group-specific measures may spawn politics of resentment and competition. Finally, they transcend the divide between public and private actors and apply equally to all.
70. Though the idea of the Equal Opportunity Commission has emerged from Rajinder Sachar Committee's 'Report on Social, Economic and Educational Status of the Muslim Community of India' (2006) to address social inequities amongst minorities, the proposed EOC will look into all group inequities of women also. Following these recommendations the government has proposed Equal Opportunity Commission Bill, 2011.

## Articles 2: Obligation to eliminate discrimination

71. As stated in the earlier reports, the Government has adopted and continues to adopt various measures, policies, programmes and legal measures for operationalising its commitment towards eliminating discrimination. Discriminatory provisions with regard to the natural guardian of the minor child have been repealed. The Personal Laws (Amendment) Act, 2010 has amended the Guardians and Wards Act, 1890 and the Hindu Adoptions and Maintenance Act, 1956. This Act is aimed at bringing gender equality in the matter of guardianship under the Guardians and Wards Act, 1890 and in the matter of giving in or taking in, adopting a son or a daughter by the father or mother under the Hindu Adoptions and Maintenance Act, 1956. Under sub – section (b) section 19 of the Guardians and Wards Act, 1890, the mother was not included as Guardian along with the father. But with this amendment the mother is included along with the father. Sub-section (c) of Section 8 of the Hindu Adoptions and Maintenance Act, 1956 incapacitates a married woman from taking in adoption merely on the basis of her marital status and is discriminatory in nature. Therefore, Section 8 has been amended to give similar right to a female Hindu, irrespective of her marital status, as that of a male Hindu. Similarly, sub-section (2) and (3) of Section 9 curtails the right of the mother to give in adoption if father is alive or is of sound mind or has not renounced the world completely and finally. The rights of the father and mother under sub-sections (2) and (3) are discriminatory in nature. Therefore, Section 9 of the Hindu Adoptions and Maintenance Act, 1956 has been suitably amended to give similar right to a female Hindu.
72. Similarly Hindu Succession Act, 1956 has been amended with effect from 9-9-2005 conferring equal rights to the Hindu women to inherit properties in the joint family coparcenary properties. With this amendment, a daughter has a same right as a son to inherit equal share in the joint family property of her parents irrespective of her marital status. This Act brings in a central amendment which is applicable to all the state governments. Prior to this some states like Andhra Pradesh and Karnataka had made these changes which conferred equal rights to a daughter to inherit joint family properties. This amendment has repealed the restriction in Section 23 with regards to the right of residence of a woman in her parents’ dwelling house. Section 24 which denied rights of a widow to inherit her husband’s property upon her re-marriage has also been repealed.

## Article 3: Measures to ensure development and advancement of women

73. As stated in the earlier reports, the Government has adopted and continues to adopt various measures, policies, programmes and legal measures for operationalising its commitment towards eliminating discrimination. In pursuance to this commitment, the Government launched the **National Mission for Empowerment of Women (2010-15) (NMEW)** on 8<sup>th</sup> March 2010, with a view to empowering women socially, economically and

educationally. The mission aims to achieve empowerment of women on all these fronts by securing convergence of schemes/programmes of different Ministries and Departments of Central as well as State Governments. Alongside, the Mission shall monitor and review gender budgeting by Ministries/Departments and effective implementation of various social laws concerning women.

74. This Mission is primarily a monitoring body for taking stock of monitorable indicators of women centric schemes/programmes that require convergent action for better and effective delivery to the targeted groups. In addition the National Mission will undertake, through the Mission Directorate and Ministry of Women and Child Development, pilot projects to test check the feasibility of delivery of benefits to women beneficiaries in partnership with the PRIs.
75. NMEW has a National Mission Authority (NMA) at the apex level under the Chairmanship of Hon'ble Prime Minister and a similar Mission at state-level under the Chairpersonship of the Chief Ministers of respective State. A Central Monitoring Committee under the Chairpersonship of Minister of State for Women & Child Development with representatives of the participating Ministries/Departments as well as domain experts and an Inter Ministerial Co-ordination Committee under the Cabinet Secretary with the Secretaries of all participating Ministries/Departments as Members will review and identify the Inter Ministerial issues requiring convergence in respect of each Ministry and Department. There is a National Mission Directorate with National Resource Centre for Women (NRCW) as its adjunct to provide technical support to the National Mission Authority and the Co-ordination Committee. Similarly, at the state level there will be a State Mission Authority and a State Resource Centre for women (SRCW). SRCW will be established for each State to provide technical support to State Mission Authority (SMA). The governments of Andhra Pradesh, Uttarakhand, Chhattisgarh, Mizoram, Bihar, Madhya Pradesh, Jharkhand and UT of Chandigarh have set up the State Mission Authorities. The remaining states are in the process of setting up the SMAs. Necessary funds for the activities of the structures at the National level and State level as per norms will be made available by the MWCD.
76. The key functions of NMEW are:
  - i. **Economic empowerment of women** has been envisaged to be achieved through convergence of the schemes and programmes having focus on formation and promotion of Self Help Groups (SHG) so as to enable women to have access to micro-credit and micro-finance, and by providing training and skill up-gradation to promote self employment opportunities and create livelihood options for women.
  - ii. **Eliminate violence against women (VAW) progressively** through review of existing legislations and provisions related to VAW, identification of gaps both in legislative framework and implementation, recommendation of amendments in existing legislation as well as proposition of new legislations in coordination with MWCD and relevant Ministries.



- iii. **Social empowerment of women with emphasis on health and education** by focussing on reduction in MMR and IMR through improved maternal and child health, nutritional status of women and reduction of gaps in gender based literacy rates..
  - iv. **Gender Mainstreaming of policies, programs, institutional arrangements** and processes of participating ministries, institutions and organisations in order to ensure resources are engendered at planning and allocation of resources. Focus would be on seeking equality of outcomes rather than equal treatment to address gender-based inequalities.
  - v. **Create awareness amongst the beneficiaries and build advocacy activities** to fuel the demand for benefits under various schemes and programmes.
77. **Legislative initiatives:** New legislations have been passed and some of the existing ones have been reviewed which are highlighted below.
78. **Right to Education:** One of the important developments of this period is that right to education has been recognised as a Fundamental Right under Article 21(A) of the Constitution. The Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE) was passed by the Parliament on 4<sup>th</sup> August 2009, makes education a fundamental right. The Act aims to provide free and compulsory education for children aged between 6-14 years till the completion of elementary education. The appropriate Government and local authority have been entrusted with the duty of establishing schools within neighbourhood limits in 3 years from the commencement of the Act and provide infrastructure such as school buildings, teaching staff and learning equipment. They are also assigned with the responsibility to ensure and monitor attendance and completion of elementary education of every child.
79. Under the Act, private schools are directed to reserve 25% of the total number of seats for students from disadvantaged sections of society such as SCs, STs and backward classes. Some states have made reservation for HIV/AIDS affected children mandatory. For example, the Government of Karnataka has set aside five % out of the 25% reservation in private schools for HIV positive children as well as orphaned and disabled children apart from reserving 10% of the seats for SCs, 4% for STs and 6% for backward classes as notified by the State government.
80. It also prohibits all unrecognised schools from practice, and makes provisions for no donation or capitation fees and no interview of the child or parent for admission. There is also a provision for special training of school dropouts to bring them at par with students of the same age. As per the Act, children are not to be subjected to corporal punishment or mental harassment and provides for a grievance redressal mechanism. Also, the RTE Act mandates that State Commissions for Protection of Child Rights (SCPCR) and in their absence the Right to Education Protection Authority (REPA) should be constituted by the department of education for monitoring the implementation of the Act. Nine states have SCPCRs and two states have constituted REPAs to monitor implementation of the RTE Act.

81. The Central Educational Institutions (Reservations in Admission) Act 2006 provides for 15%, 7% and 27% reservation in admission of students belonging to schedule castes, schedule tribes and other backward classes respectively in certain central educational institutions established and maintained or aided by the Central Government.
82. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006. This Act ensures the long standing security of tenurial and access rights of forest dwelling Scheduled Tribes and other traditional forest dwellers and enjoins upon such forest dwellers to protect wildlife, forest and bio-diversity. Section 4 (4) of this Act provides that right conferred under this Act shall be registered jointly in the name of both the spouses in case of married persons. Section 3(1) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 provides that the Forest Rights Committee at the Gram Panchayat level shall have not less than one third female members. Till 31-10-2011, 31,49,269 claims have been received and 28,08,494 claims have been disposed/settled. 12,30,665 titles have been distributed and 13216 titles are ready for distribution. Titles for approximately 4 million acre land have been distributed.
83. The Juvenile Justice (Care and Protection of Children) Act, 2000 was amended in 2006. This Act is the primary law relating to children in conflict with law as well as children in need of care and protection. The Act defines a juvenile or child as a person who has not completed the 18 years of age. It provides for proper care, protection and treatment of children by catering to their development needs. It adopts a child-friendly approach in the adjudication and disposal of matters in the best interest of the child and provides for the rehabilitation of children through various institutions established under this Act. MWCD notified the Model Rules, 2007 framed under the amended Juvenile Justice Act in the Gazette of India (Extraordinary) on 26<sup>th</sup> October 2007. State Governments and UTs were requested to adopt and adapt the Model Rules and effectively implement the Juvenile Justice (Care and Protection of Children) Act, 2000 as amended in 2006. States and UTs have also been advised to constitute the Juvenile Justice Boards, Child Welfare Committees, Special Juvenile Police Units, State/District Child Protection Units, set up and maintain Children Homes, Special Homes, Observations Homes, and Shelter Homes etc.
84. The Prohibition of Child Marriage Act, 2006 (PCMA) was enacted repealing the Child Marriage Restraint Act of 1929 in order to prohibit child marriages rather than only restraining them. PCMA has been enforced w.e.f. November 2007. This Act recognises that child marriage is voidable by the minor on attaining majority at the age of 18 years by giving a choice to the children in the marriage to seek annulment. It makes child marriage an offence and prescribes punishment for those conducting/abetting/ promoting/ permitting/solemnising child marriages. It provides power to the State Government to appoint Child Marriage Prohibition Officers (CMPO). It empowers the judiciary to issue a restraint order of child marriage and any marriage solemnised in contravention of this restraint order is a void marriage.

85. Unorganised workers form the most significant part of total workers in the country and suffer from cycles of unemployment and absence of social security protection. The Government has enacted the Unorganised Workers' Social Security Act, 2008 for providing social security to unorganised workers. The Act provides for constitution of National Social Security Board for formulation of Social Security schemes, viz. i) health and maternity benefits ii) death and disability iii) old age protection . The National Board was constituted on 18<sup>th</sup> August 2009. The Government has also set up National Social security Fund for unorganised sector workers with initial allocation of Rs. 1000 crore that will benefit 43.3 crore workers in the unorganised sector. This fund will support schemes for weavers, toddy tappers, rickshaw pullers, bidi workers etc. The funds are utilised to provide for financing of measures to promote the welfare of workers including women workers engaged in these occupations.
86. The Criminal Procedure Code (Amendment) Act, 2008, which came into effect on 31st December, 2009 provides for crucial reforms in the criminal justice system by providing better protection to victims of crimes. In particular, the amended law strengthens the procedural safeguards guaranteed to victims of rape and other crimes against women. In a significant change from the existing law, a victim of rape has been statutorily empowered, with the permission of the court, to engage an advocate of her own choice to assist the prosecution initiated by the state and at the same time, ensure that her interests are protected. The Amendment Act also provides for safeguards relating to recording of statements of women victims, in camera trials and protection of her identity. Trial for offence of rape and aggravated rape is required to be conducted as far as practicable by women judges. The Act of 2008 also mandates a three-month time limit for the completion of investigation of cases of rape and child sexual abuse
87. A new section 357 A has been inserted in the Cr. P. C. through the Code of Criminal Procedure (Amendment) Act, 2008, which provides for compensation to victims of crime. Under this, Victim Compensation Scheme is required to be framed by the State Government in coordination with the Central Government.
88. **Rape and sexual assault:** In the Criminal Law Amendment Bill the term "sexual assault" replaces "rape". The definition is widened to include object and digital penetration and the Bill imposes higher sentences for certain forms of acquaintance rape, particularly by relatives, those in positions of trust and those in positions of economic, social or political dominance. Marital rape on a woman who is separated from her husband is also penalised. Recently, a High Powered Committee was set up to examine the issues relating to review of Rape Laws, under the Chairmanship of the Union Home Secretary. The Committee has formulated the draft "Criminal Law (Amendment Bill, 2011)", after consultation with stakeholders. The bill under examination in the Ministry of Home Affairs in consultation with Ministry of Law and Justice. Sexual abuse of minor child and sexual intercourse by a person misusing his authority attracts higher punishment under this Bill. Wider consultations with

woman's groups have been held and the suggestions made by the women are in active consideration of the government.

89. A detailed advisory sent by MHA to all State Governments / UT Administrations sent on 4<sup>th</sup> September 2009 that specifically advises on the Crime of Rape wherein it is advised all concerned department of the State Government should handle rape victims at all stages from filing a complaint in a police station to undergoing forensic examination and in providing all possible assistance including counselling, legal assistance and rehabilitation. Preferably, these victims may be handled by women so as to provide a certain comfort level to rape victim.
90. The Sexual Offences (Special Courts) Bill, 2010 provides for the speedy trial of sexual offences wherein the complaints/ criminal cases shall be tried and completed within 6 months and for matters connected therewith.
91. The Government Ministries/Departments, both at the Centre and in the States, as well as organisations under their control and also the private companies and establishment are implementing the guidelines laid down by the Supreme Court in (Vishaka) case to redress sexual harassment at the workplace. A draft Bill on Protection of Women against Sexual Harassment was prepared by the National Commission for Women which went through an extensive process of consultations with various stakeholders including State Governments, lawyers and civil society organisations. Based on inputs received during these consultations, the 'Protection of Women Against Sexual Harassment at Workplace Bill, 2010' was finalised and introduced in the Lok Sabha on 7<sup>th</sup> December, 2010. This Bill, is a comprehensive legislation which covers every workplace, in the organised and unorganised sector. This bill seeks to provide a safe and secure environment free from sexual harassment at work places and places an obligation on the employer to prevent sexual harassment and to provide a mechanism for redressal within the institution and also assist the woman to file a criminal complaint with the local police. It provides a comprehensive definition of sexual harassment viz., no woman at work place shall be subjected to Sexual harassment including unwelcome sexually determined behaviour, physical contact, advances, sexually coloured remarks, showing pornography, sexual demand, request for sexual favours or any other unwelcome conduct of sexual nature whether verbal, textual, physical, graphic or electronic or by any other actions, which may include, but is not limited to:
  - i. implied or overt promise of preferential treatment in employment; or
  - ii. implied or overt threat of detrimental treatment in employment; or
  - iii. implied or overt threat about the present or future employment status;
  - iv. conduct which interferes with work or creates an intimidating or offensive or
  - v. hostile work environment; or
  - vi. humiliating conduct constituting health and safety problems.

92. The employer is obligated to put in place a redressal to the internal Complaints Committee to inquire into any complaints of sexual harassment. It also provides for a Local Complaints Committee to be constituted which would consider the complaints when the complaint is against the employer or when the internal complaints committee has not been constituted. The respective state governments have to monitor the implementation of the Bill. The Bill is currently under consideration by the Parliamentary Standing Committee
93. **Protection of Children from Sexual Offences Bill 2011** seeks to protect children from offences of sexual assault, sexual harassment and pornography and provide for establishment of Special Courts for trial of such offences. Child sexual assault as “aggravated offence” when a person in authority or position of trust commits the offence. It provides special provision preventing pornographic abuse or even possession of such material. It also places the media, studio and photographic facilities under obligation to report such matters. Designated special courts that will decide cases in a time-bound manner. It also spells out the various procedures of investigation, trial and sensitive dispensation of justice and also the guidelines for media to sensitively and discreetly report cases without inflicting pain of identification of the victim.
94. National Commission for Women (NCW) has suggested a number of amendments to the Dowry Prohibition Act, 1961 to make its implementation more effective. Taking note that cruelty to women is taking serious dimensions, NCW has suggested enhancement of punishment and more stringent for those who demand dowry and lesser penalty for those who give dowry as they are victims. As a preventive measure, NCW has suggested compulsory registration of marriage and the list of gifts that are given to be registered; provide tax exemption on gifts to facilitate parents to settle property by way of gifts openly to the girls; marriage expenses in no case to exceed 20% of the annual income of the bride's parents or guardians. It has also recommended that greater emphasis should be placed on the proper and strict implementation of the provision relating to Dowry Prohibition Officers and Advisory Boards by appointment of full time officers who shall be accountable to the Advisory Board. The amendments include, allowing a woman to file a case where she permanently or temporarily resides, to include parents and relatives of the bride as aggrieved persons and who can complain and link the Protection of Women from Domestic Violence (PWDV) Act (year), with the dowry laws for quick relief. One of the key amendments suggested is, widening of the definition of dowry by changing the word “in connection with marriage” to “given before the marriage, at the time and at any time after the marriage.” These recommendations have been considered in the Ministry and thereafter discussed by an Inter-Ministerial Group (IMG) constituted for this purpose. The proposed amendments to this Act are currently with the Ministry of Law & Justice for their views.
95. The Immoral Traffic (Prevention) Act, 1956 (ITPA) is enacted for preventing trafficking for commercial sexual exploitation. Certain amendments are being proposed to this act to widen its scope, to make the implementation more effective by providing stringent punishment to the traffickers and other

perpetrators of the crime and by preventing re-victimisation of the victims. For details see paragraphs under Article 6 of this Report.

96. The Government of India also formulated a Draft National Tribal Policy in 2006 mainly relating to alienation of tribal land, tribal-forest interface; conservation and development of particularly vulnerable tribal groups (PTGs) and other important issues concerning the tribes.
97. For effective implementation of the Protection of Civil Rights Act, 1955 and the SCs & STs (Prevention of Atrocities) Act, 1989, the Government has released Rs. 68.7 crores during 2009-10 and Rs. 57.5 crores during 2010-11 (as on 6<sup>th</sup> January 2011) as central assistance to the State Governments/UT Administrations. The assistance is provided mainly for state level SC/ST Protection Cells; special police stations; exclusive special courts; awareness generation; incentive for inter-caste marriages; relief to victims of atrocities.

#### **Schemes for Women:**

98. Rajiv Gandhi Scheme for Empowerment of Adolescent Girls – SABLA is a centrally sponsored scheme approved by the Government on 16<sup>th</sup> August 2011. The scheme is being implemented in 200 districts across the country on a pilot basis with 100% assistance from the Central Government for all inputs other than nutrition provisions for which 50% Central Assistance to the States are provided. This Scheme is aimed at empowering adolescent girls in the 11-18 age groups by improving their nutrition and health status and upgrading various skills - life skills, home skills and vocational training. It is aimed at equipping girls on family welfare, health, hygiene etc. and also imparting information and guidance on existing public services. Anganwadi Centre is the focal point for delivery of services. Nearly 10 million adolescent girls per annum are expected to be benefitted under the scheme. Against the allocation of Rs. 350 crore for the year 2010-11, a sum of Rs. 3300 million approximately have been released to States/UTs. A sum of Rs. 7500 million has been allocated for Sabla for 2011-12.
99. Hostels for working women with a day care centre for children - under this scheme, so far 887 hostels have been sanctioned throughout the country to benefit approximately 65,000 women. In 2008-09, 11 new hostels were sanctioned to benefit approximately 1000 working women. During 2009-10 and 2010-11, hostels were sanctioned respectively. For the financial year 2011-12 an amount of Rs.100 million has been kept under the scheme of Working Women's Hostel.
100. Indira Gandhi Matritva Sahyog Yojana (IGMSY) - This conditional cash transfer scheme covers Pregnant and Lactating (P&L) women, keeping in view the need for giving maternity benefit to them. It is envisaged to compensate partly for their wage loss and at the same time for fulfilment of conditions essential for ensuring safe delivery and promotion of Infant and Young Child Feeding (IYCF) practices. The scheme is being implemented from 2010-11 in 52 pilot districts across the country. This scheme will use the ICDS platform and cover approximately 1.4 million women in the initial

years. An amount of Rs. 101 crores has been released for IGMSY up to 28th February, 2011.

101. MWCD is administering a pilot project titled, Priyasarshini: Women's Empowerment and Livelihood Programme in the Mid-Gangetic Plains in 13 Blocks spread over 4 Districts in Uttar Pradesh and 2 Districts in Bihar. The objective of this project is to empower, in a holistic and sustainable manner, vulnerable groups of women and adolescent girls through the promotion of improved livelihood opportunities through formation of women's SHGs. Although focus of the project is on a livelihood enhancement, the beneficiaries will also be empowered to address their social, political, legal, health and economic problems through rigorous capacity building.
102. Over 100000 households will be covered under this pilot project and 7200 SHGs will be formed during the project period ending 2016-17. Other SHGs existing in the project area will have the option to join the project. Training will be given to the SHG members on SHG related topics, income generation and allied activities, marketing of products, social issues etc. Community Based Service Centres (CBSCs) will be established in the project blocks to reach out to the SHGs and provide all support and guidance and NGOs will be engaged for providing various inputs. Specialised agencies will be engaged to implement various components of the project. The project will develop appropriate marketing strategy for marketing SHG products. At the central level, MWCD is the nodal Ministry for the project. The lead programme agency for the implementation is the National Bank for Agriculture and Rural Development (NABARD). The total cost of the project will be US \$32.73 million out of which International Fund for Agricultural Development (IFAD's) share will be US \$30 million and the Government's share US \$2.73 million. In the prelaunch period of 2010-2011, Rs. 60 million was sanctioned out of which Rs. 58.2 million was released to NABARD and an allocation of Rs 150 million has been made for the year 2011-12.
103. Swarna Jayanti Shahri Rozgar Yojana (SJSRY) is a scheme to address alleviation of urban poverty through gainful employment of urban unemployed or underemployed poor by encouraging them to set up self-employment ventures (individual or group) with support for their sustainability; or undertake wage employment; to support skill development and training programmes to enable the urban poor have access to employment opportunities in the market or undertake self-employment and to empower the community to tackle the issues of urban poverty through suitable self-managed community structures, like neighbourhood groups and committees and community development societies. The delivery of inputs under the scheme is through the urban local bodies and community structures. SJSRY seeks to strengthen these local bodies and community organisations to enable them address the issues of employment and income generation facing the urban poor. SJSRY has five major components namely: Urban Self Employment Programme (USEP); Urban Women Self-help Programme (USEP); Skill Training for Employment Promotion amongst Urban Poor (STEP-UP); Urban Wage Employment Programme (UWEP); Urban Community Development Network (UCDN). During the year 2009-10, disbursements amounting to Rs.

3300 million were made in 73,883 cases. Of the above Rs. 800 million was disbursed to 19,432 SC/STs, Rs. 890 million was disbursed to 19,679 women and Rs. 30 million was disbursed to 960 disabled persons.

104. Schemes implemented by National Backward Classes Finance & Development Corporation (NBCFDC) for women are:

- vi. New Swarnima - is implemented for inculcating the spirit of self-reliance among the women of backward classes living below the poverty line. Financial assistance to the extent of Rs.50, 000/- per beneficiary is provided at concessional rate of interest of 4% per annum.
- vii. Mahila Samridhi Yojana - is implemented to provide microfinance to women entrepreneurs belonging to target group. The maximum loan limit per beneficiary is Rs.25000/- which is being provided at a concessional rate of interest of 4% per annum.

Under these schemes about Rs. 1510 million was disbursed to 1,22,273 beneficiaries in the year 2008-2009 and Rs. 1580 million was disbursed amongst 1,23,041 beneficiaries in the year 2009-2010 and Rs. 1750 million was disbursed to 1,28,537 beneficiaries in the year 2010-11.

105. Schemes implemented by National Minorities Developments and Finance Corporation (NMDFC) - NMDFC is providing concessional finance for self-employment activities to eligible beneficiaries belonging to minority communities that have a family income below double the poverty line which at present is 55,000 per annum and 40,000 per annum in urban and rural areas respectively. NMDFC provides special focus to the credit needs of women. It has been operating the micro financing scheme mainly focusing on economically poor minority women. The micro financing scheme of NMDFC mainly aims at empowerment of women by meeting their credit needs in an informal manner through non-governmental organisations (NGOs) and SHGs. Since inception, NMDFC has helped 2, 93,624 beneficiaries with microcredit of 194.67 crores up to 31<sup>st</sup> December 2010. Around 90% of the beneficiaries are women.

106. Mahila Kisan Yojana - National Schedule Caste Finance Development Commission (NSCFDC), considering that agriculture constituting 73% of women work force, is getting feminised due to migration of male members of the family to urban areas, has launched the MKY w.e.f. 1<sup>st</sup> May 2008 to provide term loans up to Rs. 50,000 at an interest rate of 5% per annum, exclusively to women beneficiaries for taking up income generating ventures in agriculture and mixed farming related economic activities. A sum of Rs. 460 million was disbursed to 35635 women in the year 2009-2010 and a sum of Rs. 261 million was disbursed to 15528 women in the year 2010-2011.

107. Dhanlakshmi, a Conditional Cash Transfer (CCT) Scheme with Insurance cover- was introduced by the Government on 3<sup>rd</sup> March 2008 as a part of the National Action Plan for Children, 2005. The scheme is currently being implemented on a pilot basis in 11 Blocks of 7 States of Andhra Pradesh, Chhattisgarh, Odisha, Jharkhand, Bihar, Uttar Pradesh and Punjab with an



objective to provide a set of staggered financial incentives for families to encourage them to retain the girl child and educate her. The scheme is also aimed to change the attitudinal mindset of the family towards the girl, by looking upon the girl as an asset rather than a liability since her very existence has led to cash inflow to the family. Cash transfers are made under the scheme to the family of the girl child, preferably the mother, on fulfilling certain specific conditionalities relating to birth and registration of birth, immunisation, enrolment and retention in school up to Class VIII.

108. A number of States are also implementing their own Conditional Cash Transfer schemes to incentivise the birth of a girl child and encourage families to place a premium on her education and development. Table 1 below provides the details of such schemes adopted by some of the State Governments.

Table 1: No. of beneficiaries under CCT schemes

Name of Scheme	Number of beneficiaries during Years		
	2007-2008	2008-09	2009-10
Dhanlakshmi Scheme (Govt. of India)	--	79,555	42,077
Bhagyalakshmi Scheme (Karnataka)	1,23,789	2,97,764	1,44,749
Ladli Lakshmi Scheme (Madhya Pradesh)	2,14,134	2,09,848	40,854
Girl Protection Scheme (Andhra Pradesh)	96,487	72,046	70,302
Ladli Scheme (Delhi Govt.)	--	1,35,645	1,40,006
Balika Samridhi Yojana (Himachal Pradesh)	7,995	13,031	17,038
Balika Samridhi Yojana (Gujarat)	26,031	30,263	1,32,684
Ladli Scheme (Haryana)	49,558	72,624	1,05,113
Balri Rakshak Yojana (Punjab)	62	53	62
Mukhya Mantri Kanya Suraksha Yojana (Bihar)	4,75,220*		
Kunwarbainu Mameru Scheme (Gujarat)	8,762	6,775	7,628
Mukhya Mantri Kanyadan Yojana (MP)	32,621	43,297	19,579
Mukhya Mantri Kanya Vivah Yojana (Bihar)	1,57,256*		
Indira Gandhi Balika Suraksha Yojana	152	318	233

*Note: \*Total number of beneficiaries since inception.*

109. Integrated Child Protection Scheme (ICPS) - is a centrally sponsored scheme launched during the year 2009-10 by MWCD with a view to create a safe and secure environment in the country for the comprehensive development of children who are in need of care and protection, children in conflict and contact with law and any other vulnerable child such as children of migrant families, children of prisoners, children of women in prostitution, working children, children living on the streets, trafficked or sexually exploited children.
110. The objectives of the scheme are to contribute to the improvements in the well being of children in difficult circumstances, as well as to the reduction of vulnerabilities to situations and actions that lead to abuse, neglect, exploitation, abandonment and separation of children. These will be achieved by (i) improving access to and quality of child protection services; (ii) raising public awareness about child rights; (iii) clearly articulating responsibilities and enforced accountability for child protection (iv) establishing and functioning structures at all government levels for delivery of statutory and support services to children in difficult circumstances; and (v) setting up of an evidence based monitoring and evaluation system.
111. ICPS brings several existing child protection programmes namely (i) Programme for Juvenile Justice, (ii) Integrated Programme for Street Children and (iii) Scheme for Assistance to Homes (Shishu Greh) to promote in-country adoption, under one umbrella and at the same time provides for several new interventions. To ensure that focus is maintained on child protection and the quality of services is not compromised, the scheme envisages creating a service delivery network, exclusively for child protection, which would cover the entire country.
112. ICPS is implemented mainly through the State Government/UT administrations. Signing of a Memorandum of Understanding (MoU) between the Government of India and the respective State Governments/UTs is a prerequisite for implementation of the scheme. In 2010-11, 16 States/UTs have signed the MoU, thus taking the total number to 33. Considerable progress has been made under ICPS in establishing statutory bodies: 494 Child Welfare Committees (240 before introduction of ICPS) and 511 Juvenile Justice Boards (211 before introduction of ICPS) have been established all over the country. So far, assistance has been provided for the setting up and maintenance of 18 State Child Protection Societies, 19 State Project Support Units, 46 State Adoption Resource Agencies and 326 District Child Protection Units, employing a total of about 4300 staff dedicated to protection of children. This figure is likely to double once the scheme is implemented all over the country.
113. Rajiv Gandhi National Crèche Scheme for the Children of Working Mothers from families earning up to Rs.12000 per month has been implemented from 1<sup>st</sup> January 2006. This scheme is implemented through the Central Social Welfare Board (CSWB), Indian Council for Child Welfare and Bhartiya Indian Council for Child Welfare and Bhartiya Adim Jati Sevak Sangh. It

provides crèche services to children in the age group of 0-6 years and includes supplementary nutrition, emergency medicines and contingencies. As on 31 March 2009, 31718 crèches benefiting around 0.8 million children have been sanctioned to the implementing agencies. There is a provision for collecting user charges of Rs.20/- per month from BPL families and Rs.60/- per month from other families. The Eleventh Five Year Plan outlay for this scheme is Rs. 5500 million and 96 % of funds allocated are to be spent during the first three years of the plan. This scheme has an in-built monitoring component.

114. The Planning Commission prepared and circulated a guidelines for preparation of Gender Sub-Plan for 21 districts in 11 States. Planning Commission had issued guidelines for preparation of District Plans on 25<sup>th</sup> August, 2006. Subsequently, a Task Force was set up for the preparation of a Manual for Integrated District Planning. The Manual was released by the Prime Minister in January, 2009. The Manual gives the processes for preparing a participative district plan. As per the decision taken by the Committee of Secretaries during its meeting held on 1.7.2008, Sectoral Task Forces had been set up for development of Plans for Convergence and Coordination of Government Programmes/Schemes for gender equality and fighting social evils. The Action Plans prepared by the Task Forces are also being monitored by a Committee of Secretaries. As per the decision taken in the last meeting of the Committee of Secretaries, held on 5.6.2009, Planning Commission is to have separate gender sub-plans prepared within the district plans of about 20 districts fixing certain milestones to be achieved within a fixed time frame to reflect gender convergence and impact of women empowerment initiatives at the field level. These guidelines provide a framework for preparing gender sub plans within the ambit of district plans. One of the basic pre-requisites before any kind of Gender Budgeting exercises can be taken up and a Gender Sub-Plan prepared is a clear understanding and appreciation of gender, gender equality and women's empowerment. Regular orientation on gender and gender issues needs to be provided for all relevant government and non-government stakeholders.
115. Gender Budgeting (GB) is a process that entails incorporating a gender perspective at all levels and stages of the budgetary process - planning/ policy/ programme formulation, assessment of needs of target groups, allocation of resources, implementation, impact assessment and prioritisation of resources. The way Government budgets allocate resources, has the potential to transform these gender inequalities. In view of this, Gender Budgeting, as a tool for achieving gender mainstreaming, is being propagated by the Ministry of Finance and MWCD in India since 2005. So far 56 Ministries and Departments have confirmed setting up of a Gender Budgeting Cell (GBC) and nominating a nodal person. This includes non-social sector ministries such as Ministry of Power, Ministry of Petroleum, Ministry of Culture, Ministry of Heavy Industries, Ministry of Science and Technology, Ministry of Telecommunications, Ministry of Defence etc. In 2005-06, for the first time, the budgetary allocations, under 10 Demands for Grants by 9 Departments estimated at Rs. 143790 million, were shown in a separate Gender Budget Statement (GB Statement), in the Union Budget. This GB Statement

comprises two parts: Part A reflects Women Specific Schemes that have 100% allocation for women and Part B reflects Pro Women Schemes, where at least 30% of the allocation is for women.

116. Over the years, the allocations as reflected in the Gender Budget Statement have increased as is evident from the Table 2 below.

Table 2 - Allocations made under Gender Budget Statement

Year	No. of Ministries (no. of demands)	Total Magnitude of Gender Budget (BE) (in Rs. million)
2005-06	9 ( 10)	143780.68 (2.79 %)
2006-07	18 (24)	287360.53 (5.09%)
2007-08	27 (33)	311770.96 (4.5%)
2008-09	27 (33)	276610.67 (3.68%)
2009-10	27 (33)	568570.61 (5.57%)
2010 -11	28 (33)	677490.80 (6.11%)
2011-12	29(36)	782510.02 (6.22%)

117. Between 2008-09 and 2011-12, the allocations for gender budgeting have increased considerably from 3.68% to 6-22% for 27 Ministries and 33 demands to 29 Ministries and 36 demands respectively.

118. The introduction of GB Statement (20) in the Union Budget 2005-06, has emerged as an important tool for bringing together all information on the allocations for women. It serves as a reporting mechanism and provides an indication of the funds flowing to women. Further, recognising that Gender Outcome Assessment and Evaluation is of utmost importance for ensuring the success of Gender Budgeting, the Ministry of Finance has (date) made it mandatory that Gender Outcomes form a part of the Outcome Budget prepared by every Ministry/ Department as part of the Budget documents. For this, MWCD has been engaged in capacity building of the GBCs by conducting a number of trainings, workshops, one to one interactions/discussions and development of resource material. Around 1000 Central and State Government officers and other stakeholders such as officials of Public Sector Undertakings (PSUs), NGOs, etc have been oriented to the concepts and tools of GB through more than 50 training programmes/workshops. In the last two years (2009-11), technical inputs were provided in 28 programmes of various institutions like Indian Institute of Public Administration, LBS National Academy of Administration, V.V.Giri National Labour Institute, National

Institute Health and Family Welfare Institute, All India Radio (AIR), Lady Hardinge College etc. In 2005, MWCD organized three regional workshops, in collaboration with UNDP, to share and discuss the strategy of the Government on Gender Budgeting and Gender Mainstreaming with the States. Secretaries/representatives of Departments of Finance, Planning and Women and Child Development at State level participated in this workshop. One of the key recommendations emerging from the workshops was to take on board the important Departments like Planning, WCD and Finance for taking the GB initiatives forward and to encourage states to set up Gender Budget Cells. Since then, the MWCD has been continuously undertaking capacity building of State officials as well as of State Training Institutes which has facilitated the Gender Budgeting processes in many States. State Governments like Rajasthan, Gujarat, Madhya Pradesh, Karnataka, Kerala, etc., have set up GB. States like Assam, Bihar, Chhattisgarh, Madhya Pradesh, Tripura, Karnataka and Uttarakhand, have also introduced GB Statements in their State Budgets.

119. Central Level Initiatives - GBCs different Ministries of Government of India have undertaken different innovative measures, which are:

Ministry of Home Affairs (MHA) is one key mainstream department which has undertaken focused initiatives under Gender Budgeting with an annual budget allocation of Rs. 1130.55 crores in 2011-12. This includes interventions such as introduction of women's battalions and efforts to improve facilities for women employed in the armed forces through day care centres, crèches etc. Some of the initiatives undertaken include facilities of separate rest rooms, recreation rooms, mobile toilets for women in the Central Reserve Police Force. During deployment, separate toilets even in the unit vehicles are made available to women personnel.

GBC of the Department of Science and Technology has undertaken number of interventions like Fellowship Scheme for women scientists; CURIE (Consolidation of University Research for Innovation and Excellence in Women Universities) for infrastructure support for women universities; creating a Women Scientist Cell; announcing annual National Awards for Women Scientists/biotechnologists; conducting National Training programme for women scientists and development of Women Biotechnology Parks.

GBC of Department of Telecommunications (DoT) is implementing an innovative pilot project for empowerment of women using ICT as a tool. The "Sanchar Shakti" Scheme of the department envisages bringing together the combined efforts and contributions of the DoT, Universal Service Obligation Fund (USOF), Mobile and Mobile Value Added Service Providers, Telecom Equipment Manufacturers and their partner NGOs. It aims to use ICT to empower rural women through provision of Mobile Value Added Services on issues of concern to women like health, social issues, and government schemes, as also livelihood related inputs and training over their mobile phones.

GBC has been constituted in the Department of Agriculture Cooperation (DAC) of Ministry of Agriculture, to look into the budgetary commitments of various schemes of DAC and ensure that a minimum of 30% funds of public

expenditure be utilised for women farmers under all the beneficiary oriented programmes and schemes. Further, nodal officers/ gender coordinators have been sensitised about the concept of gender budgeting.

120. Best Practice examples from States - Some examples of GB initiatives by some of the States are:

The Government of Karnataka introduced a Gender Budget Statement as a part of its budget document in 2007-08. Since the last three years GB Statement is being published and the Department of WCD has a mandate to conduct impact evaluation of women specific schemes.

The focus of the Government of Kerala for the year 2010-11 has been the creation of “women friendly infrastructure”. This included interventions like the construction of toilets in public buildings and bus stations, construction of night shelters for fisher women, energy efficient gas stoves within (EGS) schemes, cheaper rental flats for women who commute, creation of domestic violence counselling desk in public hospitals etc. This has not only promoted convergence between departments but has demonstrated that GB can be incorporated in mainstream Departments like Kerala State Road Transport Corporation (KSRTC), Public Works Department (PWD), Ports and Housing. With these interventions, the number of Departments having women specific schemes has increased from 10 in 2009-10 to 16 in 2010-11. Further, there has been an increase in allocations for women from 5.5% in 2009-10 to 8.6% in 2010-11 and to about 10% in 2011-12.

The Government of Uttarakhand adopted the GB Statement in 2007-08. By 2010-11, 26 Departments of the State have started reporting in the Statement. There has been an increase in the allocations for women from Rs. 12050 million in 2009-10 to Rs. 14171 million in 2010-11, a rise of 17.65 %.

In Jammu and Kashmir, the State Commission of Women has taken up orientation programmes on GB at the State level but also at the district level. All districts of Jammu region have been covered through 9 training programmes on Gender Budgeting.

121. Various measures have been undertaken by the Government in the social, economical and political spheres that have positively impacted on the lives of women. The impact on some of the important indicators are presented in the table below:

Table 3 - Selected Development Indicators Relating to Women

Sl. No.	Indicators	Women	Men	Total	Women	Men	Total
Demography							
1	Population (in million in 2001 & 2011)	496.51	532.23	1028.73	586.47	623.72	1210.19
2	Decennial Growth (2001& 2011)	-	-	21.54	-	-	17.64

Vital Statistics:							
3	Sex Ratio (2001- 2011)	933	-	-	940	-	
4	Juvenile sex ratio 1991-2001	945			927		
5.	Life expectancy at birth (1991-96 to 2001-05)	61.7	60.6	-	66.1	63.8	-
6.	Mean age at Marriage (1992&2007)	19.5	23.9	-	20.6	NA	-
Health							
7.	Birth Rate (1991 & 2005)	-	-	29.5	-	-	23.8
8.	Death Rate (1991 & 2005)	-	-	9.8	7.1	8.0	7.6
9	IMR (2005 and 2009)	-	-	58			50
10	Child Mortality Rate (1991 & 2005)	-	-	26.5	18.2	16.4	58
11	MMR (2001-03& 2004-06)	301	-	-	254	-	-
Literacy and Education:							
12	Literacy Rates (2001& 2011)	53.67	75.26	64.83	65.46	82.14	74.04
13	Literacy Rates, SCs (1991-1992 & 2004-05)	23.8	49.9	37.4	41.9	66.6	54.7
14	Literacy Rates, STs	18.1	40.7	29.6	34.8	59.2	47.1
15	Gross Enrolment Ratio (1990-91 & 2006-07)						
	Class I-V(6-11yr)	85.50	113.90	100.1	107.84	1143.42	111.24
	Class VI-VIII	47.00	76.60	62.10	69.51	77.41	71.00
	Classes-IX- XII	10.30	33.90	19.30	36.41	44.42	40.62
16.	Dropout Rate (1991-92 &2004-05 (P) in %						
	Class I-V	46.0	40.10	42.6	25.42	31.81	29.00
	Class VI-VIII	65.13	59.12	60.9	51.28	50.49	50.84
	Class IX-X	76.96	67.50	71.3	63.88	60.41	61.92
	ST Classes I-X	83.4	74.3	77.7	74.17	69.11	71.25
	ST Classes I-X	87.7	83.3	85.0	80.66	77.75	78.97
Work and Employment							
17	Work participation Rate- Rural &	29.9R 13.9 U	53.1R 51.8U	-	31 R 14.3 U	54.9 R 54	-

	Urban(1990-00& 2005-06)						
18	Women in Organized Sector (No. in millions in 1992&2007)	3.89 14.4%	23.16	27.05	5.31 19.5%	21.97	27.28
19	Public sector (No. in millions in 1992-2007)	2.47	16.74	19.21	3.02	14.98	18.00
20	Government(No in Millions in 1990- 2007)	0.28 7.51%	3,49	3,77	0.24 7.53%	2.56	2.8
<b>Decision Making (Administrative &amp; Political)</b>							
21.	Administration (IAS in 1997 & 2007)	608(7.6	7347	7955	645 (7.6%)	7860	8505
22.	PRIs (Figures in lakhs for 2007)				10.48 36.5%	18.23	28.27
23	Parliament (No. in 2001 & 2009)	77 (9.7%)	712	789	86 (10.89%)	704	790
24.	Central Council of Ministers (1985 & 2009)	4 (10.0%)	36	40	7 (10.8%)	71	78
<b>Judiciary</b>							
25.	Supreme Court (as on 20.06.2011)				01	28	29
26.	High Court (as on 26.06.2011)				55	565	20
<b>Crime against women</b>							
27.	2005& 2009	1,55,553		-	2,03,804		

*Source: Census of India; Women and Men in India 2010, NCRB., Department of law and justice*

#### **Article 4: Temporary Special Measures**

122. The Government has adopted various special measures in order to ameliorate the status of women and to address the discrimination and inequalities. One such measure is by providing reservation in political institutions, jobs and educational institutions. Some of the measures adopted have already been stated in the earlier report. Though 30% reservations are made in local self governance, many state governments have adopted 50% reservations.

123. The Government is also proposing to provide 50% reservation for women in Urban Local Bodies (ULBs) as women suffer multiple deprivations of class, caste and gender through Constitution (one Hundred and Twelfth Amendment) Bill, 2009. Enhancing reservation in ULBs will lead to more women entering the public sphere. The Union Cabinet approved the proposal



for moving a Constitutional Amendment Bill for enhancing reservation for women in Urban Local Bodies from one third to 50%. This provision will apply to (i) the total number of seats to be filled by direct elections, (ii) offices of Chairpersons and (iii) seats and offices of the Chairpersons reserved for SCs and STs. Increased representation of women is likely to yield significant benefits in terms of higher priority to women's issues in critical areas of urban governance and service delivery such as water supply, sanitation, solid waste management, education and health etc. The bill was referred to Parliamentary Standing Committee on Urban Development which has recommended that (i) rotation cycle of reservation of seats for women including Chairpersons may be extended to two terms, so as to bring uniformity in all States and thereby motivate them to focus on development works and (ii) that reservation for SCs and STs in respect of office of Chairpersons should be in proportion to their urban population and not state population which exists presently. The matter is being examined by the Ministry of Urban Development in consultation with various States and Central Ministries.

124. The Prime Minister's 15-Point Programme has been amended in the year 2009. This programme provides guidelines to enhance opportunities for education; ensuring an equitable share for minorities in economic; activities and employment, through existing and new; schemes, enhanced credit support for self-employment and recruitment to State and Central Government jobs and also improving the conditions of living of minorities by ensuring an appropriate share for them in Infrastructure Development Schemes. Improving the conditions of living of minorities and also to prevent communal harmony. An important aim of the new programme is to ensure that the benefits of various government schemes for the underprivileged reach the disadvantaged sections of the minority communities. The new programme envisages location of a certain proportion of development projects in minority concentration areas. It also provides that, wherever possible, 15% of targets and outlays under various schemes should be earmarked for minorities. 4. The emphasis of the programme on the maintenance of communal peace and harmony, through appropriate measures, and ensuring a reasonable representation of minorities in government, including the public sector, remains as emphatic as ever and these continue to be important constituents of the new programme. The programme does not envisage any change or relaxation of any criteria, norms or eligibility conditions in any scheme for minorities.
125. Scheme for Leadership Development of Minority Women was launched by the Ministry of Minority Affairs launched on 27<sup>th</sup> January 2010. The objective of the scheme is development of leadership among the minority women. It is to empower and instil confidence in minority women by providing tools, techniques and knowledge for interacting with Government systems, banks and intermediates at all levels. The scheme is envisaged to reach out to women through non-governmental organisations /institutes by providing them financial support for conducting leadership development training.

### **Article 5: Sex role & Stereotyping**

126. The Government has undertaken various measures to address the gender stereotyping and sex roles that have been highlighted in the earlier two reports, through the National Policy on Education, National Policy on Empowerment of Women, which are mainly in the area of educational, creating awareness, gender sensitisation, training, mainstreaming gender perspective into main stream in the development process. All forms of media have been utilised to communicate a special message. Customary practices such as dowry, child marriage, sati, sex selective abortion etc. are addressed through legislation and community interactions. These actions and measures are an ongoing process which the Government continues to carry on every year to eliminate discriminatory process.
127. In order to facilitate maternity leave, government has enhanced the existing ceiling of 135 days of maternity leave to 180 days. Leave of kind due and admissible (including commuted leave for the period not exceeding 60 days and leave not due) that can be granted in continuation with Maternity Leave provided in rule 43(4)(b) shall be increased to 2 years.
128. In order to bring to centre stage the different problems faced by the girl child and the need to spread gender sensitisation amongst the various sections of the society, the Government in 2009, declared January 24<sup>th</sup> as the “National Girl Child Day”.

### **Article 6: Trafficking and Exploitation of women**

129. India is committed to preventing trafficking of women. As stated in the earlier reports, three-pronged strategies have been adopted to prevent trafficking and sexual exploitation of women in prostitution. Legislative measures that focus on prevention of trafficking and penal action against those involved in trafficking, the rescue and rehabilitation of the victims of trafficking have been undertaken along with preventive measures in the source area including education, employment and empowerment of women.
130. The legal provisions to prevent trafficking have been made more stringent. Certain amendments are proposed to Immoral Traffic (Prevention) Act, 1956 to widen its scope, focus on traffickers, human rights of victims and to make its implementation more effective. The major amendments includes deletion of Section 8 that provides punishment for seducing or soliciting for the purpose of prostitution and Section 20 that relates to the removal of a prostitute from any place. Deletion of these sections have been proposed keeping in view that women involves in prostitution are victims of trafficking and booking them under these sections re-victimises them.
131. The other major amendments include insertion of new sections defining the offence of “Trafficking in Persons” on lines of definition of trafficking as available in optional protocols on trafficking to UN Convention on Transnational Organised Crime (year) (UNCTOC), punishment for persons involved in “Trafficking in Persons” and punishment for a person who visit or is found in a brothel for the purpose of sexual exploitation. The other amendments include constitution of a Central Authority as well as State

Authority for the purpose of effectively combating the offence of the “Trafficking in Persons” at central and state level. The Immoral Traffic (Prevention) Bill 2006 was introduced in the Lok Sabha on 22<sup>nd</sup> May 2006. The Bill is now under examination of the Parliamentary Standing Committee.

132. Recognising that poverty and lack of employment opportunities is one of the prime reasons for trafficking, the Government, in its Eleventh FYP focussed on the 3 Es - Education, Employment and Empowerment of Women. Integrated women development and welfare programme was initiated combining the existing schemes and expanding and strengthening them. The SHG movement was strengthened and training and skill upgradation was undertaken in the non-traditional and services sector. Various schemes were put in place to address the needs of women in all forms of distress, man-made as well natural. Microcredit facilities were strengthened and Rashtriya Mahila Kosh (RMK) to become nodal credit agency for women.
133. To formulate a more holistic policy and programme for trafficking in persons which will incorporate all forms of trafficking (such as sexual exploitation, child labour, bonded labour, organ trade etc.) and enable an integrated approach to tackle the problem, MWCD in collaboration with MHA, Ministry of Labour and Employment, NHRC and NCW is formulating an “Integrated Plan of Action to Prevent and Combat Trafficking of Human Beings, with special focus on Women and Children.” This plan deals with all aspects of prevention, rescue, registration of cases, investigations, prosecution, conviction, cross border trafficking issues, rehabilitation, and repatriation and reintegration of victims.
134. “Ujjawala” (A new dawn of light), a comprehensive scheme for prevention of trafficking and rescue, rehabilitation and re-integration of victims of trafficking and commercial sexual exploitation, was launched in 2007. The scheme has five components:
- i. Prevention: This consists of formation of community vigilance groups/adolescents groups, awareness generation and sensitisation and preparation of IEC material, holding workshops etc.
  - ii. Rescue: Safe withdrawal of the victims from the place of exploitation.
  - iii. Rehabilitation: This includes providing protective and rehabilitative homes with basic amenities, medical care, legal aid, vocational training and income generation activities etc.
  - iv. Reintegration: This includes restoring the victim into the family/community and the accompanying costs.
  - v. Repatriation: to provide support to cross-border victims for their safe repatriation to their country of origin.
135. Under this scheme, assistance is provided to NGOs for undertaking the aforesaid activities. An outlay of Rs. 100 million was approved in 2010-2011 and 51 new projects were sanctioned in the year 2010-2011 thus taking the total to 147 projects under this scheme. MWCD, in collaboration with

NIPCCD organises trainings and workshops on issues related to trafficking for grant receiving NGOs as well as for police and district level officers.

136. MWCD runs shelter homes and short stay homes, Swadhar homes for women in difficult circumstances. These cater to trafficked women/girls rescued or runaway from brothels or other places, for women/girls victims of sexual crimes who are disowned by their families or who do not want to go back to respective families for various reasons. The schemes provides for shelter, food, and clothing for women and children below the age of 18 years, counselling, clinical, medical, legal and other support, training and economic rehabilitation and helpline facilities. 331 Swadhar Homes and more than 342 Short Stay Homes are being run in different parts of the country. Rs 340.21 million were sanctioned and utilised for the Swadhar home scheme. The Government has merged the Swadhar and short stay home schemes into a new scheme - 'Swadhar Greh' with an aim to establish at least one Swadhar Greh in each District in the country.

137. Three pilot projects are being implemented viz.,

- i. Pilot project to combat trafficking of women and children for commercial sexual exploitation under the sanction of tradition,
- ii. Pilot project to combat trafficking of women and children for commercial, sexual exploitation in source areas, and
- iii. Pilot project to combat trafficking of women and children for commercial sexual exploitation in destination areas.

So far 30 projects were sanctioned benefiting 1500 women and girls. Based on the favourable feedback on the implementation of the pilot projects, these three projects are being converted into a comprehensive scheme in consultation with NGOs and State Governments. The proposed new scheme which is under formulation consists of two components – one, for preventive activities to be undertaken through awareness generation programmes 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. The other component is for rescue and rehabilitation of victims of trafficking for commercial sexual exploitation and provision of rescue cost, counselling to overcome psychological trauma, shelter home, medical care, legal aid, witness/victim protection, education vocational training, networking with various stakeholders, repatriation and restoration etc.

138. MWCD in collaboration with MHA, NHRC, NCW and (UNICEF) is undertaking the exercise of updating the Plan of Action 1998, taking into account emerging developments, to evolve a comprehensive plan of action on trafficking in persons to combat trafficking and commercial exploitation of women and children with an objective of main streaming and reintegrating the trafficked victims in society.

139. The Ministry has formulated a protocol for pre-rescue, rescue and post-rescue operations of child victims of trafficking for the purpose of commercial sexual

exploitation. This Protocol contains guidelines for State Governments and a strategy for rescue team members for pre-rescue, rescue and post-rescue operations concerning children who are victims of trafficking and sexual exploitation for commercial reasons.

140. 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 'Counselling services for Child survivors of trafficking'. MWCD in collaboration with MHA and United Nations Office on Drugs and Crime (UNODC) is developing Training Manuals for Police and Prosecutors and is also setting up Anti-Human Trafficking Units (AHTU) in selected states like Andhra Pradesh, Maharashtra, West Bengal and Goa.
141. Numbers of efforts have been taken in imparting training to police personnel on issues of trafficking by the Bureau of Police Research and Development. MHA has been requested to prepare a comprehensive witness protection programme which will enable the victims of trafficking to be protected and secure till such time the trafficker is prosecuted. (Status)
142. MWCD has constituted a Central Advisory Committee (CAC) which functions under the chairpersonship of Secretary, MWCD, with members from Central Ministries like MHA, Ministry of External Affairs (MEA), Ministry of Tourism, Ministry of Health and Family Welfare, Ministry of Social Justice and Empowerment, Ministry of Information Technology, Ministry of Law and Justice, State Governments which are an important source, transit or destination, prominent NGOs working in this area, international organisations working in this field, NCW, CSWB and NIPCCD. Director, National Crime Records Bureau (NCRB), Director General, (BSF), Director, (IB), Director, (CBI), Director General, (SSB) etc. Some of the Director Generals of Police of important 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 months intervals.
143. In order to involve corporate sector and civil society organisations to tackle trafficking, a "Think Tank on Public Private Partnership to Prevent and Combat Trafficking of Women and Children" under the chairmanship of the Secretary, MWCD has been formed. The Think Tank comprises of representatives of Ministries such as Home Affairs, Labour and Employment and Commerce, business houses such as Confederation of Indian Chamber of Commerce (CICC), Federation of Indian Chamber of Commerce and Industry (FICCI) and Associated Chambers of Commerce and Industry of India and NCPCR. The objective of this initiative is to develop strategies to prevent exploitation and trafficking of human beings especially women and children, and to explore the possibility of training and skill building of women living in vulnerable areas.
144. Anti-Trafficking Nodal Cell was set up in the Ministry of Home Affairs in July 2006 to act as a focal point for communicating various decisions and responsibilities to the State Governments. The cell interfaces with other

Ministries and the NCRB in collation and dissemination of information. As advised by the Ministry, all the States have also nominated Anti-Trafficking Nodal Officers who coordinate amongst themselves in inter-state trafficking cases. Coordination meetings are held with the State Anti-Trafficking Nodal Officers in the Ministry periodically.

145. A Project on “Strengthening law enforcement response in India against trafficking in persons through training and capacity building” has been taken up in the Ministry of Home Affairs as a joint initiative of the Government of India and United Nations Office on Drugs and Crime (UNODC), in select states (Andhra Pradesh, Goa, Maharashtra, West Bengal and Bihar). The project began in April 2006 and has come to an end on 31<sup>st</sup> December 2009. The joint project has contributed towards developing of 12 very important resource books about Protocols and Standard Operating Procedures (SOPs), and in setting up of Anti-Human Trafficking Units (AHTUs) under the police department of the project States. The project has had very positive outcomes especially in raising awareness. So far, 396 training programmes have been conducted and more than 13,670 persons (Police and prosecutors) have been trained. Besides, 9 AHTUs involving government officials and NGOs have been set up in the States of Andhra Pradesh, Bihar, Goa and West Bengal and they are all functional. In addition, the Governments of Tamil Nadu and Bihar have set up their own 38 and 21 AHTUs, respectively.
146. Ministry of Home Affairs has sanctioned a Comprehensive Scheme “Strengthening law enforcement response in India against Trafficking in Persons through Training and Capacity Building, wherein it is proposed to establish 330 AHTUs throughout the country and impart training to 10,000 police officers through the Training of Trainers (TOSs) component. Ministry of Home Affairs has released funds as first instalment for the year 2010-11 amounting to Rs. 80.72 million to all the State Governments for establishment of 115 AHTUs. All states have received funds and are in the process of setting up of AHTUs. 95 units have already been set up. Funds are being released for setting up of 110 units in the year 2011-12.
147. A comprehensive Advisory to the States/UTs for preventing and combating crime of human trafficking and Advisory of crime against women have been issued by MHA on 9<sup>th</sup> September 2009. Advisory of human trafficking has specifically asked for the State Governments/UT Administrations for adopting victim centric approach and for creating Special Juvenile Police Units. All the States have established Special Juvenile Police Units in all Districts. MHA issued another advisory on 10<sup>th</sup> September 2010 on Preventing and Combating Human Trafficking during the Commonwealth Games.
148. In addition to these specific actions/schemes that address trafficking, the Government has strengthened and expanded certain other general schemes and programmes which would also help in addressing the problem of exploitation and trafficking of women. Some of these initiatives include the universalisation of Integrated Child Development Services (ICDS) and ensuring easy access of these services, nutrition for adolescent girls and universalisation of the same, strengthening pre-school education, upgrading

Anganwadi Centres (AWCs) to nursery schools and convergence with Sarva Shiksha Abhyan to ensure the enrolment of young children in the formal school systems, and special programmes for creating awareness about girl child and bringing about attitudinal changes in the mindset on the value and importance of the girl child.

#### 149. Capacity Building and Training Interventions:

- i. A certificate course has been launched by Indira Gandhi National Open University (IGNOU) in partnership with Ministry of Home Affairs. The said course has been made mandatory for the Officers/Officials who are dealing with the subject of human trafficking. In this regard, an advisory dated 12<sup>th</sup> January 2011 has been issued. Around 150 police personnel have enrolled in the course.
- ii. At the behest of MHA, the National Crime Records Bureau has added a separate new chapter on Human Trafficking statistics in their annual publication “Crime in India” for the first time in 2006. Chapter 6 of the “Crime in India” gives the details of the cases registered under the Immoral Traffic (P) Act, 1956 and all relevant sections of the Indian Penal Code as the trends.
- iii. At the behest of MHA, the Bureau of Police Research and Development (BPR&D) has prepared a training manual on “Human Trafficking – Handbook for Investigators” for sensitising police personnel and these handbooks are being used in the National, Regional and State Police Training Institutes. BPR&D have also prepared a syllabus on the subject and circulated to the States. These handbooks have been translated in regional languages. BPR&D is also organising regional workshops for sensitising police personnel as regards the criminal activity of trafficking. BPR&D is conducting such workshops cum seminars in various cities regularly. All these resource tools for Investigation Officers are on the BPR&D website.
- iv. Training of Trainers (TOT) Workshops under the pilot project with (UNODC) to enhance the capacity building of law enforcement agencies and generate awareness among them, MHA/BPR&D and UNODC have organised the following International, National and Regional TOTs on “Combating Trafficking in Human Beings” –
  - a. One International level (for the officers of SAARC member countries) from 27<sup>th</sup> to 29<sup>th</sup> May, 2009
  - b. A national level TOT workshop in June 2008
  - c. Regional TOTs: at Punjab Police Academy, Phillaur (Punjab) in March 2009, at Centre for Police Research, Maharashtra Police, Pune in June 2009, at Dr. B. R. Ambedkar Police Academy, Moradabad in August 2009, at Police Training College, Chennai in July 2009, and at Guwahati, Assam in March 2009.

- d. Six ToT workshops conducted at Madhuban, Haryana in December 2010, at Jaipur, Rajasthan in January 2011, at Chennai, Tamil Nadu in February 2011, at Delhi in February 2011, at Bhubaneswar, Odisha in February 2011 and in Bhopal, Madhya Pradesh in March 2011
  - e. State level TOTs – most States have conducted their State level TOTs.
  - f. Workshops for nodal officers – was held at IGNOU, New Delhi from 12<sup>th</sup> - 14<sup>th</sup> May 2011.
- v. Protection of street children, neglected and exploited children: In order to reach out to the street children, beggars, neglected and exploited children the Eleventh FYP envisaged an Integrated Child Protection Scheme (ICPS) with the State and District Child Protection units, child tracking systems, shelter and children homes, cradle baby (Palna) scheme etc. (Details of ICPS are in paragraph 111 above).
150. Rehabilitation & Reintegration Services - So far, in 2010-11, under ICPS, 132 Specialised Adoption Agencies and 1183 Homes of various types have been funded. These provide comprehensive rehabilitation services to children including food, clothing, day and night shelter, education, medical facilities, to 76,759 children. For improving the quality of infrastructure in the Homes, assistance has been provided in 2010-11 for up-gradation of 159 Homes. Grants for construction of 15 new Homes have been released for uncovered areas. 98 open shelters have also been funded under ICPS which provide; inter alia, bridge education, vocational training, food, etc. to children living on the streets.
151. Cross Border Trafficking - To address the issue of cross-border trafficking between India and Bangladesh, MWCD in collaboration with MHA, MEA, UNICEF and Bangladesh counterparts are in the process of finalising the Roadmap and Joint Plan of Action for safe and quick repatriation of trafficked victims. A special assignment is being undertaken by UNICEF on behalf of MWCD for preparing a quick assessment of the problems, constraints faced in repatriation of Bangladeshi victims back to their country of origin. This will pave the way for preparation of a protocol on successful repatriation.
152. As per decisions of Home Secretary Level Talks between India and Bangladesh, Task force has been constituted in both countries to look into issues related to Human Trafficking. Meeting of Task Force, India and Bangladesh was held in Delhi on 18<sup>th</sup> and 19<sup>th</sup> October 2010.
153. The Regional Task Force of SAARC Convention, (RTF) which has been set up for implementation of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, has met thrice since 2007. The main achievement in the third RTF meeting has been the adoption of the standard operating procedures (SOP) on Combating Trafficking in Women and Children for Prostitution by all member states of SAARC 18 months. In April 2010, the issue of providing uniform toll free helpline; paper prepared by India was discussed by the RTF.



154. The Government signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children on 12<sup>th</sup> December 2002. The Protocol supplements the United Nations Convention against Transnational Organized Crimes which India has ratified in May 2011.

#### **Article 7: Political Participation and Public Life**

155. The participation of women in decision and policy-making processes is an important factor that determines their status in society. The Government of India has through the 73<sup>rd</sup> and 74<sup>th</sup> Amendments to the Constitution ensured that 33% of seats for panchayats in rural areas and urban local bodies are reserved for women. Further, the Government has taken the initiative for effecting a Constitutional amendment to increase the percentage of reservation of seats for women in PRIs from the existing limit of 33% to 50% with a view to empowering women and bringing about uniformity in the matter of reservation in the States.

#### **Parliament and State Legislatures**

156. There has been an increase in the number of women contesting and being elected to the Parliament (*Lok Sabha* and *Rajya Sabha*). In the 2004 Lok Sabha elections, of the 355 women who contested, 45 won, as against 59 women (10.86%) who won, of the 556 that contested in the 2009 elections. Of these 59 women candidates who were elected, 23 women belong to the Congress party and 13 to Bharatiya Janata Party. The All India Trinamool Congress, Samajwadi Party and Bahujan Samaj Party had four women each elected to Lok Sabha and the remaining 11 women were from other parties.

157. It is interesting to note that in the Lok Sabha elections, there has been an increase in the number of women being fielded by the national parties. This has largely been due to the success rate of women contestants being higher than that of male contestants. For example, in the May 2004 elections, 45 of 355 women contestants (12.6%) won the elections as compared to 498 of 5,050 men contestants (9.8 %).

158. In the Lok Sabha, out of a total of 33 union council of ministers (cabinet ministers) and 37 ministers of State, there are three women each (10.25%). In January 2011, in the Rajya Sabha, there are 25 women members out of a total of 242 members (10.33%). The highest positions of that of the President of India, the Speaker of the Parliament and the leader of the opposition in the Parliament are all women.

159. The average proportion of women elected to state legislatures is around 8.3%. There are four chief ministers in power heading the governments in Tamil Nadu, West Bengal, Uttar Pradesh and Delhi.

160. The Government being committed to ensuring reservations of 33% for women in the Parliament and the State Legislatures has taken several steps to enact the Constitution (108<sup>th</sup> Amendment) Bill. After several attempts at tabling the Bill, it has been finally passed in the Rajya Sabha in March 2010.

161. It is important to note that the women electorate has been vibrant as observed in the 2009 Lok Sabha elections. Of the total electorate of 714 million, 340.65

million are women. In states such as Andhra Pradesh, Kerala, Manipur, Meghalaya, Mizoram and Puducherry, the number of women electors is higher than men.

### **Institutions of local governments**

162. **Panchayat Raj Institutions (PRIs):** The formation of the Union Ministry of Panchayati Raj (MoPR) in 2004 became an important step in establishing an effective national level institution to monitor the PRIs. To increase and facilitate women's participation in PRIs and decision-making bodies, the Government has taken affirmative action by enacting the 73<sup>rd</sup> Constitutional Amendments in 1993. The Act provides for reservation of 1/3<sup>rd</sup> of all seats at all levels of PRIs as well as posts of chairpersons in them for women. Further, there is 1/3<sup>rd</sup> reservation of seats for SC and ST women.
163. Panchayat (Extension of the Scheduled Areas) Act, 1996 (PESA) has been modified suitably to extend the scope of the Panchayat Raj legislation to cover tribal areas in the 9 states of Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha and Rajasthan. Under PESA, the Gram Sabhas are deemed competent to safeguard and preserve the traditions of their people, community resources and customary mode of dispute resolution. The MoPR had taken several initiatives for the effective implementation of PESA. They include the drafting of model rules and guidelines on implementation of PESA, workshops, field visits and meetings with officials' responsible for PESA implementation and commissioning of an action research study for preparation of training modules on PESA.
164. Due to the affirmative action through reservation for women in the institutions of the PRIs a silent revolution has taken place wherein more than a million vibrant women have entered politics across the country. The percentage representation of women in the three tiers of the PRIs namely the village, block and district panchayats is higher than the mandated 33%, it being around 37%, clearly indicating that women are also contesting these elections on their own. A report of the nation-wide study in 2008 on elected women representatives in PRIs commissioned by the MoPR confirms the view that reservation has played an important role in facilitating political participation of women as 88% of the elected women have won from a reserved seat. Further, the study revealed enhanced self-esteem (77%), self-confidence (78%), decision-making ability (70%) and increased interaction with the government departments and other parallel bodies (75%) among the elected women representatives.
165. The Central Government has moved a proposal for effecting a Constitutional amendment to increase the percentage of reservation of seats for women in PRIs from the existing limit of one third to one-half with a view to empowering women and making Panchayats more inclusive. This amendment is envisaged to bring about uniformity in the matter of reservation in the States. However, several states have already brought about amendments in their respective Acts to increase the reservation quota for women. As stated in

para 20, some States have reserved more than one third seats in their local self governments.

### **Urban Local Bodies (ULBs)**

166. Women constitute nearly 50% of the total urban population and their participation in policy formulation and decision-making is crucial for the effective and successful implementation of development works and programmes. To facilitate women's participation in ULBs, the Government has enacted the 74<sup>rd</sup> Constitutional Amendment in 1993, which ensures reservation of not less than one-third of all seats in ULBs and posts of chairpersons in them for women. Further, there is one-third reservation of seats for SC and ST women.
167. At present, there are about 23,000 elected women representatives in ULBs in the country, of which 670 are in decision-making positions as chairpersons. In certain states, their representation was more than the reserved strength. For example, in the 2005 municipal elections in Andhra Pradesh, women chairpersons were higher with 49 as against 38 of the reserved seats of the 98 municipalities where elections were held. Further, women belonging to the marginalised sections (SC, ST and Backward Castes) have also won from the general category of seats within the reserved categories. A study carried out in 2004 in the four southern states of India has shown that the representation of women in ULBs is higher than the reserved seats, it being as high as 38.26% in Karnataka. This clearly indicates that women have won elections in the ULBs from the general unreserved category of seats as well.
168. To overcome the multiple deprivations of class, caste and gender that women suffer and promote women's participation in ULBs, the Constitution (112<sup>th</sup> Amendment) Bill, 2009 enhancing reservation for women up to 50% was introduced in the Lok Sabha on 24<sup>th</sup> November 2009. The Bill was referred to the Parliamentary Standing Committee on Urban Development for examination on 29<sup>th</sup> December 2009. The Committee submitted its report to the Lok Sabha on 9<sup>th</sup> August 2010 making important recommendations for enhancing women's participation in ULBs. They include 1) the extension of the rotation cycle of reservation of seats for women including chairpersons to two terms and 2) reservation for SCs and STs in respect of office of chairpersons be in proportion to their urban population and not that of the existing state population. The report is currently being examined by the Ministry of Urban Development in consultation with the states and central ministries.
169. Devolution - Some of the states have had reforms for devolution of funds, functions and functionaries with respect to the 29 subjects to facilitate the effective functioning of elected members of PRIs. In this context, the Right to Information Bill (2005) enacted by the Parliament provides us an important instrument wherein responses to queries can be got within 48 hours of a request. Several states have made amendments in their Panchayat Acts to provide for the Right to Information at the village level. This Right has facilitated increased access to information about elected representatives including women thus ensuring transparency and accountability of

government bodies to them. In this regard, the state of Rajasthan is an example of the ways the Act has been utilised.

170. **District Planning Committees (DPCs):** The main aim of the DPCs in every State is to consolidate annual plans prepared by the institutions of local governance. Currently, DPCs have been constituted in 23 States. Standing Committees have also been constituted for the effective planning and implementation of the action plans as well as making parallel bodies accountable to the Panchayats and Gram Sabhas. The representative participation of women in these Standing Committees has ensured the articulation of the decisions taken by the women in the Gram Sabhas to the PRIs. It is to be noted that at least half of the number of women voters in the panchayat constitute the quorum for the Gram Sabha.
171. **Training and capacity building:** Is an important component to build and strengthen the capabilities of the elected representatives to function effectively. Between 2006-07 and 2009-10 the number of elected women representatives (EWRs) trained has increased from 780961 to 1481351. In 2010-11, in the first 10 months, 17 states/UTs have imparted training to 2.72 lakh women elected representatives. Funds are provided to the States under the Backward Regions Grant Fund (BRGF) and the Rashtriya Gram Swaraj Yojana (RGSY) to carry out training activities for Panchayat members including EWRs. While State Institutes for Rural Development (SIRDs) are the main institutions for imparting training, the MoPR proposes to set up an independent institution, the National Institute of Local Governance (NILG) for the purpose.
172. A national programme on capacity building of panchayats is being prepared. This would comprise of state-wise action plans, training, infrastructure, resource persons required and financial requirement for the progress. A proposal to have the National Institute of Rural Development (NIRD), 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.
173. The Ministry of Urban Development under its revised scheme for Research and Capacity Building in Urban and Regional Planning extends 100% financial assistance to the States for training of women councillors immediately after the completion of the elections to the ULBs. Since the inception of the scheme in 2002-03 to 2009-10 around 7000 out of the 23000 women councillors have been trained.
174. Corrective measures have been taken by various states to prevent use of procedural motions like the 'no-confidence motion' to deny women from leadership roles in Panchayats. In Uttar Pradesh there is no provision for a "no confidence motion" against chairpersons in municipal councils and nagar panchayats. The MoPR in a recent meeting identified action by the states/UTs regarding the safety of EWRs against physical harm, assault and humiliation

of any form, particularly those belonging to the weaker sections to be taken. Further, among the various measures taken by the Government to remove the barriers to effective participation of women, include the development of a training module by the MoPR to bring innovation resulting in new paradigm shift in the approach for capacity building. The training content includes issues on gender, transparency, accountability, Right to Information Act, Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) and other issues related to the subject of agriculture, health, education and public distribution system. All newly elected representatives would be exposed to one round of training ranging between 2 to 4 days within six months of being elected. The approach envisages every Gram Panchayat to be linked to one Extension Training Centre.

175. The Government has initiated two large programmes, namely the Women's Development Programme in Rajasthan (1984) and the Mahila Samakhya (1988). Through the formation of collectives, they have been fostering leadership through training among women including elected women representatives. They have been able to create awareness, ensure effective participation of elected women in democratic processes and strengthen their relationship with the collectives and their constituencies. Due to these interventions more women have contested and won elections. For example in Karnataka, most of the women from the collectives of MS who contested won the elections to the village councils.
176. Panchayat Mahila Evam Yuva Shakti Abhiyan (PMEYSA) - was initiated by the MoPR during the Eleventh FYP to empower EWRs and elected youth representatives of PRIs in a systematic and programmatic manner. It aims at a sustained campaign to build the confidence and capacity of EWRs so as to enable them to overcome societal, institutional and political barriers that hinder their effective participation in local governance. The objective of PMEYSA is to establish networks of EWRs and empower them through collective action for enhancing their participation and representation on local governance issues. It facilitates the preparation of a charter for the EWRs, promotes their federating at the block, district and state levels and provides assistance for a State Support Centre. The Centre arranges for leadership training of the women representatives. Full assistance is provided by the centre to States/UTs for activities undertaken by the programme and State level conferences have already been held in Rajasthan and Punjab.
177. The National Commission for Women has organised some State 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.

#### **Women in Public Life:**

178. Several steps have been taken by the Government to enhance the participation of women in public life. As part of the 100 days action plan in 2009, concerted

efforts to increase representation of women in Central Government jobs were initiated. These included instructions issued by the Department of Personnel and Training (DoPT), Ministry of Personnel, Public Grievances and Pension to all ministries and departments to make a reference in their recruitment advertisements of the government's commitment to have a gender balanced workforce and thereby encourage women to apply. The Union Public Service Commission (UPSC) and Staff Selection Commission (SSC) have confirmed their action in this regard. Further, recruitment boards need to mandatorily have a woman member for more than 10 vacancies. To monitor the trend in the recruitment of women, the DoPT has been generating data on the total number of posts and women employed. During 2009-10, orders have been issued to exempt women from the payment of examination fees while appearing for the UPSC and the SSC examinations.

179. Due to these initiatives, it is noteworthy that there has been a progressive increase in the representation of women in the All India and Central Services. In the Indian Administrative Service (IAS), the proportion of women increased from 11.92% in 2006 to 15.47% in 2010. Between 2005 and 2010, the proportion increased from 25.55% to 41.5% in the Indian Audit and Accounts Service (IAAS). Similarly, women's representation in the Foreign Service has increased from 13.68% in 2005 to 30.0% in 2010; in the Indian Economic Service (IES) from 21.56% in 2003 to 30.55% in 2010. However, their representation in the Indian Police Service (IPS) has decreased to 3% in 2010 from 3.83% in 2002.
180. As of December, 2010, there are 4 women Governors and the highest post of the country that of the President of India is held by a woman. The position of the Speaker of the Parliament is also held by a woman. Since 2009, there is a woman Additional Solicitor General of India who is also the member of the CEDAW Committee.
181. **Women in Defence Services:** The role of women has been increasing steadily in the field of national defence. They are employed in Defence Production Units, Research and Development Laboratories, as Doctors and Nursing Officers and in various non-combatant branches of the Armed Forces like logistics and law.
182. To attract more women in the army, the tenure of Women Officers in Short Service Commission has been increased from 10 years to 14 years of service. Besides, their promotional avenues have also been substantially enhanced. In the place of only one promotion to the rank of Major after 5 years of service, Women Short Service Commission Officers are now granted time-scale promotions to the rank of Captain, Major and Lt. Colonel after 2, 6 and 13 years of reckonable service respectively. In addition, with a view to ensuring gender equality, the training period of women Short Service Commission officers has been increased from 24 weeks to 49 weeks, to be at par with male Short Service Commission Officers. (When was this introduced?)
183. The Government has approved grant of Permanent Commission to Short Service Commission (women) Officers prospectively in select branches/cadres of the three Services viz., Judge Advocate General (JAG) Department

and Education Corps of the three Services, Accounts Branch in Air Force and Naval Constructor in Navy.

### **Article 8: International representation and participation**

Women have led and been part of several delegations led by the government, both at the national and state levels. They include: *(details will be filled)*

### **Article 9: Nationality**

As reported in the initial report, the Citizenship Act, 1995 confers equal rights to women to acquire, change or retain their nationality and the discriminatory provision with regard to the nationality of the children of an Indian woman born outside India was also amended. Thus citizenship through descent can be either through the mother or the father.

### **C. Part III**

### **Article 10: Education**

184. The Government has made the right to education as a fundamental right (Refer paras 82-84 for details). Further, policies and programmes have been formulated to spread literacy through schemes such as the Saakshar Bharat Mission which focuses on female literacy, Sarva Shiksha Abhiyan (SSA) and Rashtriya Madhyamik Shiksha Abhiyan which seeks to universalise education at the primary and secondary levels. Further, the Government has introduced and strengthened various programmes and schemes to facilitate education among girls at different levels, particularly those belonging to the disadvantaged sections such as the SC, ST, minority communities and with disabilities. The allocation of resources in terms of government investment in education increased from 3.49% in 2003-2004 to 3.57% in 2006-2007.

#### **Primary Education:**

185. Sarva Shiksha Abhiyan (SSA) - is the Government's flagship programme for achievement of Universalisation of Elementary Education (UEE), as mandated by the 86<sup>th</sup> amendment to the Constitution that made free and compulsory education to children in the 6-14 years age group a fundamental right. It is being implemented in partnership with State Governments to cover the entire country and to address the needs of 192 million children in 1.1 million habitations. Under the SSA, access to primary education has improved to 99% and out-of-school children have been reduced to below 4% in the age group of 6-14 years. The Committee on the implementation of the Right to Education Act has suggested that the provisions of the SSA be modified in accordance of the requirements of the Right to Education (RTE). SSA has made efforts to mainstream gender concerns in all activities under the programme. A two-pronged strategy is adopted for the promotion of girls' education, namely to make the education system responsive to the needs of girls, and generate a community demand for girls' education. A strategic shift has been made in education planning to target low female literacy pockets and reduce gender disparity. Special effort is also made to bring out-of-school girls, especially from the disadvantaged sections, to school. Between 2007-08 and 2009-10, the enrolment of girls belonging to the SC, ST and the Muslim community at the

primary level has increased from 47.76% to 48.36%, 47.64% to 48.33% and 48.84% to 49.34% respectively. The overall retention rate has also increased from 73.71% to 74.01% during the same period.

186. The SSA has made special provision for girls such as back to school camps for out-of-school girls, bridge courses for older girls, recruitment of 50% women teachers, gender-sensitive teaching-learning materials including textbooks, intensive community mobilisation, setting up of an 'innovation fund' per district for need-based interventions for ensuring girls' attendance and retention, and separate toilets for girls. The proportion of separate toilets being provided for girls at the primary level has increased from 44.37% in 2008-09 to 50.99% in 2009-10.
187. An important achievement under SSA has been the recruitment of 10.22 lakh teachers from the inception of the programme in 2001 till December 2009. Further, in 2009-10, 40.6 lakh teachers have been approved for in-service training.
188. The National Programme of Education for Girls at Elementary Level Scheme (NPEGEL) – was launched in 2003. NPEGEL is a focused intervention of the Government to reach the “hardest to reach” girls, especially those not in school and those who are enrolled in school, but do not attend school regularly. The programme is implemented in educationally backward blocks, addresses obstacles to girls' education at the micro-level through flexible, decentralised processes and decision making. A “model school” has been developed in every cluster with intense community mobilisation and supervision of girls' enrolment in schools. The NPEGEL recognises the need for support services to help girls with responsibilities with regard to fuel, fodder, water, sibling care and paid and unpaid work, and has made some provisions to assist them, such as childcare for the two and three-year-old children. Gender sensitive teaching and learning materials as also additional subjects like self-defence, life skills and legal rights have been provided in the scheme. The NPEGEL works through village level women and community groups to follow up girls' enrolment, attendance and achievements. The outreach of the scheme in 2010 is as follows: 3261 blocks, 39210 clusters, 40322 model cluster schools, 26838 additional classrooms, 24,17036 remedial teaching, 437645 2.14 lakh sensitisation of teachers and 1.43 crore spent towards uniforms and other incentives.
189. State Initiatives under the NPEGEL - States have made several innovative interventions to help girls overcome obstacles they face in accessing education. To highlight a few:
- Bihar: A forum named Meena Manch has been provided for adolescent girls to discuss their own issues and motivate girls to attend school. Further, fees have been reimbursed to girls of Classes 8th to 10th with support from the National Institute of Open Schooling (NIOS) due to which 25,335 girls are enrolled in vocational courses.



Haryana: Bicycles are given to girls on joining class VI in a Govt. school located outside the village to prevent dropouts at the end of class V and help girls to complete 8 years of schooling.

Uttar Pradesh and Assam: training in self-defence is provided for girls to facilitate holistic development and enhance their self confidence.

Andhra Pradesh: A onetime (TLE) Grant is provided to Model Cluster Schools to equip them with library books and material and instruments required for games/sports/music and vocational training.

190. Educational Guarantee Scheme (EGS) - along with the Alternative and Innovative Education (AIE) centres support diversified strategies for 'out of school' children, particularly in remote, school-less habitations. Under EGS, educational facilities are set up in habitations that do not have a primary school within a distance of 1 km. Any habitation with 25 out of school children in the 6-14 age group and 15 in the case of hilly and desert areas and tribal hamlets is eligible to have an EGS centre. The EGS centre is a transitory facility till a primary school replaces it within a period of two years. Formal curriculum is taught by a local teacher engaged by the community and all enrolled children are provided free textbooks and a midday meal. These centres are managed by local community bodies' such as Parent Teacher Association, Village Education Committee or the Gram Panchayat.
191. Alternative and Innovative Education (AIE) Centres: provide support for bridge courses, back to school camps, long duration residential camps for older children and short duration summer camps. These centres cover children who have never enrolled in schools, dropouts, children who migrate seasonally with their families, street and other deprived urban children, working children and other vulnerable children under difficult circumstances. Support is also provided to unrecognised/ unregistered Makhtabs/ Madarsas to adopt formal curriculum. Due to these interventions there has been a decrease in the number of districts having more than 50,000 children out of school from 29 districts identified in 2006-07 to 24 in 2007-08. In 2007-08, there has been a reduction in the number of OOSC in States such as Andhra Pradesh, Arunachal Pradesh, Bihar, Chhattisgarh, Delhi, Jammu & Kashmir, Jharkhand and Tamil Nadu.
192. Janshalas - This is a joint programme of the Government of India and five UN agencies, the UNDP, UNICEF, (UNESCO), (ILO) and (UNFPA) for the universalisation of primary education among educationally under-served communities. The programme aims to make primary education more accessible and effective, especially for girls and children in deprived communities, marginalised groups, SCs/STs/minorities, working children and children with specific needs. A unique feature of Janshala is its emphasis on community participation and decentralisation, the result of which is the formation of the Village Education Committees (VECs) that are actively involved in school improvement and other activities for universal enrolment and retention of children in primary and alternative schools. Globally acknowledged as a best practice in education, and awarded as a model of joint programming by the UN, the programme is implemented in nine states of the country. It covers 139 blocks, including 22 wards of 10 cities, about 20,000

habitations, 3 million children, 58,000 teachers and 18,000 schools. Further, 2000 alternative schools in small remote habitations have been set up and more than 1000 bridge courses conducted which has benefitted over 1,00,000 children.

193. The Kasturba Gandhi Balika Vidyalaya (KGBV): This scheme was launched in July 2004, for setting up residential schools at upper primary level for girls belonging predominantly to the SC, ST, OBC and minority communities and is implemented in educationally backward blocks of the country where the female rural literacy is low and gender gap in literacy is above the national average. The scheme provides for a minimum reservation of 75% of the seats for girls belonging to SC, ST, OBC or minority communities and the remaining 25% to girls from BPL families. The scheme is being implemented in 24 States of the country. As of July 2009, 2573 KGBVs were sanctioned by the Government of India, of which, 1511 (98%) are operational in the States. Of the 191123 girls enrolled, 27% belong to SC; 29% to ST; 27% to OBC; 10% to BPL families and 7.5% to Minority communities. The total amount released by Government of India till March, 2007 is Rs. 43,552.54 lakhs. From April 2007, the scheme is a component of the SSA and is implemented mainly by SSA societies as also by Mahila Samakhya, other government agencies and NGOs.
194. The National Programme of Nutritional Support to Primary Education: Also known as the Midday Meal Scheme (MDMS) is a national school feeding programme which reaches out to around 11.77 crore children in over 9.50 lakh schools across India. This Centrally sponsored scheme started in August 1995 consisted of free supply of food grains with subsidy for its transportation to schools. However, in September 2004 it was revised to provide a cooked midday meal with 300 calories and 8-12 grams of protein to all children studying in classes I – V in Government, aided schools and centres run under the EGS and AIE. In October 2007, the scheme was further revised to cover children studying in classes VI to VIII with a midday meal comprising of 700 calories and 20 grams of protein per child per school day. In April 2008, the scheme was extended to cover Muslim children studying in Madarasas and Muktabs supported under SSA. Due to these efforts, in 2009-10, 8.41 crore primary students and 3.36 crore upper primary students have benefited from this scheme. The MDMS also provides a useful source of employment for women and helps liberate working women from the burden of cooking at home during the day.
195. A study on the impact of MDMS in Madhya Pradesh conducted by NIPCCD, Indore has shown a marked increase in the enrolment, attendance and retention rates and decrease in the dropout rates of children, especially girls, in primary schools. Teachers were of the opinion that the midday meal aided in active learning of children and therefore indirectly improved their academic performance, while the parents were of the view that it had reduced the burden of providing one time meal to their children and considered it as a great support to their families.

196. Some states like Karnataka, Delhi and Andhra Pradesh have successfully involved private sector participation in the programme. The most successful of one such venture is Akshaya Patra, in Karnataka where midday meal is served to almost ten lakh children in Bangalore Municipal Corporation schools.
197. **Secondary Education:** The population of the age group 14-18 was 8.55 Crores as per 2001 Census which is estimated to be around 9.70 crores in 2011. Estimates indicate that girl population in this age group has increased from 3.96 crores in 2001 to 4.49 crores in 2005-06. The secondary and higher secondary enrolment were 28.22 and 15.94 million respectively during 2007-08. The Gross Enrolment Ratio (GER) at the secondary and higher secondary level increased from 39.8% to 45.5% from 2004-05 to 2006-07. The GER for boys was 49.2%, which remained almost the same but for girls it increased from 35.1% to 41.4% during the same period. The increase in the GER for girls as compared to boys indicates the narrowing of the gender disparity. The number of secondary and higher secondary schools and participation of students at these levels is continuously increasing. During the years 2004-05 to 2006-07, the number of secondary and higher secondary schools increased from 1.5 lakh to 1.6 lakh. With the increase in enrolment and growth of institutions, the number of teachers has increased from 20.83 lakh to 22.22 lakh.
198. **Rashtriya Madhyamik Shiksha Abhiyan (RMSA):** Is a centrally sponsored scheme launched in March 2009 with the objective of making good quality secondary education available, accessible and affordable to all young persons in the age group 15-16 years, irrespective of gender, socio-economic condition, disability, geographical and other barriers. The scheme aims to universalise access to secondary level education by 2017 and universal retention by 2020. It also aims to have a secondary school within 5 km of every habitation in the country, and similarly to have a higher secondary school within 8 km.
199. In terms of physical targets, the RMSA aims to improve the enrolment ratio or classes IX-X from 52.26% in 2005-06 to 75% within a period of 5 years, to provide facilities for an estimated additional enrolment of 32.20 lakh students by 2011-12, opening of 11,188 new secondary schools, including the upgradation of higher primary schools, appointment of 1.79 lakh additional teachers and construction of 80,500 lakh additional classrooms. The annual plan for 2011-12 has been developed by the states based on an analysis of (SEMIS) data. Further a Data Capture Format (DCF) for 2010-11 has already been uploaded on the website of the Ministry for completion by the states. Filling up of DCF and use of SEMIS data in planning has been made mandatory.
200. **Scholarship Scheme-**Under the national means-cum-merit scholarship scheme, 1,00,000 lakh scholarships are provided to meritorious students whose parental income is not more than Rs. 1,50,000 per annum. An amount of Rs. 6000 per year is credited directly to the bank account of the scholarship holder on a quarterly basis at Rs. 500 per month.

201. Model Schools: To improve quality of secondary education throughout the country, a new scheme called 'Model Schools' was launched in 2008-09 to set up 6000 schools in as many blocks to serve as bench marks of excellence in the secondary stage. Stipulations have been made on pupil-teacher ratio, ICT usage, holistic educational environment, appropriate curriculum and emphasis on output and outcome. In 2010, a total of 327 model schools have been sanctioned and the rest are in different stages of appraisal. The states that have performed well are Punjab, Bihar, Chhattisgarh, Himachal Pradesh, Karnataka and the North-eastern states. A new scheme has also been introduced to provide central assistance for setting up of a model degree college in each of the identified 374 educationally backward districts where Gross Enrolment Ratio (GER) for higher education is less than the national GER. Under the scheme, the Central Government will provide assistance to the extent of one third of the capital cost limited to Rs. 2.67 crore for establishment of each college.
202. National Scheme of Incentives to Girls for Secondary Education (NSIGSE) was launched in 2008-2009. The scheme covers (i) all SC/ST girls who pass class VIII and (ii) girls, who pass the class VIII examination from Kasturba Gandhi Balika Vidyalayas (irrespective of whether they are SC/ST) and enrol for class IX in State/UT Government, Government-aided or local body schools. A sum of Rs. 3000 is deposited under fixed deposit in a public sector bank or in a post office in the name of every eligible girl child. Navodaya Vidyalayas in districts having a large concentration of SC/ST population has been sanctioned. Of the 20 schools sanctioned, 10 schools are in districts having a large concentration of SCs and the remaining 10 in districts having large concentration of STs.
203. Girls' Hostels for students of secondary and higher secondary schools is a centrally sponsored scheme which was launched in 2008-2009 and is being implemented in 2009-2010. The aim of the scheme is to retain girls in secondary school and to prevent them from being denied education due to financial and societal reasons. The target group of the scheme is girls in the age group 14-18 studying in the IXth to XIIth standard and belonging to SC, ST, OBC, minority and BPL communities located in educationally backward blocks in the states.
204. ICT in secondary, higher secondary schools and in open/distance schooling: under this scheme, all Govt. and Govt. aided secondary and higher secondary schools are covered. The scheme provides for appointment of teachers, training for teachers and development of e-content. CIET is also developing e-content, which could be translated and used by the states. In higher secondary schools, IT has been provided as an elective.
205. Inclusive Education of the Disabled at the Secondary Stage (IEDSS): The earlier scheme of Integrated Education for Disabled Children was replaced by the scheme of Inclusive Education of the Disabled at the Secondary Stage with the aim of mainstreaming children with disability in the secondary stage into regular schools. It provides for facilities to students with disabilities including expenses on books and stationery, expenses on uniforms, transport allowance,

reader allowance, escort allowance, hostel accommodation and actual cost of equipment. The scheme also supports the appointment of special teachers, provision for resource rooms and removal of architectural barriers in schools. The scheme is presently being implemented in States and UTs in over 90,000 schools benefiting over 2,00,000 children with disabilities.

206. Scholarship schemes for students belonging to Minority communities: The Ministry of Minority Affairs implements three exclusive scholarship schemes namely (i) Merit-cum-means based scholarship scheme, (ii) Pre-matric scholarship scheme and (iii) Post-matric scholarship scheme. While 30% of these scholarships are earmarked for girl students, the proportion of girls availing these scholarships is much higher. In the year 2010-11 up to 31<sup>st</sup> December 2010, 33.49% of the girl students were awarded merit-cum-means scholarships while 47.47% and 51% of them were awarded the Pre-Matric and Post Matric Scholarships respectively. The Maulana Azad Education Foundation (MAEF) awards scholarships to meritorious girl students. As of 31<sup>st</sup> March 2010, the MAEF has disbursed scholarships to 41977 girl students amounting to Rs. 48.20 crores.

### **Vocational Education**

207. The Vocationalisation of Secondary Education provides for diversification of educational opportunities so as to enhance individual employability, and provides an alternative for those pursuing higher education. This scheme at the XIIth level has already created infrastructure of 21,000 sections in around 9619 schools with a capacity of 10 lakh students. The grants released so far are Rs. 765 crores.
208. Under the Sub-Mission on Polytechnics, the Government provides central financial assistance to the State Governments/UTs for setting up of polytechnics in the un-served and under-served districts during the Eleventh FYP. 343 polytechnics have been provided as first instalment of Rs.20.00 lakh each during 2009-10 for the construction of women's hostels. Financial assistance has also been provided to States to establish 178 new polytechnics in districts without any Polytechnic, for strengthening the infrastructure of 55 existing Polytechnics, and for the construction of 120 women hostels in 120 Polytechnics.
209. Vocational Training Programme: The Ministry of Labour launched this programme to provide vocational training for women. There are 11 institutes: 1 National Vocational Training Institute (NVTI) at Noida which is now a Centre for excellence for the garment sector and garment technology, and 10 Regional Vocational Training Institutes (RVTIs) in Mumbai, Bangalore, Thiruvananthapuram, Panipat, Kolkata, Tura, Allahabad, Indore, Vadodara and Jaipur. In 2005, eight of these institutions operated from their own buildings with hostel facilities. In 2009, new buildings were constructed at Panipat along with hostel facilities. In 2010, while the new building with hostel facility will be occupied, the one in Indore has been sanctioned and works have started. Additional courses have been started with contract faculty to diversify, strengthen and modernise the existing training with upgraded equipments. The training capacity of these institutes has increased from 3332

in 2005-06 to 3754 in 2010. To further increase the opportunities for women four new trades namely Interior Design and Decoration, Catering and Hospitality, Travel and Tourism and Computer Aided Embroidery and Needle work have been introduced in 2009-10.

210. Women Industrial Training Institutes (WITIs) - Vocational training facilities are being provided by the State governments exclusively for women at craftsmen level through WITIs and women's wings in ITIs. There are 1213 Women ITIs and women wings in general ITIs of which 289 are Government Women ITIs and 80 Private Women ITCs, 726 Women training Wings in Government ITIs and 118 Women training Wings in Private ITCs. The training capacity in these institutions has increased from 47,391 in 2005-06 to 51,804 in 2009-10. As per the recommendations of the National Council for Vocational Training (NCVT), reservation of seats for women in ITIs for Craftsmen training has been increased from 25% in 2005 to 30%. Further, there is no upper age limit for women above the age of 14 years who seek admission in NVTI and RVTIs. Besides this, the Indian Institute of Workers Education, Mumbai has established a separate cell on "Women and Child Labour" and evolved advance training programmes for women activists who are members of the Central Trade Unions Organisations and are involved in the upliftment and welfare of women and child labour in the country. From 1992-93 to September, 2009, 1582 women activists have been trained.
211. Vocational Rehabilitation Centres (VRCs) - For the economic rehabilitation of persons with disabilities (PWDs) and to integrate them in the economic mainstream by providing vocational training, VRCs have been established across the country. There are 20 VRCs in Agartala, Ahmedabad, Bangalore, Bhubaneswar, Chennai, Delhi, Guwahati, Hyderabad, Jabalpur, Jaipur, Kanpur, Kolkata, Ludhiana, Mumbai, Patna, Puducherry, Srinagar, Thiruvananthapuram, Una and Vadodara. The VRC at Vadodara is exclusively for disabled women.
212. For upgrading the skills of disabled unemployed youth seven Skill Training Workshops (STWs) have been added to the VRCs at Ahmedabad, Bangalore, Chennai, Hyderabad, Kanpur, Mumbai and Thiruvananthapuram. Further, Rural Rehabilitation Extension Centres (RRECs) have been set up in 11 blocks under the 5 VRCs in Chennai, Kanpur, Kolkata, Ludhiana and Mumbai to facilitate people living with disabilities (PWDs) in rural areas. Vocational training is provided for the PWDs by the VRCs in trades such as commercial and secretarial practices, general mechanics, cutting and tailoring, dress making, radio and television, carpentry, automobile, refrigeration and air conditioning, printing and book binding, computer application, general electronics, watch repairing, etc.

### **Higher Education**

213. There has been an increase from 20 universities and 500 colleges in 1947 to 504 universities in 2009. In addition, there are 29,951 colleges of them being 2565 women colleges. In the academic year 2009-10, the total number of students enrolled was 136.42 lakhs of which 65.49 lakhs were women students, constituting 41.4% of the total enrolment. Of the total women

enrolment, 14.72% women have been enrolled in professional courses. Women's enrolment as a percentage of the total enrolment by states reveals that it is highest in Goa (56%) and the least in Bihar (30%). In terms of absolute number of women enrolment, Uttar Pradesh tops the list of states with 8.0 lakhs, followed by Maharashtra with 7.8 lakhs. The faculty-wise distribution of women enrolled indicates that women are concentrated in the discipline of Arts with 49.08% followed by Science 19.99% and Commerce/Management 16.21%.

214. Reforms to enhance higher education include the setting up of the NCHER to regulate higher education and research in India, establishment of Innovation Universities as world class centres of learning, VPN and Broadband connectivity to colleges across the country under the National Mission on Education, etc. In order to promote inclusive education in educationally backward areas like Jammu and Kashmir and North-Eastern States, 10 new NITs, Central universities, Polytechnics and Model Degree Colleges have been established. The Government is working on expanding opportunities in higher education. It is working on setting up new IIMs, IITs, NITs, Central Universities and 374 Model Colleges as part of its vision of access with equity and excellence.
215. The Department of Higher Education, Ministry of Human Resource Development (HRD) has introduced a Scholarship Scheme for College and University students pursuing higher studies and professional courses to provide financial assistance to meritorious student from poor families securing 80% and above marks in the Class XII or equivalent exams. Every year, 82,000 fresh scholarships are awarded, of which 50% (41000) are reserved for girls. A sum of Rs. 1,000 crores has been earmarked for this scheme in the Eleventh FYP, out of which Rs. 500 crores has been reserved for girls.
216. Construction of Women Hostels for Colleges: University Grants Commission (UGC) has been providing assistance for construction of women hostels and other infrastructural facilities to achieve the goal of bringing about gender equity. The main objective is to support all eligible colleges for construction of hostels for women in order to provide a residential place for women students, researchers, teachers and other staff. For colleges located in non-metropolitan cities, the assistance is from Rs. 40 lakhs to Rs. 80 lakhs whereas it is Rs. 80 lakhs to Rs.120 lakhs in the case of colleges in metropolitan cities based on the number of women enrolled in the college. In December 2009, an amount of Rs.159.78 crores for state colleges and Rs.1.90 crores for colleges located in Delhi has been released by the UGC. Further, 150 hostels for women and Rs.45 crores has been sanctioned by the UGC for women in higher educational institutions located in districts with significant populations of weaker sections and minorities. During the Eleventh FYP the UGC sanctioned 233 women's hostels in 19 districts with high concentration of minorities.

The UGC has launched a number of schemes to achieve gender equity:

- i. Direct credit of scholarship: The scholarship amount is credited into the bank accounts of 41,000 boys and 41,000 girls every year under the Merit Scholarship Scheme for students in universities and colleges.
- ii. Indira Gandhi Scholarship for Single Girl Child for pursuing higher and technical education: The purpose of the scheme is to support higher education through scholarships to such girls who happen to be the only child in their families and also to promote small family norms. Girl students up to the age of 30 years at the time of admission of post-graduate courses are eligible. The number of slots for scholarships available under the scheme is 1,200 per year and the scholarship amount is Rs. 2000/- per month for 20 months. As of December 2009, Rs. 4.88 lakhs has been provided as scholarship to beneficiaries.
- iii. Day Care Centres in universities and colleges: The objective of this scheme is to provide day care facilities within the university system on demand basis for children of around three months to six years of age, when their parents (university/college employees/students/scholars) are away from home during day time, and also to provide a secure place and environment during working hours for their children.
- iv. Development of Women's Studies in universities and colleges: The scheme envisages assistance to Universities for setting up new women study centres as well as to strengthen and sustain the university women study centres set up in the Tenth FYP by establishing them as statutory departments in the university system. The primary role of these centres is to promote knowledge simulation and transmission through teaching and research. At present, there are 51 centres in Universities and 16 centres in colleges in the country. It is also envisaged that 30 new centres in Universities and 20 centres in colleges are to be started each year of the Eleventh FYP. The pattern of assistance is Rs. 25 lakhs for Universities and 15 lakhs for Colleges in Phase I, Rs. 40 lakhs for Universities and 25 lakhs for Colleges in Phase II and Rs. 60 lakhs for Universities and 40 lakhs for Colleges in Phase III. During 2009-10, an amount of Rs. 2.08 crores has been provided to the centres.
- v. Indira Gandhi National Open University (IGNOU) has been making conscious efforts to reach out to the women learners especially in remote and rural areas. IGNOU has set up a new school of Gender and Development Studies with the aim to achieve gender justice and equity through developing and launching programmes in the area of women and development studies. The activities proposed for the school include: (a) designing and developing academic programmes and courses at doctoral, post graduate, undergraduate and awareness levels; (b) conducting research and developing appropriate research methodology; and (c) formulating and implementing training programmes.
- vi. Scheme of Capacity Building for Women Managers in Higher Education: This scheme introduced by the UGC during the Tenth FYP has been revised subsequently during the Eleventh FYP. This



programme is focussed on women in higher education in the academic and administrative streams to motivate and equip them for decision-making positions in the higher education system. The purpose of this scheme is to develop a critical mass of gender sensitised women administrators in order to create a gender-friendly environment.

- vii. Post Doctoral fellowships for women -The scheme is implemented for unemployed women candidates holding a Doctorate (Ph.D.) degree in their respective subject areas with an aim to promote women candidates to undertake advanced studies and research. The number of fellowships available is 100 per year for tenure of five years. The upper age limit for the candidate is 55 years as on 1<sup>st</sup> July on the year of application. The selected candidates with fresh Ph.D. degrees are paid Rs. 6,000 per month and those with five years experience after Ph.D. are paid Rs. 8,000 per month with a contingency grant of Rs.10,000 per annum for 5 years and Departmental Assistance at 10% of the fellowship. As of December 2009, an amount of Rs.9.98 lakhs has been allocated.
- viii. Equal Opportunities Cells (EOCs) for SC/ST/ OBC/minorities -To make institutions more responsive to the needs and constraints of the disadvantaged social groups, the UGC has assisted institutions to establish "Equal Opportunity Cells" to oversee the effective implementation of policies and programmes for disadvantaged groups and to provide guidance and counselling in academic, financial, social and other matters. The Cell has also implemented programmes to sensitise Universities/Colleges on problems faced by SCs and STs in higher education. A one time grant of Rs. 2 lakhs has been provided for establishing the Equal Opportunity Cells and as of December 2009, an amount of Rs. 23.16 lakhs has been provided to institutions.

### **Technical Education**

- 217. Technical Education covers courses and programmes in engineering, technology, management, architecture, town planning, pharmacy and applied arts and crafts, hotel management and catering technology. The technical education system in the country can be broadly classified into three categories: Central Government funded institutions, State funded institutions and Self-financed institutions. In 2009-10 there were 65 Central Government funded institutions in the country.
- 218. Tuition waiver scheme: In order to promote technical education for women, handicapped and weaker sections of the society, the AICTE has introduced Tuition Waiver Scheme for women, economically backward and physically handicapped meritorious students in technical institutions. The proposed scheme is applicable to the students to all AICTE approved technical institutions offering: (a) Bachelors programme in Engineering, Pharmacy, HMCT, Architecture and Applied Arts and Crafts; and (b) Diploma Programme for a three-year duration in all disciplines. The institutions provide tuition fee waiver up to 10% of its sanctioned intake of students.

219. Science and Technology - The Government, in December 2005, set up a Task Force on Women in Science with the mandate to evolve and recommend appropriate and proactive measures and time bound plans, to facilitate the study and practice of science by women, the report of which was released on 27<sup>th</sup> January 2010. Some of the policies and programmes recommended by the task force for promoting science education for girls include, scholarships for girls from resource-poor families, particularly from small towns and villages; coaching for appearing for entrance examinations, providing travel support, as well as an escort if necessary, to appear for competitive examinations in cities, starting residential science schools and counselling regarding career opportunities in science for girls in class X and XI in rural areas, establishing women's universities offering courses in natural sciences apart from other disciplines, particularly in North and Northeast India, providing continuing education for science teachers through short-term placements and summer schools, conducting gender sensitisation programmes in all schools and colleges and integrating it in the syllabus of teachers' training programmes, provide fellowship to eminent women scientists to interact with college women students and teachers. A website, [www.indianwomenscientists.in](http://www.indianwomenscientists.in) has been setup, which hosts a Directory of Indian Women Scientists in the country, which is the first ever database of the kind and provides an interactive forum for them to network and share information. Further, a book of compilation of achievements of prominent women scientists has been brought out to inspire young girls to take up science as a career. The Homi Bhabha Centre for Science Education and Research, Mumbai has critically examined and addressed the issue of prejudices and adverse portrayal of gender in school science textbooks.
220. Establishment of Technical Institutions for Women: Norms have been relaxed for establishment of new technical institutions, exclusively set up for women. Land norms for setting up technical institutions for women have been relaxed up to 50% in rural, 20% in metro and State capitals and 10% in mega cities categories as against for other technical institutions. Further, a single window system is provided for processing proposals for establishment of technical institutions that are exclusively for women.

### **Adult Education**

221. To accomplish the objective of 'universalisation of literacy', the government introduced a number of programmes, the most prominent of them being the National Literacy Mission (NLM). In March 2007, the NLM had covered 597 districts under Total Literacy Campaign (TLC), 485 districts under the Post Literacy Programme (PLP) and 328 districts under the Continuing Education Programme (CEP).
222. According to the provisional data of the 2011 census, India's literacy rate has recorded a 9.2% rise to reach 74.04% as against 64.83% in 2001. The literacy rate improved sharply among females as compared to males. While the literacy rate for males increased from 75.26% to 82.14%, marking a rise of 6.9%, it increased by 11.8% for females to go from 53.67% to 65.46%. The gap of 21.59 percentage points recorded between male and female literacy

rates in 2001 census reduced to 16.68 percentage points in 2011. Impressive gains have been made by less developed States such as Bihar and Jharkhand which have recorded substantial improvement over their 2001 Census performance.

223. Despite significant accomplishments, illiteracy continues to be an area of concern. In order to achieve the objective of total literacy, the Government, during the Eleventh FYP, has launched a flagship programme, Saakshar Bharat, besides the Scheme of Support to Voluntary Agencies for Adult Education and Skill Development.

224. Saakshar Bharat Mission: The National Literacy Mission modified and now called the Saakshar Bharat Mission was launched on 8<sup>th</sup> September 2009 and became operational on 1<sup>st</sup> October 2009. It is a centrally sponsored scheme of the Department of School Education and Literacy, Ministry of Human Resource Development. It aims to strengthen adult education of people above the age of 15 years and raise the literacy rate to 80% by 2012. The main objectives of the Mission are to impart functional literacy, to enable adults to acquire equivalence in the formal education system, and to impart skill development programmes to improve their livelihood opportunities. The main target of the programme is to impart functional literacy to 70 million adults of whom 60 million are women. Of the 60 million women, SCs and Muslims constitute 10 million, STs 6 million and others 34 million. The mission also targets 1.5 million adults under the basic education programme and the vocational programme, with a special focus on women. In order to reduce regional disparities in literacy rates, the programme places special focus on regions with a literacy rate of 50% or less as per the 2001 census. The Mission also focuses on rural areas before expanding to urban areas, with special emphasis on women, especially those belonging to SC/ST, minorities and other marginalised groups. Women are engaged in large numbers as volunteers and instructors to encourage women learners to participate in the programme. As of December 2009, the programme has been implemented in 167 districts in 19 States to cover 3.83 crore non-literates in over 81,000 gram panchayats with a budgetary outlay of Rs. 2,524 crores up to 31<sup>st</sup> March, 2012. A noteworthy feature of the programme is the vibrant participation of the State Governments, PRIs and the communities. Monitoring and evaluation systems have been incorporated. Further, women are engaged in large numbers as volunteers and instructors to encourage women learners to participate in the programme.

225. Scheme of Support to Voluntary Agencies for Adult Education and Skill Development: The two earlier schemes of support to voluntary agencies namely Assistance to Voluntary Agencies in the field of Adult Education and Jan Shikshan Sansthan have been merged and a modified scheme, "Scheme of Support to Voluntary Agencies for Adult Education and Skill Development" has been put up in place since April 1, 2009. The main objective of this scheme is to secure extensive as well as intensive involvement of the voluntary sector in the endeavours of the Government to promote functional literacy, skill development and continuing education among adults, under the overall umbrella of Saakshar Bharat. The scheme

encompasses three components, State Resource Centres (SRCs), Jan Shikshan Sansthan (JSSs) and Assistance to Voluntary Agencies. There are 26 SRCs across the country with a sanctioned grant of Rs. 1038 lakhs as on December 2009.

226. The JSSs are premier Centres of skill development in the non-formal sector providing vocational training to non-literate, neo-literate and school drop outs by identifying skills that would have a market in the region of their establishment. They impart skill development training in 394 vocational courses such as cutting and tailoring, healthcare, fashion design, electrical and electronics, soft toys making, agriculture allied courses, cottage industry courses, handicrafts, bakery courses among others. In selection of the beneficiaries, priority is given to women, SCs, STs, OBCs, minorities and other economically weaker sections. An amount of Rs. 3027 lakhs has been sanctioned to JSSs up to December 2009 covering an estimated 5.88 lakh beneficiaries.
227. Condensed Courses of Education for Women: This scheme was initiated by the Central Social Welfare Board (CSWB) to cater to the educational needs of adult girls / women above the age of 15 years, who were unable to join the formal education system or were dropouts from formal schools. Under this scheme, grant is given to voluntary organisations for conducting courses of two-years and one year duration to enable women to pass primary, middle and secondary/matric level examinations. The scheme aims at providing educational opportunities for them along with skill development and vocational training. The contents of these courses are such that they need-based and simultaneously target them to match the various levels of primary and secondary education. During the year 2009-10, a grant of Rs. 700 lakhs were allocated for conducting 421 courses benefitting 10525 women while in 2010-11, Rs. 800 lakhs were allocated for 623 courses benefitting 15600 women candidates.
228. Mahila Samakhya Scheme (MSS): MSS was started in 1989 for the education and empowerment of women in rural areas, particularly those belonging to socially and economically marginalised sections of society – SC, ST, and Muslim women. ‘Mahila Samakhya’, which refers to women collectives, provides space to women in villages to meet, reflect and articulate their needs and make informed choices. The MSS provided for early childhood and pre-school-cum-crèche facilities, non-formal education centres, Mahila Shikshan Kendras (women education centres) for learning among adolescent girls and quality education and skill development programmes for illiterate women.
229. As of December 2010, the programme is in operation in 10 states across the country covering 104 districts, 495 blocks and 33577 villages. There are 42211 Sanghas (women’s groups) with a total membership of over a million women. They have taken initiatives to address issues like violence against women, child marriages, illiteracy, collective farming, grain banks, RTI campaigns, improving civic amenities, gaining control over their health, actively accessing and controlling resources, ensuring educational opportunities for their children especially girls and participating in the political

sphere. Almost 10,000 sangha women have been elected to institutions of local governance. Further, they have institutionalized innovations in gender justice through nari adalats and have addressed more than 16,000 cases. Federations of Mahila Sanghas (*Mahasanghas*) have been formed providing the forum for collective reflection and action by *Sangha* women. These federations play a key role in sustaining and nurturing women's empowerment processes at the field level as well as monitor and manage structures like the *Mahila Shikshan Kendras, naari adalats*, health centres, etc.

230. Legal Awareness Programme for Women: The NCW initiated a countrywide legal awareness programme for women in 1996 to impart practical knowledge on basic legal rights and remedies provided under various laws and to prepare them for real life challenges. The course curriculum has been revised in 2003-04 to include educational schemes, health programmes and economic development schemes of the Government.

### **Article 11: Employment**

231. Women form an integral part of the Indian workforce. According to the Registrar General of India, the work participation rate for women increased from 22.27% in 1991 to 25.63% in 2001. While there has been an increase in the work participation rate of women, it continues to be substantially less in comparison to that of men. Of the total labour force, around 25 to 30% of women in rural and 15 to 18% in urban areas participate in the labour market. In the rural areas, women are mainly involved as cultivators and agricultural labourers. In the urban areas, almost 80% of the women workers are working in the unorganised sectors such as household industries, petty trades and services, buildings and construction. It has been observed that although the growth of population with declining fertility slowing down over time, there has been a remarkable growth in the workforce from 1994-2000 and 2000-05. The increase has been higher for females than males in both rural and urban areas. During 2000-05, the employment growth has been significantly higher for urban females (5.66%) than for all other three segments of population namely rural females (2.81%), rural males (1.59%) and urban males (3.41%).

232. According to the survey conducted by (NSSO) in 2004-05, the total employment in both the organised and unorganised sectors in the country was 45.09 crores, of which 2.6 crores (3.97%) were in the organised sector and 43.3 crores (96.03%) in the unorganised sector. The mid-term review of the Eleventh FYP shows that out of nearly 47 million new employment opportunities generated, about 18 million were in agriculture and industry and the remaining 29 million were in the services, including the construction sector.

233. The Government, both central and state, has taken various steps to enhance opportunities and promote participation of women in employment. Various labour laws and legislations enacted have laid down specific provisions for the social security of women workers which have been highlighted in the previous reports. Amendments made to legislations post 2001, measures taken, and their impact is provided below:

234. The Minimum Wages Act, 1948, ensures minimum rates of wages for different categories of workers engaged in different scheduled employments as fixed under the statute. In pursuance of the recommendations of the Special Task Force set up by the MWCD, on complete legal equality to women the Central Government has notified the Payment of Wages (Nomination) Rules, 2009 defining the procedure for nomination and restricting the nomination by workers to family members. However, wage disparity exists between males and females among both casual and regular workers in rural and urban areas. In 2004-05 in the age group 15-59 years, the average wage for male and female casual workers was Rs. 55 and Rs. 35 respectively in rural areas and Rs. 75 and Rs. 44 respectively in urban areas. Correspondingly, wages for males and females in regular work was Rs. 145 and Rs. 85 in rural areas and Rs. 203 and Rs. 153 in urban areas respectively.
235. The Plantations Labour Act, 1951 has been amended and the provisions of the Plantations Labour (Amendment) Act, 2010 have come into force w.e.f. 7<sup>th</sup> June 2010. Among other amendments, definition of family has been made gender neutral so as to remove the distinction between the family of the male and female worker for availing dependents' benefits. A new Chapter IV-A has been incorporated to cover all aspects relating to safety and occupational health of workers in plantations while Chapter V-A restricts the employment of women and adolescents for handling hazardous chemicals. The amended Act also prohibits the employment of children below 14 years of age, and ensures medical facilities for plantation workers by entrusting the State the power and responsibility to provide the same and in case of default by employers, recover the costs from them.
236. The Maternity Benefit Act, 1961 prohibits working of a pregnant woman for a specified period before and after delivery. It also provides for maternity leave and payment of monetary benefits to working mothers. The maximum period for which women can get maternity benefits is twelve weeks, of which six weeks can be taken prior to delivery and six weeks after the delivery of the child. The Act has been amended in 2008 which has empowered the Central Government to enhance the medical bonus once in every three years, by notification, to a maximum of Rs. 20,000. The medical bonus which was increased from Rs. 250 to Rs. 1,000 at the time of the amendment has now been increased to Rs. 2,500 by Gazette Notification in August 2008.
237. Enhancement of Maternity Leave and Childcare Leave for Women Government Employees: The Department of Personnel and Training (DoPT), Ministry of Personnel, Public Grievances and Pension has issued office memorandums on 11<sup>th</sup> September 2008, through which existing maternity leave of 135 days to women government employees has been enhanced to 180 days and childcare leave to two years for women having minor children. The Government has also started extra benefits for women with disabilities especially when they have young children and children with disabilities. They are paid Rs. 1,000 per month as special allowance for childcare from the birth of the child till the child is two years old.

238. Unorganised Workers' Social Security Act, 2008: Over the years, employment in the unorganised sector has grown at a faster rate than in the organised sector. As a result there has been an increasing informalisation of employment, it being about 96% for females as against 91% for males. In urban areas, the percentage of unorganised sector workers is around 65-70%. With the aim of providing social security to these workers', the Government has enacted the Unorganised Workers' Social Security Act, 2008. The Act envisages the setting up of the National Security Board and similar boards at the State level. Subsequently, the National Security Board has been constituted under the Chairmanship of the Union Labour and Employment Minister in 2009 to formulate social security schemes relating to health and maternity, death and disability, and old age pension. The states are in the process of constituting the state level boards. Further, the National Social Security Fund for unorganised sector workers with an initial allocation of Rs.1,000 crores has been set up to fund support schemes for weavers, toddy tappers, rickshaw pullers, bidi workers etc.
239. Subsequently, the Government has launched social security schemes namely the Rashtriya Swasthya Bima Yojana (RSBY) providing health insurance, Janashree Bima Yojana (JBY) providing death and disability cover and Indira Gandhi National Old Age Pension Scheme (IGNOAPS) providing old age pension. In 2008-09, women Self Help Groups (SHGs) were also covered under the scheme. As on 31<sup>st</sup> December 2009 a total number of 5,61,642 women SHGs with 51,98,132 women have been insured.
240. The Rashtriya Swasthya Bima Yojna (RSBY) is a Central Government scheme introduced on 1<sup>st</sup> October 2007 with the objective of providing cashless health insurance cover of Rs. 30,000 per BPL families (unit of five) in the unorganized sector. Under the scheme the enrolment of the spouse is mandatory. The scheme was operationalised on 1<sup>st</sup> April 2008. As on 28<sup>th</sup> February 2011, 27 states/UTs have initiated the process of implementing the scheme. Of them, 25 states have started card distribution and more than 2.31 crore smart cards have been issued. The scheme also covers a maternity package of Rs. 2,500 for normal delivery and Rs. 4,500 for caesarean and 36% of the beneficiaries are women.
241. The Finance Minister in his Budget speech 2010 and the Railway Minister have announced the extension of RSBY to MGNREGA workers and licensed porters respectively. The Government is committed to extend this scheme to other occupational groups in a phased manner. The government has constituted four Task Forces to look into the extension of the RSBY scheme to domestic workers (first report submitted and draft cabinet note circulated to concerned ministries/departments for comments), vendors, auto and taxi drivers, rickshaw pullers and rag pickers, sanitation workers and pension/provident fund for unorganised workers the reports of which are awaited.
242. Indira Gandhi National Old Age Pension Scheme (IGNOAPS) - under the scheme pension is provided to BPL persons of 60 years or above. 171 lakh beneficiaries have been covered during 2010-11. Central Assistance of Rs. 200

per month per beneficiary for beneficiaries in the age-group of 60-79 years and Rs. 500 per month per beneficiary for beneficiaries of age 80 year and above is provided to States with a matching amount of Rs. 200 from State resources. States were urged to contribute at least an equal amount for their own resources. Presently, 19 States are disbursing pension of Rs. 400 or above, 11 States are disbursing between Rs. 250 and Rs. 400 per month and 5 States are disbursing the central assistance of Rs. 200.

243. The Bonded Labour System (Abolition) Act, 1976: The bonded labour system has been abolished under this Act which penalises those engaging bonded labourers. A separate Development Planning Cell (DPC) under the Ministry of Labour and Employment has been set up in 1981 to coordinate, plan and monitor the implementation of the Act. The Supreme Court has given directions to identify, release and provide rehabilitation for bonded labourers. In accordance, the NHRC has taken over the monitoring of the implementation of the directions of the Court as well as the Act. The NHRC is also conducting workshops in collaboration with the Ministry of Labour and Employment to sensitise the functionaries dealing with the issue of bonded labour in the states. A special group under the chairmanship of the Secretary, Ministry of Labour and Employment has been constituted to monitor the effective implementation of the Act, and efforts have been made to eradicate the bonded labour system wherever it exists.
244. For the proper enforcement of the Act, vigilance committees have been set up in subdivisions of states where bonded labour has been reported. These committees meet periodically to review the work being done. In the activities initiated under the Special Component Plan for SCs and STs, arrangements are made to allot surplus agricultural land to bonded labourers. A Manual on "Abolition of Bonded Labour System" has been developed by the Directorate General of Labour Welfare in 2004, to assist implementing agencies, vigilant groups and other interested parties in the identification, release and rehabilitation of bonded labourers.
245. As a result of the concerted efforts made by the Government, the incidence of bonded labour has been decreasing every year. Under the centrally sponsored scheme of Rehabilitation of Bonded Labourers, assistance of Rs. 20,000/- is provided to each bonded labourer. As of March 2010, 2,88,462 labourers have been identified and of them 2,68,500 labourers have been rehabilitated.
246. Child Labour: According to the 2001 census, there are 12.6 million economically active children in this age group of 5 to 14 years, of which about 0.12 million are working in hazardous occupations. As per the Child Labour (Prohibition and Regulation) Act, employment of children below the age of 14 years in notified hazardous occupations and processes is prohibited. The Act also regulates the employment of children in non-hazardous occupations and processes. There are 16 hazardous occupations and 65 processes where employment of children are prohibited such as carpet weaving, building and construction work, brick kilns, production of hosiery goods, work as domestic servants, in tea-shops, roadside eateries, mechanised fishing, timber handling and loading, mechanical lumbering, warehousing etc.



247. The Government initiated the National Child Labour Project (NCLP) Scheme in 1988 to rehabilitate working children in 13 child labour endemic districts in the country. Currently, the scheme has been expanded to cover 250 districts. Under this scheme, children are withdrawn from work and admitted into special schools where they are provided with bridge courses, vocational training, midday meal, stipend, healthcare facilities etc. At present, there are 8710 NCLP schools being run in the country with an enrolment of 0.34 million children. More than 0.62 million working children have already been mainstreamed to regular schools under this scheme.
248. Considering that extreme poverty and illiteracy are the root causes for child labour, the Government has adopted a multi-pronged strategy to address this problem. Concerted efforts are being made to bring about convergence between the schemes of the different Ministries, like MWCD, Ministry of Human Resource Development, Ministry of Urban Housing and Poverty Alleviation, Ministry of Rural Development and Ministry of Panchayat Raj, etc. so that the families of working children benefit from them. A core group under the Chairmanship of the Union Labour Secretary has been constituted for the purpose.
249. The Government approved the project to be implemented through ILO with funds from the Department of Labour, United States of America (USD \$68,50,000) spanning a period of 42 months in two districts each in the states of Bihar, Jharkhand, Gujarat, Madhya Pradesh and Odisha to develop convergence based models on a pilot basis to be replicated throughout the country at a later stage. Another initiative is the Indus Project jointly funded by the Ministry of Labour and Employment, Government of India and the Department of Labour, USA (USDOL) was implemented in ten hazardous sectors in 21 districts across 5 states of Delhi, Maharashtra, Madhya Pradesh, Tamil Nadu and Uttar Pradesh. The project was completed on 31<sup>st</sup> March, 2009. An estimated 103,152 child and adolescent workers were withdrawn against a target of 80,000 children. In addition, the Ministry is also implementing other international child labour projects such as the one in Karnataka funded by the Government of Italy and another in Andhra Pradesh funded by DFID, UK.
250. Unemployment: Addressing the problem of unemployment is critical to reducing social inequality and addressing the problem of poverty. The unemployment rate has increased over the last decade or so for females both in rural and urban areas. It is observed that among youth, female unemployment rate in the age group of 20-24 years is the highest at 27% while for males it is around 14%. In the agricultural sector, unemployment rate has increased from 7.73% in 1983-84 to 15.26% in 2004-05. The unemployment rates among the educated youth with secondary and above education level, in 2004-05 among rural and urban males at 6.5% and 6.2% respectively, while among women it was nearly three times that of the males.
251. In this context, Employment Exchanges play an important role to motivate unemployed youth for taking up self-employment as a means of livelihood. At present there are 22 Self Employment Promotion Cells in 18 states/UTs that

are providing special assistance to job seekers. Up to the end of March 2010, about 2.15 lakh persons were on the live registers seeking assistance for self employment and the number of placements made was 113817 out of which 90091 (79.15%) were men and 23726 (20.83%) were women.

252. The Government of India being committed to creating a gender friendly labour market has broadened the definition of economic activities on the one hand and provided an enabling working environment on the other, so as to facilitate women's participation in the economy. The initiatives taken by the government are:
253. Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA): was enacted in September 2005. Schedule II, para. 6 of the Act provides for the participation of women in employment and specifically employment for at least 33% of the women who have requested employment. The other provisions apart from ensuring locally available employment include equal pay for men and women, space to nurse and childcare at the work site. Further, collaborative action with other ministries for convergent implementation of government programmes has been encouraged such as the Integrated Child Development Services (ICDS) of the MWCD.
254. The Act which commenced in 200 districts in April 2006 was extended to 133 districts in 2007-08 and to all the districts of the country in 2009-10. It guarantees livelihood to the rural population above 18 years of age. The programme has expanded from 2.10 crores of person-days of employment in 2006-07 to more than 283 crores in 2009-10. During 2009-10, Rs. 37,952.39 crores was spent creating 283.32 crore days of employment for 5.26 crore rural households. Women's participation is over 51% at the national level. An impact study commissioned by the Ministry of Rural Development reveals the emergence of women's identity and their empowerment with the opportunities provided by MGNREGA. They are able to contribute to the livelihood of the households and spend on children's education, healthcare, and food and consumer goods.
255. Under the MGNREGA, employment opportunities and wage rates have made a significant impact in rural areas. Wages for rural households have increased in Maharashtra from Rs. 47 to Rs. 72, in Uttar Pradesh, Madhya Pradesh and Chhattisgarh from Rs. 58 to Rs. 100, in Bihar from Rs. 68 to Rs. 100, in West Bengal from Rs. 64 to Rs. 100 and in Jammu and Kashmir from Rs. 45 to Rs. 100 to name a few states. At the national level, the average wages paid under the MGNREGA have increased from Rs. 75 in 2007-08 to Rs. 93 in 2009-10. More than 9 crores saving bank accounts in the Banks and Post Offices have been opened for the MGNREGA workers.
256. Swarnajayanti Gram Swarozgar Yojana (SGSY) - is a major self employment programme implemented across the country with the aim of providing sustainable income to rural BPL families, including women through income generating assets and economic activities so as to bring them above the poverty line. It lays emphasis on organising the rural poor into self-help groups to build their capacity, planning of activity and providing infrastructure support, technology, credit and marketing linkages. Special safeguards have

been provided to vulnerable sections, by way of reserving 50% benefits for SCs and STs, 40% for women, 15% for minorities and 3% for disabled persons. Fifty percent of the SHGs have been formed exclusively by women. Between 1999 and 2010 (upto Sep 2011), 52 lakh SHGs have been formed, of which 28.6 lakh (68%) are exclusively by women. Of the total of 168.5 lakh beneficiaries who received assistance during the period 101.5 lakh (60%) were women. The total investment incurred since its inception is Rs. 42000 crores of which Rs. 19720 crores has been disbursed to women.

257. SGSY has been restructured as the National Rural Livelihoods Mission (NRLM) renamed as Aajeevika, to implement it in a mission mode in a phased manner and time bound delivery of results with emphasis on building strong institutions of the poor into SHGs, their federations and livelihood collectives. A new scheme Mahila Kisan Sashaktikaran Pariyojna (MKSP) has been initiated as sub component of Aajeevika (NRLM) to meet the specific needs of women farmers and achieve socio economic and technical empowerment of the rural women farmers, predominantly small and marginal farmers.
258. A new scheme entitled "Skill Empowerment and Employment in J&K (SEE J&K) has been formulated by the Ministry of Rural Development. It envisages covering one lakh youth from rural and urban areas in next five years. It will cover all youth with diverse education background i.e. dropout under graduate etc
259. Swarna Jayanti Shahari Rozgar Yojana (SJSRY): The aim of this scheme is to provide gainful employment to the urban unemployed and under-employed poor, by encouraging them to set up self-employment ventures, providing wage employment and utilising their labour. It has five components: (a) The Urban Self-Employment Programme (USEP) which targets individual urban poor for setting up of micro enterprises; (b) The Urban Women Self-help Programme (UWSP) which targets urban poor women for setting up of group enterprises and providing them assistance through a revolving fund for thrift and credit activities (c) Skill Training for Employment Promotion amongst Urban Poor (STEP-UP) which targets the urban poor for imparting quality training so as to enhance their employability; (d) The Urban Wage Employment Programme (UWEP) which seeks to assist the urban poor by utilising their labour for the construction of socially and economically useful public assets; and (e) the Urban Community Development Network (UCDN) which seeks to assist the urban poor in organising themselves into self-managed community groups so as to gain collective strength to address the issues of poverty facing them and participate in effective implementation of urban poverty-alleviation programmes. Since the implementation of the modified SJSRY guidelines in 2009-10, between 2009-10 and 2010-11, a total of 1,21,962 women have been assisted for setting up group micro enterprises and 2,90,835 women through revolving fund for thrift and credit societies under UWSP component.
260. Schemes for SCs/STs: In 2004-05, the proportion of regularly employed workers was 6.7% among STs and about 12% among SCs. The Ministry of Labour and Employment is implementing several schemes to facilitate their

participation in the workforce. Twenty-three Coaching–cum–Guidance Centres have been set up in 23 states/UTs. These Centres provide occupational information, individual guidance and organise confidence building programmes for job seekers belonging to the SCs and STs and review the status of those registered. They follow-up with the employers for placement against vacancies reserved for the SCs and STs. Facilities for typing and shorthand are provided for SC and ST job seekers in 13 centres. The Centres also arrange for pre-recruitment training programmes for SC/ST candidates including women to improve their employability. During the duration of the coaching spanning 11 months, the trainees are given a stipend apart from providing them free course books and stationary. Computer training for duration of 6 months is being provided since February 2004 for the educated SC/ST job seekers to enhance their employability.

261. The Ministry of Tribal Affairs implements the programme of Special Assistance to tribal Sub Plan (SCA to TSP) for employment/income generation activities and infrastructure incidental for BPL Scheduled Tribe families. These programmes have inherent provisions in the guidelines for empowering tribal women both socially and economically. 30% of the funds earmarked are to be utilised by the States for such empowerment activities.
262. Rajiv Gandhi National Crèche Scheme (RGNCS): This scheme for the children of working mothers was modified in January 2006 and is being implemented by the Central Social Welfare Board (CSWB) in collaboration with two national level voluntary organisations. It provides crèche services to children in the age group of 0-6 years and includes supplementary nutrition, emergency medicines and contingencies. So far, 31,737 crèches benefiting 7.92 lakh children have been sanctioned to the implementing agencies.
263. Working Women's Hostels (WWH): Since 1972-73, this central government scheme has been providing grants for the construction and expansion of hostel buildings for working women. The scheme has recently been modified to provide assistance to hostels that have been constructed on government land. This scheme is of great significance, given the ever increasing pace of urbanisation and number of working women. The objective of this scheme is to provide suitable, safe and affordable accommodation to working women residing in places away from their hometowns. Since its inception in 1972-73, 891 hostels have been sanctioned across the country benefiting 66,299 working women and 8442 children in the attached 321 day care centres. In 2010-11, a budgetary allocation of Rs. 150 million was made for the construction of working women hostel across the country, out of which, Rs. 100.50 million was released as on 28<sup>th</sup> February 2011.
264. Awareness Generation Project for Rural and Poor Women: The Ministry of Labour and Employment is implementing a grants-in-aid scheme for the benefit of women labour, primarily in the unorganised sector. The scheme is implemented through NGOs and voluntary organisations (VOs). They are provided with 75% financial assistance to undertake awareness generation campaigns for working women and educate them about their rights and provide legal aid to them. The NGO's and VOs also conduct seminars and

workshops to raise the consciousness of society about the problems of women labour. The scheme has supported 20 organisations in 2006-07 as against 40 in 2009-10, while the number of women labour who benefitted from these campaigns increased from 22, 800 to 64, 650 respectively.

265. Rashtriya Mahila Kosh (RMK) or the National Credit Fund for Women was set up in 1993 to meet the credit needs of asset-less and poor women in the informal sector. As a channelizing agent, its primary role is to act as an apex organisation to direct funds from government and donors to retailing Intermediate Microfinance Organisations (IMOs), which lend to SHGs. RMK provides IMOs loans at an interest rate of 8% for three to five years. However, after onward lending, the women borrowers are charged an interest rate of 18% per annum. From an outlay of Rs. 108 crores in the Eleventh FYP, the utilisation for the first three years has been 94% and the total number of beneficiaries covered is 6.94 lakhs. Rs. 25.58 and Rs.26.48 crores of loans have been disbursed in 2007-08 and 2008-09 respectively. The recovery from 1993 to 2009 has been 90.73 %.
266. Economic Empowerment of Women: To facilitate access to the formal banking system and improve credit delivery to women, the public sector banks (PSBs) were directed in December 2000 to earmark 5% of their net bank credit (NBC) for lending to women by March 2004. The banks have been making efforts to redefine their policies as well as long-term plans by taking into account women's credit requirements. The credit to women at 2.36% of net bank credit at the end of March 2001 has increased to 6.29% at the end of March 2009. Banks have taken the initiative of establishing women cells in their Head Offices and branches, simplifying procedural formalities, sensitising bank officers/staff on gender issues, launching awareness programmes/ publicity campaigns about schemes available for women, conducting entrepreneurship development programmes for women, strengthening existing schemes, ensuring sanction of collateral-free loans, involving NGOs/SHGs in providing credit facilities to women entrepreneurs, etc. Eight public sector banks have opened 23 specialised branches for women as at the end of March 2009.
267. Swadhar and Short Stay Homes (SSH): The MWCD in 2001-02, launched the comprehensive Swadhar scheme for meeting the safety and protection needs of women. Apart from providing basic shelter the scheme also provides for counselling, legal support, skill up-gradation and a helpline for women in distress. The total number of women who benefitted from this scheme increased from 10,860 in 2007-08 to 18,680 in 2010-11 with a total expenditure increase from 13.01 crores to 29.02 crores respectively. MWCD also implements a similar scheme of 'Short Stay Homes' (SSH) to address the critical needs of people in difficult circumstances. Between 2007-09, 654 new SSH homes were sanctioned against a target of 678.
268. Support to Training and Employment Programme for Women (STEP): Is a centrally sponsored scheme and provides training for skill up-gradation to poor and asset-less women in the traditional sectors of agriculture, animal husbandry, dairy, fisheries, handlooms, handicrafts, khadi and village

industries, sericulture, social forestry and waste land development. With a view to expanding the reach of the programme and further strengthening implementation and monitoring, the scheme has been revised in the year 2009. Under the revised norms, the per capita cost has been enhanced to Rs. 16,000, the minimum number of beneficiaries per project reduced to 200 and the project duration extended to five years. Since inception, around 250 projects have been provided financial assistance under the scheme and 25 new projects have been sanctioned during 2010-11. For 2009-10, out of total budget allocation of Rs. 1500 lakh, Rs. 1,229 lakhs crores was spent benefitting 21,963 women, while for 2010-11 (up to 28<sup>th</sup> February 2011), out of total budget allocation of Rs. 2500, Rs. 1,952 lakhs were spent benefitting 32,600 women.

#### **Article12: Health**

269. Quantum of funds available for Health Sector - The Plan and Non-Plan budget estimates for 2011-12 are Rs.235600 million and Rs.33370 million respectively.
270. Life Expectancy at Birth: The overall life expectancy at birth as per the Abridged Life Tables, SRS (2002-06), RGI-India, has been around 63.5 years. It increased by 14.1 years in the rural areas and 9.9 years in the urban areas during the period 1970-75 to 2002-06. However, there is a wide variance across states. While in Kerala, the life expectancy at birth is 74 years, in states like Assam, Bihar, Madhya Pradesh, Orissa, Rajasthan and Uttar Pradesh it is in the range of 58-62 years.
271. Infant Mortality Rate (IMR): Has come down from 58 in 2005 to 50 in 2009, translating into reduced infant deaths by 2,00,000 per year. The IMR for rural females has declined from 66 in 2005 to 60 by 2008. The concomitant decline for males has been from 62 to 57. In urban areas, the decline in IMR has been more significant, a reduction from 45 to 38 for females and from 37 to 34 for males. As per the Mid-term appraisal of Eleventh FYP "Women's Agency" and SRS, the all India estimates show that the overall IMR has declined from 67 in 2000 to 53 in 2008. There has been a 3-point decline in rural IMR as against a 2-point decline in urban IMR in 2009. More concerted efforts are being made to bring down neonatal mortality which contributes to about 70% of infant deaths. The RCH II / NRHM set a goal of reducing IMR to 30/1000 live births by 2012. Currently 9 States/UTs have achieved this goal and another 9 States/UTs are close to achieving this goal in the near future.
272. Maternal Mortality Ratio (MMR): As per the recent estimates on Maternal Mortality Ratio (MMR) in the country published in its survey report by the Registrar General of India- Sample Registration System ((RGI - SRS), there has been a steady decline of MMR in the country from 398 (1997-98) to 254 per 100,000 live births (2004-06) and to 212 per 100,000 live births (2007-09).
273. Several interventions have been made by the Government to reduce Maternal Mortality. These include:

- i. Strengthening health services by ensuring early registration of pregnancy, ante-natal and post-natal care services. Full ANC has increased from 18.8% (DLHS-III) to 26.5% (CES-2009).
- ii. Upgrading and operationalising the Primary Health Centres (PHCs) as 24X7 facilities and the Community Health Centres (CHCs) as First Referral Units (FRUs) for providing basic and comprehensive obstetric and new- born care services. Currently, there are 2637 FRUs and 9269 24X7 PHCs operational in the country.
- iii. Essential and Emergency Obstetric Care is being provided by ensuring skilled attendance at birth. As of March 2011, nearly 27,550 nursing personnel have been trained.
- iv. Multi-skilling of doctors has been adopted as a strategy to overcome shortage of critical specialties by training them on Life Saving Anaesthesia Skills (LSAS) and Emergency Obstetric Care (EmOC). As on March 2011, 937 and 489 medical officers have been trained in LSAS and Comprehensive EmOC respectively.
- v. Referral systems are being strengthened through Public Private Partnership (PPP), voucher schemes and funds for referral transport.
- vi. Safe abortion services are being made available at all (FRUs) and (MCH) facilities. Service providers are being trained in safe (MTP) techniques. The total number of MTPs conducted in both public and private institutions increased from 6.42 lakhs in 2008-09 to 6.88 lakhs in 2009-2010.
- vii. Strengthening outreach activities by the organising Village Health and Nutrition Days in rural areas every month at Anganwadi centres (AWCs) for provision of maternal care including counselling of pregnant women, where ANMs, Accredited Social Health Activists (ASHAs), AWWs and other field functionaries provide MCH services.
- viii. Under the National Rural Health Mission (NRHM) and within its umbrella the Reproductive and Child Health Programme Phase II, many interventions have been launched to improve the quality of obstetric care for the mothers in the country and these include the following :
  - a. Promotion of institutional deliveries through JananiSurakshaYojana.
  - b. Capacity building of health care providers in basic and comprehensive obstetric care.
  - c. Operationalisation of sub-centres, Primary Health Centres, Community Health Centres and District Hospitals for providing 24x7 basic and comprehensive obstetric services.
  - d. Name Based Tracking of Pregnant Women to ensure antenatal, intranatal and postnatal care.

- e. Mother and Child Protection Card in collaboration with the Ministry of Women and Child Development to monitor service delivery for mothers and children.
- f. Antenatal, intranatal and postnatal care including Iron and Folic Acid supplementation to pregnant & lactating women for prevention and treatment of anemia.
- g. Engagement of more than 800,000 Accredited Social Health Activists (ASHAs) to generate demand and facilitate accessing of health care services by the community.
- h. Village Health and Nutrition Days in rural areas as an outreach activity, for providing services to mothers and children.
- i. A new initiative namely Janani Shishu Suraksha Karyakaram (JSSK) has been launched recently, which entitles all pregnant women delivering in public health institutions to absolutely free and no expense delivery including Caesarean section. The initiative stipulates free drugs, diagnostics, blood and diet, besides free transport from home to institution, between facilities in case of a referral and drop back home.

274. Total Fertility Rate (TFR): Family planning is one of the key components under RCH for population stabilisation and improving the health of the mother and child. Census data for 2011 shows exponential decline in the annual growth rate to 1.6%. While 14 states/ UTs have already achieved the replacement level, 12 states have TFR between 2.1 and 3 and 9 states (Bihar, U.P., Rajasthan, Madhya Pradesh, Jharkhand, Chhattisgarh, Meghalaya, Nagaland, and Dadra & Nagar Haveli) have a TFR of more than three. Interventions of the government include: Addressing the unmet need in contraception through assured delivery of family planning services, capacity building of service providers, increasing male participation through No Scalpel Vasectomy (NSV) and promotion of Intra Uterine Contraceptive Device (IUCDs). Other interventions are the Revitalisation of Postpartum Family Planning to address the high unmet need for family planning and utilising the opportunity provided by increased institutional deliveries, strengthening community based distribution of contraceptives by involvement of ASHAs, providing Family Planning Insurance Scheme, promoting public-private partnerships by accreditation of private providers and facilities, ensuring quality care in family planning services by establishing Quality Assurance Committees at the central, state and district levels.



275. Mean Age at Marriage: The mean age at marriage of females has increased from 21.8 in 2004 to 22.1 in 2008. The mean age at marriage for the rural and urban areas in all states is higher than the norm of 18 years. However, the mean among females marrying below the age of 18 is 16.3 both in rural and urban areas.
276. Sex Ratio: As per Census 2011 the overall sex ratio increased from 933 in 2001 to 940 in 2011. As in 2001, in 2011 also, the State of Kerala and the Union Territory of Puducherry reported above unity sex ratio. Besides these two, the number of States and Union Territories registering an upward trend has risen from 24 in 2001 to 29 in 2011, the increase ranging from one point in Uttarakhand to forty-five points in Delhi. Among the major states, Bihar, Jammu and Kashmir and Gujarat have experienced a decline in the sex ratio; it ranged from 2 points in Gujarat to 9 points in Jammu and Kashmir. A point to be noted is that the States having historically a low sex ratio such as Punjab, Haryana, Delhi and Chandigarh have shown appreciable increase in the sex ratio in Census 2011.
277. According to Census 2011, the child sex ratio (CSR) in the age group 0-6 years has dipped to 914 against 927 girls per thousand boys recorded in 2001 Census. Except for the states of Himachal Pradesh (906), Punjab (846), Chandigarh (867), Haryana (830), Mizoram (971), Tamil Nadu (946), Andaman and Nicobar Islands (966) showing marginal improvement, rest of the 27 states/ UTs have shown decline. The decline in the CSR is a matter of serious concern for the country and the Government is taking concerted efforts to strengthen the regulations and prohibition of the use of medical technology for selective elimination of the girl child and create a favourable environment for the girl child through its various programmes and schemes. Awareness generation: To create awareness against the practice of pre-natal determination of sex and female foeticide, several activities have been undertaken. A comprehensive mass media campaign has been launched to create awareness about the imbalance in child sex ratio in the country and the provisions of the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act (PC&PNDT) Act etc. Grants have been provided to NGOs to organize advocacy workshops at the state, regional, district and block levels. Cooperation of the religious and spiritual leaders as well as the medical fraternity has also been sought to curb the practice. For example, Punjab has involved Jathedars of Takht Shri Damdama Sahib and Anandpur Sahib in advocacy against female foeticide. The NGO run by Swami Agnivesh has been supported by the Government through grants to enhance public awareness against female foeticide. Similarly in Jammu & Kashmir, Imams of mosques have been involved in the campaign. The Government has launched the "Save the Girl Child Campaign" in 2007 and women achievers from various fields have been associated with this campaign.
278. The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act (PC and PNDT Act) was enacted on September 20<sup>th</sup>, 1994 and further amended in 2003. Under the Act, up to 31<sup>st</sup> March 2011, 41018 bodies using ultrasound scanners etc. have been registered and 409 ultrasound machines have been sealed and seized for violation of the law. As of 31<sup>st</sup> March 2011,

869 cases are pending in the courts/police for various violations of the law-non-registration of the centre/clinic, non-maintenance of records, and communication of sex of foetus and for other violations of the Act.

279. Following the publication of the 2011 Census figures, Ministry of Health & Family Welfare has initiated the following steps for effective implementation of the PC&PNDT Act:

- i. Minister of Health and Family Welfare (HFM) has addressed the Chief Ministers of all states/ UT administration, exhorting them to ensure effective implementation of the PC & PNDT Act and community mobilization in the matter of declining sex ratio in the 0-6 year age group.
- ii. Hon'ble Prime Minister of India has urged Chief Ministers of all states to provide personal leadership to reverse the declining trend in child sex ratio and address the neglect of the girl child through focus on education and empowerment.
- iii. A ministerial meeting was held under the Chairpersonship of Hon. HFM with Health Ministers of States on 28th September, 2011 at New Delhi to strengthen effective implementation of the PC & PNDT Act.
- iv. The reconstituted Central Supervisory Board (CSB) held its 17th meeting on 4<sup>th</sup> June, 2011 to review progress made by the States in respect of the implementation of the Act, deliberate on the proposed amendments to the Act and suggest strategies to meet the challenge of skewed child sex ratio in the country.
- v. 17 states with the most skewed child sex ratio have been identified for a concerted attention. A meeting of Health Secretaries of these States was convened on 20<sup>th</sup> April 2011 to evolve strategies and action plans for the effective implementation of the PC&PNDT Act. Some of the important actions points include the need to:
  - a. Constitute/ reconstitute State supervisory boards, and appropriate authorities and advisory committees at state/ district and sub-district levels and conduct regular meetings.
  - b. Constitute State Inspection and Monitoring Committees (SIMC) for checking the activities of ultrasound facilities indulging in advertisement and/or determination/revealing of the sex of the foetus.
  - c. Identify districts and map reasons for skewed CSR.
  - d. Conduct regular surveys and update registrations and renewals to avoid multiple registrations and irregularities.
  - e. Analyse and scrutinise Form-F for effective monitoring and tracking of the Ultrasound clinics.
  - f. Make ultrasound manufacturers accountable and get regular details of the sale of the machines.

- g. Take immediate action against any breach of the provisions of the Act and Rules.
  - h. Sensitise and conduct training for law enforcers, medical practitioners, judiciary etc. for effective implementation of the Act.
  - i. Enhance in-house capacities for building strong cases against offenders that can successfully withstand the legal scrutiny, and devise interstate coordination mechanism for regulating activities of USG clinics across borders.
- i. National Inspection Monitoring Committees have been reconstituted for regular state monitoring and surprise inspection of the clinics on the ground. Random inspections of ultrasound facilities were undertaken in the states of Gujarat, Uttar Pradesh and Rajasthan in January-February, 2011.
  - ii. During appraisal of the annual Programme Implementation Plan (PIP) States have been asked to access funding available under NRHM for strengthening infrastructure and human resources for effective implementation of the PC&PNDT Act.
  - iii. Chief Secretaries in the states/ UTs to take effective measures and regularly monitor implementation of the PNDT Act.
  - iv. Conduct regular appraisal meetings through zonal and state-specific reviews and PC & PNDT will be high priority on the agenda in all future review meeting in Reproductive and Child Health issues.
280. Website: An independent website “pndt.gov.in” was launched on 28<sup>th</sup> April 2010 which in addition to providing relevant information relating to the PNDT Act, Rules, Regulations and activities, enables online filing of data from clinics in the field to the district and state levels and their retrieval at the district, state and national levels. Training is being imparted in a phased manner to user groups about online usage with the facility to file a complaint online against doctors, maternity homes and clinics.
281. Advertisements regarding gender testing kits over the internet: A threatening factor that is emerging to adversely impact the efforts of the government is the website advertisements regarding the availability of gender-testing kits. On the basis of a news report in the newspaper daily Hindustan Times dated 23<sup>rd</sup> November 2007 indicating the availability of such kits from the United States of America (USA) and Canada in the markets of Punjab and their online import/purchase and sale to clients by some Genetic Centres, the Honourable High Court of Punjab and Haryana issued notices to both the Central and State Governments. Further, on 29<sup>th</sup> November 2007 the Customs Department was requested to examine the possibility of intercepting the import of the kits into the country under the Customs Act (*full name of act*). They were also requested to furnish details of importers to facilitate the Ministry to take appropriate action against them under the PC & PNDT Act. Accordingly, the Customs Department alerted its field personnel to seize the imported kits.

Further, the Ministry of Information and Technology has been requested to block sex selection websites on Google and other sites.

282. Training of the Judiciary: The Government has recognised the critical need to orient and sensitise the judiciary in the efficient filing and disposal of cases and thereby facilitate the implementation of the Act, has taken some steps in this direction. From September 2005, the National Judicial Academy, Bhopal, has started providing training to trainers from the State Judicial Academies, who in turn will train the judiciary in their areas. The National Law School of India University at Bangalore conducted sensitisation workshops for judicial officials and has so far trained 120 judges on PC & PNDT Act. Orientation workshops/refresher training of public prosecutors, judicial officers etc. are also being undertaken by States to sensitise the Judiciary and strengthening effective implementation of the law. Capacity building for Public Prosecutors and Judicial Officers on effective implementation of the PC & PNDT Act are scheduled from 18th-19th November 2011 at Chandigarh Judicial Academy .
283. The National Rural Health Mission (NRHM) launched on 12<sup>th</sup> April 2005 supports the States through monetary incentives to staff posted in health facilities, to improve the availability of human resources in hilly, difficult and hard to reach areas and better redressal of healthcare needs of vulnerable population residing in these areas. 264 backward districts of the country have been identified as high focus districts for targeted intervention and enhanced allocation of resources. Financial assistance is provided to the States for public private partnership projects for delivery of health services including services to vulnerable populations. The number of ASHAs engaged under NRHM has gone up to 8.49 lakhs. They have made a significant contribution in improving awareness in the community and better utilisation of health facilities. The role of ASHA's was expanded to ensure their active involvement in disease control programmes like malaria and Kala Azar. The human resources under NRHM have been enhanced significantly by the addition of 61,184 ANMs, 11,895 doctors, 11,575 AYUSH doctors and 26,468 Lab technicians as contractual employees.
284. The Reproductive and Child Health Programme (RCH), under the NRHM, focuses on the reduction of Infant Mortality Rate, Maternal Mortality Ratio and Total Fertility Rate through several initiatives. The key interventions under child health include:
- i. Integrated Management of Neonatal & Childhood Illnesses (IMNCI) which includes pre-service and in-service training of providers, improving health systems (for e.g. facility up-gradation, availability of logistics, referral systems), and community and family-level care. IMNCI is being implemented in 359 districts across the country and 4,26,976 health personnel have been trained in IMNCI till March 2011. Home-based newborn care is provided by ASHAs who have been trained in the states of Rajasthan, Bihar, Madhya Pradesh and Odisha. Uttar Pradesh has integrated this aspect with IMNCI for the training of ASHAs and ANMs and named it a Comprehensive Child Survival Programme (CCSP) which has been initiated in 18 of its 70 districts.

- ii. Newborn Care Facilities are being established from MCH level I to level III facilities. Presently, 263 Sick New Born Care Units (SNCUs), 1120 New Born Stabilization Units (NBSUs) and 6403 New Born Care Corners (NBCs) have been established as of March 2011.
- iii. Navjat Shishu Suraksha Karyakram (NSSK) is a programme aimed to train health personnel in basic newborn care and resuscitation. Till date, 36,252 medical personnel have been trained.
- iv. Infant and Young Child Feeding aims at early initiation of breast feeding (within one hour of delivery), promotion of exclusive breast feeding till 6 months and timely complementary feeding with continued breast feeding.
- v. Management of children with severe acute malnutrition is being addressed through Nutritional Rehabilitation Centres (NRCs). As of March 2011, 1,346 NRCs have been established across the country. Supplementation with micronutrients like Vitamin A & iron folic acid is being undertaken at community level.
- vi. Morbidity and mortality due to Acute Respiratory Infections (ARI) and childhood diarrhoeal diseases is being addressed by the administration of antibiotics and early referral to a healthcare facility and promoting use of ORS and supplementation by Zinc respectively.
- vii. The School Health Programme aims at screening school children for common health problems and making referrals to health facilities. In the financial year 2010-11, 7,05,90,121 students in 4,93,168 schools have been covered.

285. Up-gradation of health facilities for emergency obstetric care and access to skilled birth attendants:

- i. In concurrence with the Government's commitment to provide skilled attendance at every birth for both institutional and domiciliary deliveries, three-week SBA training for ANMs/SNs/LHVs is being implemented in all states/UTs.
- ii. For effective management of emergency obstetric services, the health facilities have been upgraded in terms of manpower, blood storage units and referral linkages etc.
- iii. To overcome the shortage of human-power, the Government is implementing skill-based training on life saving anaesthetic skills, emergency obstetric care etc.
- iv. 264 poor performing districts (HFDs) have been identified across the country and efforts are being made for differential planning and allocation of resources through State PIPs.
- v. Effective from June 15, 2010 in HPS category, Rs.1400 and Rs.600 is being provided under the ASHA package for facilitating institutional delivery.

286. The new strategies and interventions under RCH programme include:

- a. Janani Shishu Suraksha Karyakram (JSSK): Guarantees free and cashless delivery and care to all pregnant women and sick newborns up to 30 days at the government institutions which include

free diet, drugs and other consumables, diagnostics, blood, free transport from home to the healthcare facility and a drop back home and other miscellaneous expenses.

- b. **Maternal and Child Health (MCH) Centres:** The Government is facilitating the States in identifying the delivery points/MCH centres for making a provision of basic and emergency obstetric care during pregnancy, child birth and in post-natal period. Operationalisation of these facilities is being made possible through rational deployment of existing manpower, training of doctors and specialists and providing funds for upgradation of physical infrastructure.
- c. **Mother and Child Tracking System:** The Government has taken a policy decision to track every pregnant woman by name for provision of timely ANC, institutional delivery, and PNC along with immunisation of the newborn. While States like Gujarat, Tamil Nadu and Rajasthan already have such a tracking system; other states are in the process of adopting this system.
- d. **Maternal Death Review:** Maternal Death Review (MDR) Committees at a district level and a task force at State Level have been formed to review every maternal death both at the health facilities and in the community. The purpose of the review is to identify the gaps in the service delivery which leads to maternal deaths and take corrective action to improve the quality of service provision. While MDR has been implemented by 11 states, 17 states have initiated the process by constituting district level committees and the remaining 4 states will be covered in the year 2011-12.
- e. **Infant Death Review (IDR):** Has been introduced by many states on a pilot basis. However, Karnataka has developed the required structure and mechanism to carry out IDR. This will provide an insight into the causes of infant deaths in the country and help develop district specific plans to address them.

287. **Annual Health Survey:** The Government has approved the Annual Health Survey to study the impact of schemes under NRHM in bringing about reduction in Total Fertility Rate (TFR), Infant Mortality Rate (IMR) at the district level and the Maternal Mortality Ratio (MMR) at the regional level. Further, it aims to prepare District Health Profile of 284 districts in the EAG States (States with poor RCH indicators) and Assam to assess progress of health indicators on an annual basis.

288. **National Council of Human Resources in Health (NCHRH):** The Task Force submitted its report on 31<sup>st</sup> July 2009. The report along with the draft bill for creation of NCHRH has been discussed with all stakeholders and the proposed legislation has been finalised in consultation with the Legislative Department and submitted to the Cabinet for consideration.

289. **Disease control programmes** have shown that polio is near elimination and tuberculosis, neonatal tetanus, measles and HIV have shown decreasing trends. However, malaria continues to be a challenge. A number of newly

emerging diseases like H1N1 have made it essential to strengthen surveillance and epidemic response capacities. The unavailability of skilled human resources for the health sector has been addressed through the rapid expansion of medical education in the country. Under NRHM, the Central Government has financed the addition of over one lakh skilled healthcare providers. The Government is also considering the introduction of an undergraduate programme, to be taught in district hospitals, in the Rural Healthcare, to produce trained medical personnel for posting at sub-centres, the lowest tier in the health delivery system. The Union Health Budget has increased from Rs. 8,000 crores in 2004-05 to over Rs. 21,000 crores (when?).

290. **Janani Suraksha Yojana (JYS):** Is a safe motherhood intervention launched on 12<sup>th</sup> April 2005, under the NRHM. It is a centrally sponsored cash benefit scheme to promote institutional delivery with special focus on pregnant women belonging to the SC, ST and BPL families. The JYS had identified ASHA/AWW/ as an effective link between the government and poor pregnant women in 10 low performing states. Due to this intervention, there has been a phenomenal increase in the number of women accessing this scheme from 7.39 lakhs in 2005-2006 to 100.78 lakhs in 2009-2010. Further, as per the Coverage Evaluation Survey, 2009 conducted by UNICEF, institutional deliveries have gone up to 72.9%, with JSY scheme being considered as one of the contributing factors. The financial expenditure increased from Rs. 38.29 crores in 2005-06 to Rs. 1473.76 crores in 2009-2010, indicating that this scheme receives high priority.
291. **Cash Assistance for Institutional Delivery:** Is being provided for facilitating institutional delivery in rural and urban areas under the mother's and ASHA package in the LPS and HPS categories. In the LPS category, the amount provided in rural areas under the mother's and ASHA package is Rs.400 and Rs.600 and in urban areas it is Rs.1,000 and Rs. 200 respectively. Effective from June 15<sup>th</sup>, 2010, in the HPS category Rs.700 and Rs.600 is being provided under the mother's and ASHA package for facilitating institutional delivery among tribal women residing in the rural areas of Notified Tribal Areas of Andhra Pradesh, Gujarat, Karnataka, Maharashtra, Tamil Nadu, Himachal Pradesh, West Bengal, Kerala, Andaman and Nicobar Islands, Dadra & Nagar Haveli, Daman & Diu and Lakshadweep.
292. **Community Health Centres and Primary Health Centres for 24x7 services:** Efforts to provide services guarantee envisaged under NRHM through 24x7 (PHCs) and First Redressal Units (FRU) are in progress. So far 9,107 PHCs have been made functional 24x7 by providing support for engagement of 3 staff nurses and related activities. A total of 2,939 health facilities have been upgraded in the country under NRHM to work as FRU.
293. **Augmenting Skilled Manpower:** Regular training for up-gradation of skills is an important strategy of NRHM under which 4.5 lakh persons have been trained in IMNCI across the country covering 446 districts. (LSAS), (BEmOC), (RTI/STI), (EmOC), (SBA) trainings are also being conducted in the States at the medical colleges and district hospitals to upgrade skills of MOs, Nurses, ANMs for better delivery of maternal and childcare services. As

of March 2011, the total number of doctors trained in LSAS and EmoC is 937 and 489 respectively, while the number of ANMs/SNs/LHVs trained as SBAs is 27,551.

294. Ante-natal and Post-natal Care Services: This includes supplementation with iron and folic acid tablets to pregnant and lactating women to prevent and treat anaemia. According to the (NFHS) III survey in 2005-2006, 55.3% women in the 15-49 years age group were anaemic, with it being 58.7% and 63.2% among pregnant and lactating women respectively.

295. A study carried out in 2010-11 by the Indian Institute of Technology, Kharagpur on "Disability and Victimization: A Study of Vulnerability of Disabled Women and Protection Strategies", for the Ministry of Social Justice and Empowerment indicate that education is a low priority among disabled women and girls. About 38% were illiterate while 30% were studying at the primary levels. Further, girls with disability are not generally preferred for education compared to boys; Women have accepted the fact of victimisation at home and outside due to their disability; and access to legal assistance and remedy is a major roadblock for the women with disabilities.

296. **Public Distribution System (PDS):** India's PDS is one of the largest distribution systems in the world with a network of more than 4 lakh Fair Price Shops (FPS) to distribute annually commodities worth Rs 15,000 crore to 16 crore families at affordable prices. The targeted PDS (TPDS) was introduced in 1997 specifically aimed at people below the poverty line (BPL) across the country. Under TPDS, each poor family was entitled to 20 kgs of food grains per month at specially subsidised prices in the year 2000. The allocation of food grains was increased to 25 kgs in July, 2001 and further increased to 35 kgs in 2003-04. To further focus on the poorest of the poor, the Antyodaya Anna Yojana (AAY) was introduced in the year 2000, initially for 1 crore families which was subsequently expanded to cover 2.5 crore families. The first expansion of AAY Scheme was done in 2003-2004 by adding another 50 lakh BPL households headed by widows, terminally ill persons, disabled persons or persons aged 60 years or more with no assured means of subsistence or support. With this increase, 1.5 crore (23% of BPL) families have been covered under the AAY. Further, a second and third expansion was carried out in 2004-05 and 2005-06 respectively and the coverage of the scheme was increased to one crore BPL households, thus increasing its coverage to 2.5 crore (38% of BPL) households. The above guidelines have been further amended to include all eligible BPL families of HIV positive persons in the AAY list on a priority basis.

297. AAY provides food grains at a highly subsidised rate of Rs. 2/- per kg for wheat and Rs. 3/- per kg for rice. The central government is responsible for procurement, storage, transportation up to the district headquarters, and allocation of food grains to states and maintenance of a minimum buffer stock. The state governments are responsible for identification and issue of cards to BPL and AAY families, supervision and monitoring of the functioning of the Fair Price Shops (FPS), distribution of ration through the FPSs, storage in state



godowns and movement of food grains from the district headquarters to the PDS shops. Certain states have introduced reforms in PDS such as end-to-end computerisation in Chhattisgarh and universal PDS in Tamil Nadu which can be considered as best practices. The budget allocation has increased from Rs. 60 crores in 2007-08 and Rs. 65 crores in 2008-09 to Rs. 95 crores in 2009-10.

298. The Integrated Child Development Services (ICDS) Scheme: Is one of the flagship programmes of the Government and represents one of the world's largest and unique programmes for Early Childhood Development. It is the foremost symbol of country's commitment to its children and nursing mothers, as a response to the challenge of providing Pre-school non-formal Education on the one hand and breaking the vicious cycle of malnutrition, morbidity, reduced learning capacity and mortality on the other. The beneficiaries under the scheme are children in the age group of 0-6 years and pregnant women and lactating mothers. The Scheme is universal in coverage. All 0-6 years children and pregnant women and lactating mothers are eligible for availing of the services under ICDS. The scheme seeks (i) to improve the nutritional and health status of children in the age-group 0-6 years; (ii) to lay the foundation for proper psychological, physical and social development of the child; (iii) to reduce the incidence of mortality, morbidity, malnutrition and school dropouts; (iv) to achieve an effective co-ordination of policy and implementation amongst the various departments to promote child development; and (v) to enhance the capability of the mother to look after the normal health and nutritional needs of the child through proper nutrition and health education.
299. The scheme offers a package of six services viz. (i) supplementary nutrition, (ii) pre-school non-formal education, (iii) nutrition and health education (iv) immunisation (v) health check-up and (vi) referral services. This service works through a network of anganwadi centres (AWC) and mini-AWCs run by anganwadi workers (AWW) and helpers (AWH). ICDS Scheme has been expanded in three phases in the years 2005-06, 2007-08 and 2008-09, so as to cover all habitations, including SC, ST and minorities, across the country. It is a centrally sponsored programme with the Government of India contributing towards 90% of all costs and 50% of the cost of supplementary nutrition and the remaining is to be funded by the state governments. Some states like Tamil Nadu and Kerala invest more from their own funds to provide better quality supplementary nutrition and/or increased salaries, better infrastructure etc.
300. The PM's National Council on Nutritional Challenges has decided in its meeting on 24<sup>th</sup> November 2010 to (i) strengthen and restructure the ICDS scheme with special focus on pregnant and lactating mothers and children under three along with strong institutional convergence with National Rural Health Mission and Total Sanitation Campaign particularly at the district and village level; (ii) provide for flexibility for local action and empower mothers and community to have a stake in the programme. A roadmap has been prepared for strengthening and restructuring ICDS. It envisages introduction of Annual Programme Implementation Plan (APIP) in Phase I and a proposal

for implementation of the Scheme in a Mission Mode from Twelfth FYP in Phase II. MWCD has devised a Joint Mother & Child Protection Card has in consultation with the Ministry of Health & Family Welfare which will provide useful information on monitoring growth of children.

301. In October 2008, the Government approved the proposal for the 3<sup>rd</sup> phase of expansion for 792 additional Projects, 2,13,859 additional AWCs and 77,102 Mini AWCs and provision for 20,000 'Anganwadi on Demand' in habitations having 40 children but without an AWC. With these expansions, total number of sanctioned AWCs/Mini AWCs increased from 6 lakh, as on 31<sup>st</sup> March 2002 to 13.66 lakh, as on 3<sup>rd</sup> March 2010 (125% increase). Anganwadi workers and Anganwadi helpers are women working at the Anganwadi Centres. They are more than 22.7 lakhs in number.

302. Wheat Based Nutrition Programme (WBNP) - The food grains allotted under this Scheme are utilised by the States/UTs under the Integrated Child Development Scheme (ICDS) for providing nutritious/ energy food to children below 6 years of age and expectant /lactating women from disadvantaged sections. During 2010-11, Department of Food & Public Distribution allocated 9 lakh MTs of Wheat and 6 lakh MTs of Rice for preparation of supplementary nutrition to the beneficiaries of the ICDS Scheme.

303. Supplementary Nutrition: The Government has increased the allocation for SNP from Rs.2/- per child per day to Rs.4/-, from Rs. 2.70/- to Rs. 6/- for severely malnourished children and from Rs. 2.30/- to Rs.5/- for pregnant and lactating mothers (as on April 2009) towards improving the quality of supplementary nutrition provided under the ICDS. For this, 50% of the allocation has to be contributed by the state governments. Focus on Children under two:

- i. Navjat Shishu Suraksha Karyakram (NSSK): Basic new-born care and resuscitation training programme, has been launched in September 2009 to address care at birth issues i.e. prevention of hypothermia and infection, early initiation of breastfeeding and basic newborn resuscitation. The objective of this initiative is to have one person trained in basic newborn care and resuscitation at every delivery point. The total number of trained health personnel in India under NSSK is 36,252 as on March, 2011.
- ii. In India, 1,346 nutrition rehabilitation centres are functional across states for treatment of sick and severely malnourished children which is being expanded to other districts.

304. Diseases:

- i. Tuberculosis: About 2.8 lakh deaths are recorded every year from tuberculosis. Due to a concerted effort under the Revised National Tuberculosis Control Programme (RNTCP), there has been a decline of TB prevalence from 586 cases per lakh population in 1990 to about 249 lakh population in 2009 and

TB mortality in the country has reduced from over 42 lakh population in 1990 to about 23 lakh population in 2009 as per the WHO global report 2010.

- ii. Malaria: Approximately 1.5 million cases of malaria and around 1,000 deaths due to the disease are reported in India every year. The incidence of malaria has declined from 1.78 million in 2005-06 to 0.18 million in 2010- Feb. 2011. During the same period, the incidence of deaths declined from 1706 to 17 per year. The decreasing trend is due to preventive and curative strategies adopted like use of Long Lasting Insecticide Nets (LLINs)/ treated ordinary bed nets, use of Rapid Diagnostic Kits (RDKs) in high endemic and remote areas and Artesunate Combination Therapy (ACT) for all confirmed *P.falciparum* cases.
- iii. Diarrhoea, dysentery, and acute respiratory infections: Around 6 lakh children die each year from diarrhoea. The steps taken to increase outreach and acceptability:
  - ii. Morbidity and mortality due to Acute Respiratory Infections (ARI) is being brought down by administration of antibiotics and early referral to a healthcare facility.
  - iii. Morbidity and mortality due to Childhood Diarrhoeal Diseases is being addressed by promoting use of ORS and supplementation by Zinc as given under:
    - a) Diarrhoea Management has been included in the 7<sup>th</sup> ASHA Module.
    - b) ORS packets have been included in ASHA's Kit.
    - c) ORS with low osmolality has been introduced to increase acceptability.
    - d) Capacity building of service providers for diarrhoea management has been included in the training curriculum.

305. HIV/AIDS: India had an estimated 2.27 million HIV positive persons in 2008, with an estimated adult HIV prevalence of 0.29%. The annual HIV sentinel surveillance covered 1,215 sites in 2008-09. The National AIDS Control Programme (NACP) Phase-III (2007-2012) has the overall goal of halting and reversing the epidemic over the five-year period. In this direction, 1,103 blood banks have been established and around 60,000 blood donation camps organised with about 70% voluntary donor collection. 1,311 targeted intervention projects have been established that covered an estimated 53.4% of all female sex workers, and 74.2% of IDU and 78.3% of MSM and transgender populations. 5,210 ICTCs were established which tested over 140 lakh people including 59 lakh pregnant women. Of the 19,723 who tested positive, 12,083 were put on nevirapine. Further, the free ART programme was scaled up to 269 centres, and 3,15,640 patients were receiving free ART as of March, 2010. Second line ART has been initiated in Centres of

Excellence and more than 1,100 patients have enrolled. Information, education and communication campaigns have been strengthened across the country and condom use has been widely promoted. Second phase of specifically designed exhibition train, and red ribbon express was launched on 1<sup>st</sup> December 2009 to cover 152 stations in 22 states during its 1 year journey. Due to these interventions, there is greater awareness and increased access to medical care.

### 306. **Women's Health**

- i. Gender related violence: Among women aged 15-49, 34% have experienced physical violence and 9% have experienced sexual violence. In all, 35% of women in India have experienced physical or sexual violence. Public health initiatives for management of gender related violence have been initiated in the states of Rajasthan, Maharashtra, Delhi, and Kerala. The Government of Kerala has launched district-level gender-based violence management centres at the level of district/general hospital. These centres focus on medical care of victims of gender-based violence and social abuse and refer them to legal cells, police, probation officers of social welfare department, NGOs etc. as per need. The main objective of these centres is to provide counselling to the victims of gender-related violence and strengthen the capacity of healthcare providers and other stakeholders to respond in this regard. During 2010-11, a total of 2,285 cases of GBV were addressed by the centres and in each case a minimum of 3-7 follow ups were given.

307. **Safe Abortion Services:** 8% of the maternal deaths in the country are estimated to be due to unsafe abortions. For expanding and strengthening safe abortion services under RCH Programme, the Medical Termination of Pregnancy (MTP), 1971 and and Rules have been amended in 2002-03 for delegation of powers to the district for certification of MTP centres. Provision of MTP services at 24x7 PHCs and capacity building of medical personnel in MTP techniques at the level of CHCs and FRUs through provision of MVA/EVA equipment and drug/supplies are in progress.

### **Article 13: Economic and Social benefits**

308. The initial and combined second and third reports have highlighted the various social and economic benefits that are available to women. All women irrespective of their marital status are entitled to these benefits. Women are entitled and are given equal wages, allowances and entitlements, viz., house allowance, educational allowance, health allowance etc. However since women are predominantly engaged in the agricultural and the informal sector they are denied any such benefits. Unorganised Workers Social Security Act, 2008 has been enacted in order to address the social security issues in the unorganised sector. Both men and women are entitled to enjoy properties and receive family benefits, bank loans and other forms of financial credits.

- i. In order to address the financial needs of the women in rural women self-help groups and microcredit schemes have been evolved and have been working effectively.
309. Women are participating in sports activities at the national and international levels. A National Championship exclusively for women is conducted annually at block, district, state and national levels by Department of Sports, Ministry of Youth Affairs. Under the annual sports competitions conducted at block, district, state and national levels under Panchayat Yuva Krida aur Khel Abhiyan (PYKKA) Scheme introduced from 2008-09, there has been a very encouraging response from women. During the sports competitions in 2008-09, out of 7,21,519 participants, there were 2,49,190 women participants and during 2009-10, out of 22,489,44 participants, there were 8,73,842 women participants.
- i. For preparation of Indian athletes / teams for participation in Commonwealth Games, 2010, the Ministry had identified 1286 core probables for providing comprehensive and intensive training and competition exposure, both domestically and abroad. Out of 1286 core probables, 553 were women athletes. Out of 407 sportspersons that represented India at CWG 2010 held at New Delhi in October 2010, 183 were women sportspersons. Likewise, representation of women sportspersons was quite good in the 16th Asian Games 2010 held at Guangzhou (China) in November 2010, as 249 women sportspersons out of total 609 sportspersons participated in the Games. Performance of Indian sportspersons in CWG 2010 and Asian Games 2010 was quite impressive, as is evident from the number of medals won by them in these games. In CWG 2010, women sportspersons won 13 out of 38 gold medals, 12 out of 28 silver medals and 12 out of 36 bronze medals. In the Asian Games 2010, women sportspersons won 5 out of 14 gold medals, 6 out of 19 silver medals and 12 out of 34 bronze medals.

#### **Article 14: RURAL WOMEN**

310. Rural women constitute nearly 70% of the female population in the country, the majority being poor. Among them, the disadvantages faced by women belonging to the scheduled castes, scheduled tribes, minority groups and the poor are greater. Recognising the disadvantages, dynamics and positioning of women belonging to various sections of the rural society the Government has adopted several policies and programmes to address the various dimensions of poverty in rural households, particularly among women and girls. Further, the Constitutional (73rd) Amendment Act, 1992 provides reservation for women in local governments, thus promoting their participation in formulation, decision-making and execution of various programmes of economic development and social justice.
311. The National Agriculture Policy (NAP) has incorporated gender issues in the agriculture development agenda by recognising women's role as farmers and producers of crops and live stocks; as users of technology; as active agents in marketing, processing and storage of food and as an agricultural labourer. The

policy states that high priority should be accorded to recognition and mainstreaming of women's role in agriculture. Appropriate structural, functional and institutional measures are proposed to be initiated to empower women and build their capacities and improve their access to inputs such as land, credit and agricultural technologies.

312. The National Policy for Farmers 2007 announced by the Government envisages measures aimed at women's empowerment. They include asset reforms under land, water, and livestock for an equitable share to women farmers; better access to inputs and services, science and technology, implements, credit and support services like crèches, childcare centres, nutrition, health and training; participation of women in group activities aimed at achieving economies of scale through farming groups and involvement of women in conservation and development of bio-resources.

Self Employment Programmes:

313. Swarnajayanti Gram Swarozgar Yojana (SGSY): This programme lay an emphasis on organising the rural poor into self-help groups to build their capacity, planning of activity and providing infrastructure support, technology, credit and marketing linkages. Special safeguards have been provided to vulnerable sections, by way of reserving 50% benefits for SCs/STs, 40% for women, 15% for minorities and 3% for disabled persons. Fifty percent of the SHGs have been formed exclusively by women. Between 1999 and 2010, 40.50 lakh SHGs have been formed, of which 27.72 lakh (68%) are exclusively by women. Of the total of 159.26 lakh swarozgaris who received assistance during the period 95.28 lakh (59.83%) were women. The total investment incurred since its inception is Rs. 33,800 crores of which Rs. 15,820 crores has been disbursed to women swarozgaris.

314. SGSY has been restructured as the National Rural Livelihoods Mission (NRLM) and will be implemented in a mission mode with emphasis on building strong institutions of the poor into SHGs, their federations and livelihood collectives. To enhance the opportunities for women, the GoI has announced the Mahila Kisan Sashaktikaran Pariyojana (MKSP) programme as a subcomponent of the NRLM.

315. Wage Employment Programmes:

316. Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) 2005: Schedule II para. 6 of the Act provides for the participation of women in employment and specifically employment for at least 33% of the women who have requested employment. The other provisions apart from ensuring locally available employment include equal pay for men and women, space to nurse and childcare at the worksite. Further, collaborative action with other Ministries for convergent implementation of government programmes has been encouraged such as the ICDS of the MWCD.

317. The Act which commenced in 200 districts in April 2006 was extended to 133 districts in 2007-08 and to all the districts of the country in 2009-10. It guarantees livelihood to ensure rural population above 18 years of age. The programme has expanded from 2.10 crores of person-days of employment in

2006-07 to more than 283 crores in 2009-10. During 2009-10, Rs. 37952.39 crores was spent creating 283.32 crore days of employment for 5.26 crore rural households. Women's participation is over 51% at the national level with the southern states of Kerala and Tamil Nadu ranking at the top. An impact study commissioned by the Ministry of Rural Development reveals the emergence of women's identity and their empowerment with the opportunities provided by MGNREGA. They are able to contribute to the livelihood of the households and spend on children's education, healthcare, and food and consumer goods.

318. Under the MGNREGA employment opportunities and wage rates have made a significant impact in rural areas. Wages for rural households have increased in Maharashtra from Rs. 47 to Rs. 72, in Uttar Pradesh, Madhya Pradesh and Chhattisgarh from Rs. 58 to Rs. 100, in Bihar from Rs. 68 to Rs. 100, in West Bengal from Rs. 64 to Rs. 100 and in Jammu & Kashmir from Rs. 45 to Rs. 100 to name a few states. At the national level, the average wages paid under the MGNREGA have increased from Rs. 75 in 2007-08 to Rs. 93 in 2009-10. More than 9 crore saving bank accounts in the Banks and Post Offices have been opened for the MGNREGA workers.
319. Sampoorna Gramin Rozgar Yojana (SGRY): Was launched by the Government on 25<sup>th</sup> September 2001 by merging the provisions of Jawahar Gram Smridhi Yojana (JGSY) and Employment Assurance Scheme (EAS). The objective of the scheme is to provide wage employment with creation of durable economic infrastructure in rural areas and provision of food and nutrition security to the poor. Payment of wages is done partly in cash and in kind - 5kg of food grains and the balance in cash. This scheme also endeavours to create 30% of the employment opportunities for women. This scheme is now subsumed in MGNREGA. Between 1<sup>st</sup> April 2001 and 31<sup>st</sup> March 2005, 2873.4 million person-days have been generated benefiting 761.1 million women (26.49 %). During the period 15.59 million MT food grains were also utilised.
320. National Food for Work Programme (NFFWP): This programme was launched by the Ministry of Rural Development as a rural development programme in 150 selected backward districts of 27 States. It was started with the objective of providing supplementary wage employment and enhancing food security in these districts. The NFFWP is open to all rural people who are in need of wage employment and are willing to do manual and unskilled work. Under this programme, food grain is provided to the States free of cost. During the year 2004-05, Rs.20,190 million was released to the States as cash component and 2 million MT of food grains as food component. The total outlay under the programme for the year 2005-06 is Rs.60,000 million and 5 million MT of food grains.
321. Social Security Programmes: Social Security Programmes: The National Social Assistance Programme (NSAP) was launched in 1995 and it aims at ensuring minimum national standard for social assistance for the poor. In the year 2002-03, NSAP was transferred to State Plan. Presently NSAP comprises of five schemes namely: Indira Gandhi National Old Age Pension Scheme

(IGNOAPS), Indira Gandhi National Widow Pension Scheme (IGNWPS), Indira Gandhi National Disability Pension Scheme (IGNDPS), National Family Benefit Scheme (NFBS) and Annapurna. With the exception of the IGNWPS all the schemes cover both women and men. In 2010-11, Rs. 5162 crore was released to states as additional Central Assistance (ACA) and 22.51 million people benefitted from the scheme. For the same period, around 34 lakh women benefitted from IGNWPS.

### Other Schemes

322. Rural Housing: Indira Awas Yojana (IAY) Scheme is being implemented in the rural areas of States/UTs. Under the scheme, financial assistance is provided to the rural BPL household for construction of house. The objective of the scheme is to primarily help weaker sections in rural areas belonging to below poverty line category by granting financial assistance for construction of dwelling unit. This in turn helps in providing social security to the households including women and children who do not have shelter. The basic parameter of the scheme aims for gender equality and empowerment. As per scheme guidelines houses constructed are to be allotted in the name of female member of the beneficiary of the household. Alternatively, it can be allotted in the name of both husband and wife under the Programme. When there is no eligible member in the family available / alive, IAY house is allotted to the male member of a deserving BPL family. During the 11<sup>th</sup> FYP, out of 147.90 lakh sanctioned houses, 89.08 lakh houses were allotted exclusively in the name of women beneficiaries and 39.79 lakh in the joint name of both husband and wife.

Table 4: Beneficiaries of Indira Awas Yojana

Year	Houses constructed	Houses sanctioned / allotted in the name of women	Houses in joint name (both husband and wife)
2007-08	1992349	1301170	643649
2008-09	3013693	1718265	902493
2009-10	4227000	2528592	902493
2010-11	3347747	2029837	890454
2011-12	2209306	1329732	443865
Total	14790095	8907596	3979542

323. Rural Housing Fund - The Honourable Finance Minister, in his Union Budget speech for 2008-09, announced the setting up of the Rural Housing Fund to enable primary lending institutions to access funds for extending housing



finance to targeted groups in rural areas at competitive rates. The corpus of the fund for 2008-09 was Rs. 2000 crore, which was enhanced by a further 2000 crore during 2009-10. One of the benefits of the Rural Housing Fund has been the availability of funds at competitive rates for housing, which has encouraged the Regional Rural Banks (RRBs) to take up housing finance as a major focus area. Efforts are on to encourage RRBs across the country to take up rural housing finance in a major way and to avail refinance from National Housing Bank (NHB) for this purpose, which will go a long way in promoting housing finance in rural areas throughout the country. Cumulatively, till the end of December 31<sup>st</sup>, 2010, the Bank has sanctioned 436 projects having a project cost of Rs. 6408.71 crores with a loan component of Rs. 4627.96 crore. So far the Bank has disbursed Rs. 1811.61 crores as project finance. Under the Housing Microfinance Programme (HMF) of the Bank, Rs. 91.32 crores has been sanctioned to 28 Microfinance Institutions in 10 states covering 17,895 housing units located in both urban and rural areas of the country. The beneficiaries include farmers, housemaids, petty traders, artisans, dairy workers and other low income segments. More than 90% of the beneficiaries are women. The approximate income levels of the beneficiaries range between Rs. 5000 to Rs. 7000 per month. The Bank has also opened a specialised window for Water and Sanitation programmes being taken up by MFIs for their members of Self Help Groups. These programmes form an integral part of the HMF programme of the Bank. Cumulatively, the Bank has sanctioned 4.65 crore under Water & Sanitation programme for construction of estimated 7492 toilets.

324. Drinking water and sanitation: The National Rural Drinking Water Programme (NRDWP) launched in 2005 is a component of Bharat Nirman, a programme to build rural infrastructure. The aim of NRDWP is to cover all uncovered habitations to ensure that the rural population gets at least 40 lpcd (additional 30 lpcd for cattle in DDP areas) of potable water and address the problem of water quality in quality affected habitations. During the period 2005-06 to 2010-11, against 56,029 uncovered habitations to be covered 55,057 habitations have been covered with drinking water. Between 2005-06 and 2010-11, out of the 3,10,698 quality affected habitations, 1,09,709 quality affected habitations have been fully covered. The goal is to cover all remaining water quality affected habitations with safe drinking water by the end of 2011-12. Further, as of April 2006, there were 7,067 habitations afflicted with arsenic and 29,070 habitations with fluoride contamination. Priority has been given to address the problem of arsenic and fluoride contamination in these habitations.
325. The Government continues to give utmost importance for supplementing the efforts of the State Governments to provide sanitation facilities to the rural masses. Sanitation Campaign Projects have been launched in 593 districts covering 30 States/UTs. It is envisaged to cover all the households with access to sanitary facilities under Total Sanitation Campaign by the end of the Eleventh FYP, and to achieve the Millennium Development Goals (MDGs) of reducing by half the number of people without access to sanitation by 2010.

### **Exclusively women-oriented schemes**

326. **Awareness Generation Camps:** The broad aim of this programme is to create awareness among rural and poor women on various social issues and to provide a platform for them to share their experience and ideas, develop an understanding of reality and the way to address them. The programme also enables women to organise themselves and strengthen their participation in decision-making in the family and society. In the year 2004, 335 awareness generation camps were organised, which were attended by 8,375 women, while in 2008-09, the number of camps organised was as many as 5,372 covering a total of 1.34 lakh women.
327. **Condensed Course of Education for Adult Women:** The Central Social Welfare Board started this scheme in 1958 with the objective of providing basic education and skills to needy women and also to benefit widows, destitute and deserted women and those belonging to economically backward classes. Under this scheme, grant is given to voluntary organisations for conducting courses of two-years and one year duration to enable women above 15 years of age to pass primary, middle and secondary/matric level examinations. During the year 2004, a grant of Rs. 26.36 million was sanctioned for conducting 336 courses benefitting 8400 women while in 2008-09 the grant sanctioned was Rs. 38.16 million for 713 courses benefitting 17925 women candidates.
328. **Rajiv Gandhi National Crèche Scheme for the Children of Working Mothers:** Provides for day care services to children in the age group of 0-5 years. Facilities such as preschool education, supplementary nutrition and opportunities for psychosocial development and recreation are provided to the children of working women belonging to economically backward sections of casual, agricultural and construction labour in remote rural areas. Children of sick women also benefit from this programme. Under the Rajiv Gandhi National Crèche Scheme for the Children of Working Mothers there were 31,718 crèches with around 8 lakh children availing services under the programme as on 31 March 2009.
329. **Mahila Mandal Programme** was started in 1961 to provide social services to women and children in rural areas where welfare services did not exist at all, like balwadies for children, craft activities, social education and maternity services, etc. In 2003-04, an amount of Rs. 18 million was released under MMP for 184 centres covering 48,535 beneficiaries.
330. **Rashtriya Mahila Kosh (National Credit Fund for Women):** Provides poor women, particularly those in the unorganised sector who could not offer collateral and were not eligible for loans under bank schemes, access to micro-credit facilities for setting up small enterprises at reasonable interest rates. The initial corpus given to RMK by the Government was Rs. 310 million, which was subsequently enhanced to Rs. 1,000 million. RMK, which started with an initial corpus of Rs.310 million has been recycled and the cumulative loaning operation was Rs.1,780 million in 2006. The number of women beneficiaries

and loans disbursed under RMK on 28<sup>th</sup> February, 2011 as of December 2009 are 666,177 and Rs. 23,490 lakhs respectively.

331. Support to Training and Employment Programme for Women (STEP) - See para. 220 above.
332. Swawalamban Programme: Was launched with the objective of providing training and skills to women to facilitate them to obtain employment on a sustained basis. Financial assistance is provided to Women's Development Corporations (WDCs), public sector corporations, autonomous bodies and voluntary organisations (NGOs) to train poor women, mostly in non-traditional trades and to ensure their employment in these areas. Some of the popular trades are computer programming, desktop publishing, medical transcription, electronics, watch assembling, radio and television repairs, garment making, dress designing and fashion technology, handloom weaving, secretarial practice, community health work, embroidery etc. Financial assistance is also provided to the grantee organisations for hiring of training-cum-production sheds, training cost, machinery and equipments, stipend to the trainees and remuneration for the trainers. Various evaluation studies have shown that around 60% of the women trained have been able to get employment or self-employment. From 2006, the programme has been transferred to the States/ UTs. In 2004-05, 195 new projects have been approved and an amount of Rs. 63.30 million released, benefiting 24,560 women.
333. Swashakti Project: Earlier known as Rural Women's Development and Empowerment Project was initiated in 1998 as a centrally-sponsored project for a period of 5 years with an estimated outlay of Rs.1,862 million. In addition, an amount of Rs. 50 million is provided during the project period, for facilitating the setting up in the project states, of revolving funds for giving interest-bearing loans to beneficiary groups primarily during their initial formative stage. The overall objective of the project is to strengthen the processes, and create an environment for empowerment of women. The project covers 57 districts in the States of Uttar Pradesh, Uttaranchal, Haryana, Madhya Pradesh, Jharkhand, Gujarat, Chhattisgarh, Karnataka and Bihar. 17,647 women SHGs have been formed against a target of 16,000 with a total membership of 2,43,962 women. The groups have a total group savings of Rs. 221.5 million, and the groups have inter-loaned an amount of Rs. 548.7 million.
334. Mahila Samakhya Programme's main objective is to enable women, especially from socially and economically marginalised groups – SC, ST, and Muslim women, to seek knowledge and information to make informed choices, to address and deal with problems of isolation and lack of self-confidence, oppressive social customs, survival concerns, all of which inhibit their learning. It is unique in its approach to women's empowerment.
335. As of December 2010, the programme is in operation 10 states across the country covering 104 districts, 495 blocks and 33577 villages. There are 42211 Sanghas (women's groups) with a total membership of over a million women. They have taken initiatives to address issues like violence against

women, child marriages, illiteracy, collective farming, grain banks, RTI campaigns, improving civic amenities, gaining control over their health, actively accessing and controlling resources, ensuring educational opportunities for their children especially girls and participation in the political sphere. Almost 10,000 sangha women have been elected to institutions of local governance. Further, they have institutionalised innovations in gender justice through nari adalats and have addressed more than 16,000 cases. Federations of Mahila Sanghas (*Mahasanghas*) have been formed providing the forum for collective reflection and action by *Sangha* women. These federations play a key role in sustaining and nurturing women's empowerment processes at the field level as well as monitor and manage structures like the *Mahila Shikshan Kendras*, *naari adalats*, health centres etc.

336. Women Component Plan (WCP): As per the directives of the Planning Commission/Ministry of Finance, the WCP has been adopted and introduced in the Department of Agriculture and Cooperation (DAC), Ministry of Agriculture to ensure that the benefits from other developmental sectors do not bypass women and not less than 30% of the funds/benefits are earmarked for women beneficiaries/farmers. The outlay of Rs. 2,160 crores earmarked during 2009-10 was enhanced to Rs. 2,484 crores in 2010-11.
337. The National Gender Resource Centre in Agriculture (NGRCA), 2004-05 has been set up in the Department of Agriculture and Cooperation (DAC) to promote gender concerns within the mainstream programmes of the agriculture sector. The major initiatives taken by NGRCA for mainstreaming gender concerns within the programmes of the agriculture sector include the mandatory flow of 30% of funds for women farmers under all the beneficiary oriented schemes; and develop and revise the Reporting Formats/MIS of various schemes/ programmes to generate disaggregate data. The formats of all the beneficiary oriented schemes have been revised to generate disaggregate data.
338. With a view to ensure appropriate allocation and actual flow of benefits to women farmers, Gender Sensitisation Modules (GSM) was developed during 2007-08 with the help of the National Institute of Agricultural Extension Management (MANAGE). The one day GSM for sensitising the policy makers, senior and middle level extension officers is being delivered by MANAGE in their ongoing training programmes whereas, the 3 days duration GSM for extension functionaries at a cutting edge level is being delivered through State Agriculture Management and Extension Training Institutes (SAMETI) located in 18 states, Till 3<sup>rd</sup> May 2011, 2,546 extension functionaries were have been sensitised through 118 programmes conducted in the states of Andhra Pradesh, Uttar Pradesh, Haryana, Bihar, Gujarat, Punjab, West Bengal, Kerala and Karnataka, Jharkhand, Maharashtra, Madhya Pradesh, Rajasthan, Chhattisgarh, Tamil Nadu and Sikkim. The reports from Sikkim, Rajasthan and Jharkhand are awaited.

### **Programmatic Interventions for Women**

339. Support to State Extension Programmes for Extension Reforms: This scheme of Support to State Extension Programmes for Extension reforms, launched during 2005-06, aims at making the extension system farmer-driven and farmer-accountable, by way of new institutional arrangements for technology dissemination in the form of an Agricultural Technology Management Agency (ATMA) at the district level to operationalise extension reforms. The release of funds under the ATMA scheme is based on State Extension Work Plans (SEWPs) prepared by the state governments. At present, the scheme is under implementation in 598 districts in 28 states and 3 UTs in the country. One of the objectives of the revised scheme is to promote gender equality by addressing gender concerns through mobilisation of farm women into groups and providing them training and moving towards sustainability of extension services through beneficiary contribution. A minimum of 30% of resources meant for programmes and activities are required to be allocated to women farmers and women extension functionaries. Specific documentation of expenditure and performance for women may be maintained.
340. Since inception of the scheme in 2005-06 to 2010-11 around 1.64 crores including 40.49 lakh farm women 36.12 lakh farm women (more than 24.74 % of the total benefited farmers) have participated in farmer oriented activities like exposure visit, training, demonstration and Kissan Melas. Besides, women farmers are represented in different decision making bodies such as the ATMA Governing Board (one woman member) at the district level and Farmers Advisory Committees at the block level. The minimum Beneficiary Contribution for 4 activities under the Cafeteria aggregated at the state level namely-Farmers Training, Demonstration, Exposure Visits and Capacity Building of farmers Groups is 10%. However, the same has been reduced to 5% in case of SC, ST, Women beneficiaries as well as beneficiaries belonging to North Eastern and Hilly States.
341. Technology Mission for Integrated Development of Horticulture in the North-Eastern States including Sikkim, Jammu & Kashmir, Himachal Pradesh and Uttarkhand, which as per the WCP norms of 30% allocation are earmarked for women beneficiaries/farmers. Between 2006-07 and 2010-11, 1,27,867 women have been trained on different aspects of horticulture and 6,538 women SHGs have been formed. Further, on the basis of need assessment of individual women's groups assistance is being provided at the rate of Rs. 20,000 per district for curriculum development, Rs. 10,000 per district for refresher training of facilitators, Rs. 5,000 per Women's Self -Help Groups and Rs. 1,000 per farm woman for a five-day training in production technology, procedures for accessing credit and loans, techniques for marketing produce etc.
342. National Bamboo Mission, Technology Mission on Oilseeds and Pulses, Mini Mission-II of Jute Technology and National Food Security Mission (NFSM, 2007): Though, both men and women benefit from the schemes under these Missions directions have been issued to State Implementing Agencies to

ensure that 30% of budget allocation is earmarked for women beneficiaries/farmers.

343. Macro Management for Agriculture: Is a revised scheme wherein the States have been instructed to allocate funds for SC/ST women farmers proportionate to their population and utilise the 10% to 20% of the funds provided under “New Initiatives” for implementing activities for gender empowerment, development of risk prone/backward/tribal areas and to include Schemes which encourage group formation among women, SC and ST farmers in the work plan.
344. Integrated Scheme of Oilseeds, Pulses, Oil palm and Maize (ISOPOM), Post Harvest Technology and Management through Demonstration, Distribution and Outsourcing of Training, under both these schemes, the implementing agencies have been directed to ensure release of 30% funds to women beneficiaries.
345. ‘National Programme for Organic Farming’ (NPOF), 25% seats have been reserved for training of women farmers in organic farming.
346. Development and Strengthening of Infrastructure Facilities for Production and Distribution of Quality Seeds, the Seed Village Programme under the scheme was launched with a view to upgrade the quality of farmer saved seed, which is about 80-85% of the total seed used for crop production programme and 25% quota has been reserved for training of women.
347. Strengthening and Modernisation of Pest Management Approach in India: Is a scheme wherein assistance is provided to private entrepreneurs, NGOs, cooperatives, SHGs, women organisations for opening mass production units of bio-control agents/bio-pesticides and for purchasing laboratory equipments for setting up bio-control laboratories. The subsidy on total cost of equipments is provided at 35% for general category and 50% for SC/ST/Women’s Organisations subject to maximum of Rs. 5.00 lakhs per unit.
348. Cooperation: With the overall objective of bringing women in the cooperative fold, develop participation in group activities and to improve their socio-economic conditions in selected blocks, NCUI is now running four exclusive women’s development projects located at Shimoga (Karnataka), Behrampur (Odisha), Imphal (Manipur) and Bhopal (MP). Under this, women are organised into SHGs to help them to develop thrift habits and also provided training to help undertake income-generating activities with their own resources or by borrowing from cooperatives.
349. The NCDC encourages women’s cooperatives to avail assistance under its various schemes. A large number of women are engaged in cooperatives dealing in the areas of fisheries, power loom, garment manufacturing and knitting units, spinning mills, fruits and vegetables, marketing and processing, poultry and service cooperatives etc. So far, an assistance of Rs.126.37 crore has been provided for women cooperatives in the country. The cumulative outlay during 2010-11 for cooperative societies exclusively organised by women is Rs.6.40 crores.

350. Mass Media Support to Agricultural Extension: Is a centrally sponsored scheme to revamp the extension services in the country by using electronic media for transfer of technology / information to the farmers. Under the Scheme the existing infrastructure of Doordarshan (DD) and All India Radio (AIR) is being utilised to produce and transmit programmes covering a wide spectrum of topics in agriculture and allied fields to the farming community. In order to cater to the needs of women farmers, special programmes are being produced and broadcasted by DD and AIR in areas in which women are predominantly involved such as honey-bee keeping, seed treatment, mushroom cultivation, kitchen-gardening, post-harvest management of fruits and vegetables, cultivation of aromatic and medicinal plants, gender friendly tools, etc.
351. Support to State Extension Programmes for Extension Reforms: Is a Centrally Sponsored Scheme Support to State Extension Programmes for Extension Reform was launched in May, 2005. Over 96.91 lakh farmers, including 25.03 lakh farm women (25.84 %), have participated in farmer-oriented activities like exposure visits, training programmes, demonstrations, and Kisan Melas.
352. The National Watershed Development Project for Rain-fed Areas (NWDPA) benefits all communities living in watershed areas through natural resource management, the guidelines of which have been revised in favour of women. Under the Revised Guidelines issued by the National Rain-fed Area Authority (NRAA) at least one member of the WDT should be a woman. The guidelines focuses on mobilising women to ensure all the perspectives and interests of women are adequately reflected in the watershed action plan. The watershed committees that are formed to implement NWDPA would comprise of at least 10 members, half of the members shall be representatives of SHGs and user groups, SC/ST community, women and landless persons in the village. Besides, it has been found that a large number of SHGs from watershed areas comprise women members.
353. Gramin Bhandaran Yojana: A capital investment subsidy scheme for construction/renovation of rural godowns was introduced in 2001-02 to create scientific storage capacity with allied facilities in rural areas to meet the requirements of farmers for storing farm produce, processed farm produce and agricultural inputs, promotion of grading, standardisation and quality control of agricultural produce to improve their marketability, prevention of distress sale by providing the facility of pledge financing and marketing credit. Under the scheme the rate of subsidy for North-Eastern States, hilly areas, SC/ST and women farmers and their self-help groups/co-operatives is 33.33% of the capital cost of the project subject to a maximum ceiling on subsidy of Rs.62.50 lakh as against 25% of the capital cost and a maximum ceiling of Rs.46.87 lakh for all other categories of farmers, agriculture graduates, cooperatives and State/Central Warehousing Corporations. Under institutional lending, banks provide a term loan of up to 50% of the project cost while it is 46.67% in case of North-Eastern States, hilly areas, SC/ST and women farmers and their self-help groups/co-operatives. Between 2006-07 and 2009-10, 3125 godowns have been constructed by women.

354. Promotion and Strengthening of Agricultural Mechanization for Women: To reduce drudgery of women farmers 30 gender-friendly tools/equipments have been developed for farm operations by the Research and Development Organisation and are being distributed amongst women farmers. During 2005-06 to 2010-11, 110798 gender-friendly equipments have been distributed to women farmers. Under the scheme for 'Outsourcing of training and demonstration of newly developed agricultural equipments including horticultural equipments', 30% of the funds have been allocated for women farmers and State Governments have been directed to earmark 10% of the allocated funds for training women farmers. A total of 2,040 women have received training at the Farm Machinery, Training and Testing Institutes (FMTTIs) in 2006 to 2011.

355. Gender Sensitisation: To ensure appropriate allocation and flow of benefits to women farmers, Gender Sensitisation Modules (GSM) were developed during 2007-08 with the help of MANAGE. While the one day GSM programme for sensitising the policy makers, senior and middle level extension officers is being delivered by MANAGE, the 3 days' duration GSM programme for extension functionaries at the cutting edge level is being delivered through State Agriculture Management and Extension Training Institutes (SAMETI) located in Andhra Pradesh, Uttar Pradesh, Haryana, Bihar, Gujarat, Punjab, West Bengal, Kerala, Karnataka, Jharkhand, Rajasthan, Maharashtra and Chhattisgarh. As of March, 2010, approximately 1759 extension functionaries have been sensitised through 282 training programmes. During a period of 4 years it is proposed that approximately 15,000 extension functionaries through 600 training programmes will be sensitised.

#### **D. Part IV**

##### **Article 15: Equality before law and in Civil matters**

356. Developments in order to eliminate discrimination to ensure practical realisation of these rights have been highlighted in Article 2 and 3.

##### **Article 16: Equality in marriage and Family Relations**

357. Legal measures have been adopted to address the discriminatory provisions with regards to the natural guardian of the minor child. The Personal Laws (Amendment) Act, 2010 has amended the Guardians and Wards Act, 1890 and the Hindu Adoptions and Maintenance Act, 1956 removing the discriminatory provisions. Hindu Succession Act, 1956 has been amended with effect from 9-9-2005 conferring equal rights to the Hindu women to inherit properties in the joint family coparcenary properties. (For Details, look up Article 2).

##### **358. VIOLENCE AGAINST WOMEN:**

359. The National Crime Records Bureau (NCRB) collects and records the data on crimes in India. Crimes against women are categorised into two categories viz., crimes under Indian Penal Code (IPC) and crimes under special and local laws. (SLL). Crimes of (i) Rape (Sec. 376 IPC) (ii) Kidnapping & Abduction for specified purposes (Sec. 363- 373 IPC), (iii) Homicide for Dowry, Dowry



Deaths or their attempts (Sec. 302/304-B IPC) (iv) Torture - both mental and physical (Sec. 498-A IPC) (v) Molestation (Sec. 354 IPC) (vi) Sexual Harassment (Sec. 509 IPC) (vii) Importation of girls (up to 21 years of age) (Sec. 366-B IPC) are categorised under the IPC category. While the special and local focuses on cases falling under (i) Immoral Traffic (Prevention) Act, 1956, (ii) Dowry Prohibition Act, 1961 (iii) Indecent Representation of Women (Prohibition) Act, 1986, (iv) Sati (Prevention) Act, 1987

Table 5: Incidence of Crime Against Women during 2005-2009

Sl. No	Crime Head	Year					percent age variation in 2009/ 2008
		2005	2006	2007	2008	2009	
1	Rape	18,359	19,348	20,737	21,467	21,397	-0.3
2	kidnapping & Abduction	15,750	17,414	20,416	22,939	25,741	12.2
3	Dowry Death	6,787	7,618	8,093	8,172	8,343	2.6
4	Torture	58,319	63,128	75,930	81,344	89,546	0.1
5	Molestation	4,175	36,617	38,734	40,413	38,711	-4.2
6	Sexual harassment	9,984	9,966	10,950	12,214	11,009	-9.9
7	Importation of Girls	149	67	1	67	48	-28.3
8	Sati Prevention Act	1	0	0	1	0	-100.00
9	Immoral Traffic (Prevention) Act	5,908	4,541	3,568	2,659	2,474	-6.9
10	Indecent Representation of Women (Prohibition) Act	2,917	1,562	1,200	1,025	845	-17.6
11	Dowry Prohibition Act	3,204	4,504	5,623	5,555	5,650	1.7
	<b>Total</b>	<b>1,55,553</b>	<b>1,64,765</b>	<b>1,85,312</b>	<b>1,95,856</b>	<b>2,03,804</b>	<b>4.1</b>

Source: National Crimes Record Bureau

360. A total of 2,03,804 incidents of crime against women (both under IPC and SLL) were reported in 2009 as compared to 1,95,856 in 2008 recording an increase of 4.1% during 2009. These crimes have continuously increased during 2005 - 2009 with 1,55,553 in 2005, 1,64,765 cases in 2006, 1,85,312 cases in 2007, 1,95,856 cases in 2008 and 2,03,804 cases in 2009. The rate of crime has increased marginally from 17.0 during the year 2008 to 17.4 during 2009. The IPC component of crimes against women has accounted for 95.6% of total crimes and the rest 4.4% were SLL crimes against women. In the year 2009, 43.9% of cases were cases registered under cruelty by husband and other relatives, 2.8% cases under the Dowry Prohibition Act, 1961, 1.2% cases under the Immoral Traffic Prevention Act, 1956, 4.1% of cases of dowry death, 5.4 % cases of sexual harassment, 19% of cases of molestation, 10.5% were rape cases, 12.6% cases of kidnapping and abduction, 0.4% cases of other types.
361. An increasing trend in cases of rape has been observed during 2005-2008. However, incidence of rape has marginally declined during 2009 as compared to 2008. Offenders were known to the victims in as many as 20,311 (94.9%) rape cases. Kidnapping and abduction cases have reported an increase of 12.2% as compared to 2008 (22,939). Dowry deaths cases have increased by 2.6% over the previous year (8,172). Cruelty by husband and relatives cases in the country have increased by 10.1% as compared to 2008 (81,344). Incidents of molestation in the country have decreased by 4.2% as compared 2008 (40,413). The number of sexual harassment cases has decreased by 9.9% as compared 2008 (12,214). A decrease of 28.3% has been observed in importation of girls cases, as 48 cases were reported during the year 2009 as compared to 67 cases in 2008. Cases under Immoral Traffic (Prevention) Act, 1956 have registered a decline of 6.9% during the year 2009 as compared to 2008 (2,659). No case was registered under Sati Prevention Act, 1987 in 2009 as against one case reported from Chhattisgarh in 2008. A decline of 17.6% was noticed in cases under Indecent Representation of Women (Prohibition) Act, 1986 as compared to previous year 2008. The cases under Dowry Prohibition Act, 1961 have increased by 1.7% as compared to the previous year-2008 (5,555).
362. Thirty five cities having population over 10 lakh have been identified as Mega cities as per population census 2001. A total of 23,983 cases of crimes against women were reported from these 35 cities as compared to 24,756 cases in the year 2008 reporting a decrease of 3.1%. The rate of crime in cities at 22.2 was comparatively higher as compared to the National rate of 17.4. Among 35 cities, Delhi (3,701) has accounted for 15.4% of total crimes followed by Hyderabad (1,896) (7.9%). The crime rate was significantly higher in Vijayawada, Lucknow and Vishakhapatnam at 92.6, 55.5 and 54.6 respectively as compared to average of mega cities at 22.2. Delhi city has accounted for 23.8% of rape cases, 38.9% of kidnapping and abduction cases, 15.2% of dowry deaths and 14.1% of molestation cases among 35 cities. Cities like Bengaluru, Chennai, Mumbai and Jaipur have booked more cases under Special & Local Laws among the mega cities.

### State Initiatives

363. Violence against women has been addressed through law, policy and support services. Various legislation to address specific problems have been enacted and constantly being reviewed in order to meet the exigencies of the situations. The central and state governments are constantly reviewing the situation through its regular five year plans.
364. Progressive elimination of violence against women constitutes one of the key objectives of the National Mission for Empowerment of Women (NMEW), which is proposed to be achieved through coordinated action for review and effective implementation of existing laws relating to violence against women, formulation of new legislations, and monitoring their implementation through institutional structures at various levels.
365. Directives and guidelines issued periodically by Central Government for effective implementation of laws relating to VAW and to ensure better protection to women and to prevent incidence of crimes against them. On 4<sup>th</sup> September, 2009, a comprehensive Advisory on Measures relating to crimes against women was issued by the Ministry of Home Affairs in consultation with the MWCD. The Advisory emphasised on enforcement of the existing legal provisions on crimes against women and children, a proactive role for law enforcement agencies in detection and investigation of crimes, gender sensitisation and awareness building through trainings, legal literacy camps, greater media and community involvement, speedy investigation, providing rehabilitation, and other support services to victims of crimes. The advisory stressed on increasing representation of women in the police department at all levels through affirmative action so that they constitute about 33% of police force. It also provided detailed guidelines for improving safety for women in public places, for those working in night shifts, and for female students in areas with high crime rates. The establishment of adequate infrastructure for women in the form of Special Cells, Crimes against women cells, specialised sexual assault treatment units, family courts and Fast track courts was also emphasised.
366. Bhoomika Centres - Government of Kerala, in association with NRHM has launched District level Gender Based Violence (GBV) Management Centres, one per district at district / general hospitals, to address the above mentioned issues. The Centre focuses on the medical care of victims of GBV / social abuse and is funded under State Plan Fund. For coordinating activities and counselling of cases one female coordinator / counsellor has been posted in each GBV Centre. The main objective of this centre is to provide counselling to the victims of GBV and to strengthen the counselling to the victims GBV and to strengthen capacity of healthcare providers and other stakeholders respond to issues of survivors of violence against women. During 2010-11, a total of 2,285 cases of GBV were addressed by the centres. For each case, a minimum of 3-7 follow-up were given. Besides, cases were further referred to legal cells, police, probation officers of Social Welfare Departments, NGOs etc.

367. Domestic Violence: The Protection of Women from Domestic Violence Act, 2005 seeks to prevent violence at domestic front and provides for remedial measures to women who are victim of domestic violence. This Act has come into effect in October 2006 and has been adopted in compliance with the government's commitment under the Beijing Platform for Action (BPFA) and CEDAW. It provides immediate and emergency relief to women facing domestic violence in the form of protection order, right to residence, temporary custody order, monetary reliefs and compensation for emotional distress resulting from violence. It also provides for a coordinated implementation mechanism consisting of protection officer, service in the form of facilities and shelter homes that are mandated to provide better access to justice and other support services.
368. State has taken various steps for implementation of the Protection of Women from Domestic Violence Act, 2005 (PWDVA). As on October, 2010, a total of 6,439 Protection Officers (POs) have been appointed across the country by all States/UTs. However, most of them have given additional charge to officers who are discharging other duties. While the appointment of full-time, independent POs has been advocated for, the current approach ensures that women have recourse to POs, till such time as full-time officers could be appointed. 14 States/UTs have confirmed registration of Service Providers and 17 have informed that shelter homes have been notified. 16 States/UTs have notified medical facilities, including district, sub-district and community Health Centres for providing assistance to women under the Act. Delhi has notified Mahila Courts, which specifically look at issues relating to women, to provide swifter justice to women. In 2010, guidelines have been issued by the MWCD to State Governments/UTs for effective implementation of the Domestic Violence Act. Keeping in view that police are often the first point of contact, States/UTs have been advised to ensure that contact details of POs are made available at all police stations and emergency Police Control Rooms. Wide dissemination of the law and regular sensitisation of functionaries has also been emphasised.
369. Training programmes for implementing agencies under the Act including POs, (Saps), police, judicial officers and other NGOs are organised on a periodic basis. Awareness generation programmes about the law have also been undertaken, through the print and electronic media. A national campaign "Bell Bajao" was launched in August 2008, as a collaborative initiative between the Government, UN Trust Fund, UNIFEM South Asia Regional Office and Breakthrough, an NGO. The campaign used innovative media outreach and encouraged men and boys to become active agents in preventing domestic violence.
370. Dowry: Dowry Prohibition Act was enacted in 1961 to curb the evil of dowry. The Act defines "dowry" and penalises the giving, taking and demand for dowry. It also lays down a built-in implementation mechanism in the form of Dowry Prohibition Officers to ensure effective and efficacious enforcement of the law. Implementation of the Act vests with the State Governments, which are responsible for appointment Dowry Prohibition Officers and conferring such additional functions and powers as may be necessary. MHA in

consultation with MWCD have issued an advisory on 20<sup>th</sup> October 2009 to all the States Governments/UTS to adhere to procedures laid down by the Honourable Supreme Court in the case of DK Basu –vs- State of West Bengal (CRI CWP No. 539/86), wherein it is suggested that reconciliation and mediation between the warring spouses should be given utmost priority and booking charges under Section 498 A of IPC.

371. Another detailed advisory of 4<sup>th</sup> September 2009 as noted in paragraph above, enumerates various steps for improving effectiveness of the machinery in tackling atrocities against women including dowry deaths. (xxv and xxvi) of the advisory specifically states that dowry related cases must be adjudicated expeditiously to avoid further harassment of women and ensuring appointment of Dowry Prohibition Officers and notifying Rules under the Dowry Prohibition Act, 1961. Majority of the States/UTs have established 'Women Cells'. Some States/UTs have also set up 'All Women Police Stations' at the district level and Mahila desk' at the Police Station level.

372. Recognising the need for strengthening the existing law in order to make it more effective to address the evil of dowry, the government is considering amendments to the Act, which were initially proposed by the National Commission for Women.

The salient features of the proposed amendments are:

- iv. A comprehensive provision for definitions, including strengthening the definition of "dowry" and introducing a definition of "person aggrieved".
- v. Provision for authentication of "gifts" received by the parties, which is to be excluded from the definition of dowry.
- vi. Protection Officers (POs) already appointed under the PWDVA 2005 are proposed to be given the responsibility of implementing the law in place of Dowry Prohibition Officers. An Advisory Board is proposed to be set up to assist the POs in their functions.
- vii. Increasing penalties for "taking and demanding dowry" so as to increase the deterrent effect of the law.
- viii. Role of various functionaries under the existing law have been further strengthened.

373. The above proposal has been discussed in an inter-ministerial group. However, before finalising the amendments, wider consultations with various stakeholders including lawyers, practitioners, existing DPOs and NGOs are being held to make the law more effective and responsive to changing social norms.

374. Sexual Harassment at workplace: The Government Ministries/Departments, both at the Centre and in the States, as well as organisations under their control have implemented the guidelines laid down by the Supreme Court in the (Vishaka) case. A draft Bill on Protection of Women against Sexual Harassment was prepared by the National Commission for Women which

went through an extensive process of consultations with various stakeholders including State Governments, lawyers and civil society organisations. Based on inputs received during these consultations, the 'Protection of Women against Sexual Harassment at Workplace Bill, 2010' has been finalised, which was introduced in the Lok Sabha (lower house of Parliament) on 7<sup>th</sup> December, 2010.

375. For prevention of sexual harassment of women in sports, Ministry of Youth Affairs and Sports has issued instructions in August 2010 to all National Sports Federations (NSFs) making clear to them it shall be the responsibility of NSFs and other sports bodies to prevent sexual harassment of women in sports and ensure their safety. They have also been directed to take appropriate measures, as per the judgement of 1997 of Supreme Court in the matter of Vishakha & others versus State of Rajasthan, to prevent sexual harassment of women in the sports sector. Further, the guidelines for prevention of sexual harassment of women in sports have been incorporated in the proposed legislation, namely National Sports Development Bill, 2011.
376. Honour Killings and Honour Crimes: Acts of violence, mostly committed by family members predominantly against female relatives who are perceived to have brought dishonour upon the family may be referred as Honour Crimes. Such crimes including honour killings are presently dealt with under the provisions of the Indian Penal Code (IPC) and are investigated and prosecuted as offences therein. Since 'Honour Killing' is not classified separately under the Indian Laws, the same is covered under 'murder' as defined under section 300 of IPC, 1860 (IPC) and punishable under section 302 of IPC. An advisory issued by MHA on 4<sup>th</sup> September 2011 as noted in paragraph earlier, urges State Governments / UTs to take special steps to curb the violation of women's rights in cases of honour killings. A group of Ministers (GoM) has also been constituted under the Chairmanship of Union Finance Minister to consider the issue of amendments in the Indian Penal Code or enact separate legislation to address the issue of honour killings and related violence.
377. Supreme Court in recent years has also taken a strong view against Honour Killings and passed several judgements condemning it.
- i. Supreme Court Judgement in Arumugam Servai –vs- State of Tamil Nadu (criminal Appeal No. 958 of 2011) dated 19<sup>th</sup> April 2011 – The Administrative and Police Officials to take strong measures to prevent such atrocious acts. If any such incidents happen, apart from instituting criminal proceedings against those responsible for such atrocities, the State Government is directed to immediately suspend the District Magistrate / Collector and SSP/SPs of the district as well as other officials concerned and charge sheet them and proceed against them departmentally if they do not (i) prevent the incident if it has not already occurred but they have knowledge of it in advance, or (2) it has occurred, they do not promptly apprehend the culprits and others involved and institute criminal proceedings against them. MHA has circulated the Honourable Supreme Courts judgement to all State Governments / UT Administrations

- ii. Criminal Appeal No. 1117 of 2011SLP (crl) No. 1208 of 2011 dated 9<sup>th</sup> May 2011 in the case of Bhagwan Dass –vs- State (NCT) of Delhi observed that ‘honour’ killings have become commonplace in many parts of the country, particularly in Haryana, western Uttar Pradesh and Rajasthan. Often young couples who fall in love have to seek shelter in the police lines or protection homes, to avoid the wrath of kangaroo courts. Further, Court relied on its earlier observation in Lata Singh Case that there is nothing honourable in honour killings and that they are nothing but barbaric and brutal murders by bigoted, persons with feudal minds.
- iii. Honourable Supreme Court in Writ Petition (criminal) 208 of 2004 in Lata Singh’s case has directed “the administration / police authorities throughout the country will see that if any boy or girl who is major undergoes inter-caste or inter-religious marriage with a woman or man who is major, the couple are not harassed by any one nor subjected to threats or acts violence, and anyone who gives such threats or hassles or commits acts of violence wither himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law.”

378. A woman can seek reliefs under the provisions of Protection of Women from Domestic Violence Act, 2005 (PWDVA) which provides civil remedies including Protection Orders against violence perpetrated by members of the family. A draft Bill has been prepared by the Ministry of Home Affairs which seeks to introduce specific provisions relating to honour crimes under the Indian Penal Code and other criminal laws.

379. Taking cognizance of the incidents of killing /death of young couple marrying inter-caste, the National Commission for Women has proposed a law to address this issue, viz., the Prevention of crimes in the name of Honour and Tradition Bill 2010. NCW had been conducting social awareness programmes against honour killing along with pressing for a new bill.

380. Rape and Sexual Assault: The legal framework relating to rape is provided under Sections 375 to 376D of the Indian Penal Code. Keeping in view the limitations of the existing definition of rape under the law and the paradigm shift in understanding of sexuality and violence, the Government is actively considering a proposal to replace the existing provisions with a comprehensive law on sexual assault, which takes into account various forms of sexual assault that violate the bodily integrity and sexual autonomy of a woman. In the Criminal Law Amendment Bill the term "sexual assault" replaces "rape". The definition is widened to include object and digital penetration and the Bill imposes higher sentences for certain forms of acquaintance rape, particularly by relatives, those in positions of trust and those in positions of economic, social or political dominance. Marital rape of a woman who is separated from her husband is also penalised. Recently, a High Powered Committee was set up to examine the issues relating to review of Rape Laws, under the Chairmanship of the Union Home Secretary. The Committee has formulated

the draft “Criminal Law (Amendment Bill, 2011”, after consultation with stakeholders. The bill is under examination in the Ministry of Home Affairs in consultation with Ministry of Law and Justice. Sexual abuse of the minor child and sexual intercourse by a person misusing his authority attracts higher punishment under this Bill. Wider consultations with woman’s groups have been held and the suggestions made by the woman are in active consideration of the government.

381. A detailed advisory sent by MHA to all State Governments / UT Administrations sent on 4<sup>th</sup> September 2009 specifically advises on the Crime of Rape wherein it is advised all concerned department of the State Government should handle rape victims at all stages from filing a complaint in a police station to undergoing forensic examination and in providing all possible assistance including counselling, legal assistance and rehabilitation. Preferably, these victims may be handled by women so as to provide a certain comfort level to rape victim.
382. The Criminal Procedure Code (Amendment) Act, 2008, which came into effect on 31<sup>st</sup> December, 2009 provides for crucial reforms in the criminal justice system by providing better protection to victims of crimes. In particular, the amended law strengthens the procedural safeguards guaranteed to victims of rape and other crimes against women. In a significant change from the existing law, a victim of rape has been statutorily empowered, with the permission of the court, to engage an advocate of her own choice to assist the prosecution initiated by the state and at the same time, ensure that her interests are protected. The Amendment Act also provides for safeguards relating to recording of statements of women victims, in camera trials and protection of her identity. Trial for offence of rape and aggravated rape is required to be conducted as far as practicable by women judges. The Act of 2008 also mandates a three-month time limit for the completion of investigation of cases of rape and child sexual abuse.
383. The Government has formulated a new Scheme ‘Financial Assistance and Support Services to Victims of Rape to provide a helping hand to enable survivors of rape to cope with the trauma suffered and to tide over her immediate and long-term needs. The proposed Scheme is founded on the principle of restorative justice and flows from the specific directions of the Honourable Supreme Court in Delhi Domestic Working Women’s Forum vs. UOI & Ors. (1995) The proposed Scheme provides for the following, (i) Interim financial assistance of Rs 20,000/- to the affected woman; (ii) Support services such as shelter, counselling, medical aid, legal assistance, education and vocational training depending upon the needs of the victim. assistance of up to Rs 50,000/- can be provided for these support services; and (iii) Final assistance of Rs 1.30 lakhs, within a period of one month from the date on which the affected person gives her evidence in the criminal trial or within one year from the date of filing the FIR in cases where the recording of evidence has been unduly delayed for reasons beyond her control, whichever is earlier.
384. The scheme envisages establishment of Criminal Injuries Compensation Boards at the Central, State and District levels for its effective



implementation. While the Central and State Boards would be primarily responsible for coordinating and monitoring implementation of the Scheme and District level Board will be responsible for grant of compensation, a District Monitoring Committee will facilitate access to rehabilitation and support services. Recognising the need for speedy disposal of applications, the scheme proposes to lay down the time within which the relief would be available to the victim.

385. Acid Attacks: Few studies have reported an increasing trend in cases relating to acid attack. Acid attack is a crime which can be committed against any man or woman; it has a specific gender dimension in India. Most of the reported acid attacks have been committed on women, particularly young women for spurning suitors, for rejecting proposals of marriage, for denying dowry etc.
386. Currently Supreme Court is considering the issue of amending the Indian Penal Code and the Criminal Procedure Code to deal with acid attack as a special offence in Cr. A 129 of 2006, Lakshmi –vs- Union of India and final judgement is awaited.
387. A High-Powered Committee constituted under the Chairmanship of the Home Secretary to examine the issue relating to the review of rape laws, as noted in para. 324 above, has recommended insertion of Section 326A and 326B, Hurt by acid attack in draft “Criminal Law (Amendment) Bill, 2011.
388. The National commission for Women has suggested a separate legislation to deal with the offence of acid attack and as part of the proposed legislation has suggested that the Central government should establish a National Acid Attack Victims Assistance Board, which will provide assistance to the acid attack victims by way of ensuring medical treatment and other services such as psychological counselling. The board has also been given the task to recommend to the Government strategies to regulate and control inter-alia the production and sale of acids. It has been suggested that the board administers a fund to be called The National Acid Attack Victims Assistance Fund to which the Central and State government can give grants apart from others. It has been provided that the board can give interim financial relief up to Rs. 1 lakh within a period of 30 days directly to the hospital.
389. The Law Commission of India in its July 2008 report, condemns such acts and has suggested for incorporation of a new offence hurt by acid attack / Section 326-A which provides for stringent punishment for persons causing grievous hurt by throwing acid. It also recommends that the distribution and sale of acid be strictly regulated and the sale of acid across shop counters be banned, and for setting up a Criminal Injuries Compensation act, which should provide both interim and final monetary compensation to victims of certain acts of violence such as rape, sexual assault, acid attacks etc. and should provide for their medical and other expenses relating to rehabilitation, loss of earnings, etc.
390. Delhi being identified as a city with higher number of crimes, many initiatives has been taken to address crimes/violence against women in Delhi. For crimes against women, cells have been set up in the Delhi Police at nine districts in

Delhi primarily dealing with dowry-related violence and domestic violence. 24 hour help lines have been set up in these cells which are monitored by the central control room Delhi Police. These cells also act on the complaints of sexual abuse, sexual harassment, molestation and other gender-related complaints. Crisis intervention centres have been set up in nine districts to address complaints of rape and sexual abuse. Special courts headed by women have been set up for speedy disposal of the cases. Similar initiatives such as Mahila police stations, help lines, and special courts, fast track courts have also been undertaken in other cities/state government.

391. The “Safe City Free of Violence against Women and Girls” Initiative was launched by the Department of Women and Child Development, Delhi Government, in collaboration with Jagori, UNIFEM and UNHABITAT, on the 25<sup>th</sup> of November 2009. This initiative deals explicitly with sexual harassment and violence against women and girls in public spaces and not domestic violence, and not sexual harassment at the workplace either. The first phase of the project lasted for 18 months, from November 2009 to April 2011. One of the major outputs of this project is an overarching Strategic Framework, which will address all the themes and issues brought out by the research and surveys, and propose short, medium and long-term interventions which can make Delhi a safer city for women and girls in the public place.
392. The potential partners for implementation of this Framework include different departments of the Government of Delhi (including, among others, the Departments of Transport and Education, Mission Convergence and Bhagidari Cell) in addition to the Department of Women and Child Development, which is the focal point for this activity. Other governmental bodies with a central role are the Delhi Development Authority (DDA), the Municipal Corporation of Delhi (MCD), the New Delhi Municipal Council (NDMC), and the Delhi Police. Further, civil society actors such as resident welfare associations, city planners, community groups, youth and student groups, men’s groups, women’s special interest groups (working with minority and marginalised communities), will also have a critical role to play.
393. Funds made available/ funds utilised to address violence against women. *(to be included)*
394. Violence and atrocities against SC/ST persons: A comprehensive advisory has been issued to all State Governments and UT administrations on 1<sup>st</sup> April 2010 by the Ministry of Home Affairs. The advisory has enumerated various steps, viz; vigorous and conscientious enforcement of statutory provisions and existing legislations, sensitising the law enforcement machinery towards crimes against SC/STs by way of well-structured training programmes, conferences and seminars etc. No delay in registration of FIR in cases of crimes against SC/STs; identification of atrocity-prone areas for taking preventive measures for economic and social rehabilitation of the victims of atrocities etc. The advisory has further advised that in the incidents of extreme violation of human rights such as stripping of SC/ST women, blackening of faces of SC/ST persons, shaving their heads and parading them in villages,

exemplary punishment should be awarded to the accused after summary trail.

395. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereafter referred as 'PoA Act'), which aims at preventing commission of offences by persons other than Scheduled Castes (SCs) and Scheduled Tribes (STs) against Scheduled Castes (SCs) and Scheduled Tribes (STs), came into force with effect from 30.01.1990. Comprehensive Rules under this Act, titled "the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995" were notified in the year 1995, which, inter-alia, provide norms for relief and rehabilitation. The PoA Act extends to whole of India except Jammu and Kashmir. The Act is implemented by the respective State Governments and Union Territory Administrations, which are provided due central assistance under the Centrally Sponsored Scheme for effective implementation of the provisions of the Act. Section 3(1)(xi)(xii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, specifically relate to women.

396. A comprehensive advisory has been issued to all State Governments and UT administrations on 1<sup>st</sup> April 2010 by the Ministry of Home Affairs. The advisory has enumerated various steps, viz; vigorous and conscientious enforcement of statutory provisions and existing legislations, sensitizing the law enforcement machinery towards crimes against SC/STs by way of well structured training programmes, conferences and seminars etc; no delay in registration of FIR in cases of crimes against SC/STs; identification of atrocity prone areas for taking preventive measures for economic and social rehabilitation of the victims of atrocities etc. The advisory has further advised that in the incidents of extreme violation of human rights such as stripping of SC/ST women, blackening of faces of SC/St persons, shaving their heads and parading them in villages, exemplary punishment should be awarded to the accused after summary trail.

Table 6: Incidents of Crime against scheduled castes during 2005-2009

Sl. No.	Crime Head	Year					percentage variation in 2009/ 2008
		2004	2005	2006	2007	2008	
1.	Murder	654	669	673	674	626	-7.1
2.	Rape	1,157	1,172	1,217	1,349	1,457	8.0
3.	Kidnapping & Abduction	253	258	280	332	482	45.2
4.	Dacoity	26	26	30	23	51	121.7
5.	Robbery	72	80	90	86	85	-1.2
6.	Arson	211	210	226	238	225	-5.5
7.	Hurt	3,824	3,847	3,760	3,814	4,216	10.5
8.	Protection of Civil Rights Act	364	291	405	206	248	20.4
9.	SC/ST (Prevention)	8,891	8,497	8,581	9,819	11,602	18.1

	of Atrocities) Act						
10.	Others	11,435	11,077	11,808	13,490	14,623	8.4
11.	<b>Total</b>	<b>26,887</b>	<b>26,127</b>	<b>27,070</b>	<b>30,031</b>	<b>33,615</b>	<b>11.9</b>

397. The year 2010, has witnessed a decline of 2.6% in crime against Scheduled Castes as 33,594 cases reported in 2009 have decreased to 32,712 cases in 2010. This decrease was observed in all heads except Rape and Robbery. Cases of Rape in 2010 marginally increased by 0.2% over 2009. Robbery cases showed an increase of 7.1% in 2010 over 2009. Cases registered under Arson showed a decrease of 23.1% in 2010 over 2009. Cases of offences against Scheduled Caste, registered under the Protection of Civil Rights Act, 1955, showed a decrease of 14.9% in 2010 (143 cases) over 2009 (168 cases).

**2. Implementation of Concluding Comments on Combined II & III Periodic Reports (to be included)**

**3. Outcomes of UN Conferences, Summits and Reviews**

*(to be included)*