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## SOCIAL ISSUES E-BOOK FOR IAS PRE EXAM

- WITH SOCIAL ISSUES UPDATES
- ALSO USEFUL FOR STATES PCS EXAMS

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# WOMEN EMPOWERMENT

## GENDER EMPOWERMENT

Gender Empowerment is conceived as a process by which women can overcome many of the hurdles that they face such as education, work status, employment opportunities, health care, social security, position in decision making by virtue of their gender. Thus gender empowerment veritably implies empowerment of women to do away with subordination or discrimination and injustices done to them in male dominated society.

Measures taken by the Government of India include the establishment of the National Commission for Women(NCW), Rashtriya Mahila Kosh(RMK), launching of Indira Mahila Yojana(IMY), Balika Samridhi Yojana(BSY) and Rural Women's Development and Empowerment Project(RWDEP). Formulating a National Policy for Empowerment of Women and Setting up a National Resource Centre for women are other efforts of the context undertaken by government in the interests of women.

## PC-PNDT ACT

The PC-PNDT Act (Pre conception and Pre Natal Diagnostic Techniques (Prohibition of Sex selection) Act -1994) was enacted on 20 September 1994 with the intent to prohibit prenatal diagnostic techniques for determination of the sex of the fetus leading to female feticide. That is to say the preliminary object was to put a check on female feticide. No doubt the bare perusal of the Act indicates that it is a draconic act from the point of its effect on radiologists/sonologists. The Act does not offer any escape to the erring radiologist/sonologist.

**The basic features of the PC-PNDT Act are:**

- Registration under Section (18) of the PC-PNDT Act.
- Written consent of the pregnant woman and prohibition of communicating the sex of fetus under Section 5 of the Act.
- Maintenance of records as provided under Section 29 of the Act.
- Creating awareness among the public at large by placing the board of prohibition on sex determination.
- The Act penalizes all the errants, either involved in sex determination or non-maintenance of records.

## WOMEN AND KHAP PANCHAYAT

- Khap is a cluster of villages united by caste and geography. It is as old as 14th century started by upper caste jats to consolidate their power and position. The main rule is that all boys and girls within a khap are considered siblings.



- Khap panchayat governs the khap formed by same gotra (clan) families from several neighbouring villages. Khap panchayats are prevalent in Haryana, western Uttar Pradesh and Parts of Rajasthan. Love marriages are considered taboo in areas governed by Khap panchayats. Those living in a Khap is not allowed to marry in the same gotra or even in any gotra from the same village. Many young couples have been killed in the past defying khap rules.
- Khap panchayat imposes its writ through social boycotts and fines and in most cases end up either killing or forcing the victims to commit suicide. All this is done in the name of brotherhood and its honour. It is due to the inherent weakness of democratically elected Panchayati Raj institutions, Khap panchayats have been powerful. Even the government has not done much to control their power.
- The 10-15 men who constitute a Khap settle disputes and control the lives of young people. Many village people also defend these caste panchayats as they deliver the verdict in one sitting whereas court cases drag for years. According to them, in many cases innocent people get harassed in the court and by police. Here as everyone is known so they cross check everything to ensure neutrality.

## **WOMEN RESERVATION BILL**

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Women's Reservation Bill or the The Constitution (108th Amendment) Bill, is a pending bill in India which proposes to amend the Constitution of India to reserve 33 per cent of all seats in the Lower house of Parliament of India, the Lok Sabha, and in all state legislative assemblies for women. The seats to be reserved in rotation will be determined by draw of lots in such a way that a seat shall be reserved only once in three consecutive general elections.

The Upper House Rajya Sabha passed the bill on 9 Mar 2010. As of March 2013, the Lower House Lok Sabha has not yet voted on the bill.

## **SELF HELP GROUP**

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A self-help group (SHG) is a village-based financial intermediary usually composed of 10–20 local women. Most self-help groups are located in India, though SHGs can also be found in other countries, especially in South Asia and Southeast Asia.

Members make small regular savings contributions over a few months until there is enough capital in the group to begin lending. Funds may then be lent back to the members or to others in the village for any purpose. In India, many SHGs are 'linked' to banks for the delivery of microcredit. Self-Help Group may be registered or unregistered. It typically comprises a group of micro entrepreneurs.

Self-help groups are started by non-governmental organizations (NGOs) that generally have broad anti-poverty agendas. Self-help groups are seen as instruments for a variety of goals

including empowering women, developing leadership abilities among poor people, increasing school enrollments, and improving nutrition and the use of birth control.

## **PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT-2005**

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The Protection of Women from Domestic Violence Act 2005 was brought into force by the Indian government from October 26, 2006. The Act was passed by the Parliament in August 2005 and assented to by the President on 13 September 2005. As of November 2007, it has been ratified by four of twenty-eight state governments in India; namely Andhra Pradesh, Tamil Nadu, Uttar Pradesh and Orissa.

**Domestic violence is defined as follows:**

**For the purposes of this Act, any conduct of the respondent shall constitute domestic violence if he,—**

- a) Habitually assaults or makes the life of the aggrieved person miserable by cruelty of conduct even if such conduct does not amount to physical ill-treatment; or
- b) Forces the aggrieved person to lead an immoral life; or
- c) Otherwise injures or harms the aggrieved person.

Nothing contained in clause (c) of sub-section (1) shall amount to domestic violence if the pursuit of course of conduct by the respondent was reasonable for his own protection or for the protection of his or another's property.

**The salient features of the Protection from Domestic Violence Act, 2005 are as following:**

- The Act seeks to cover those women who are or have been in a relationship with the abuser where both parties have lived together in a shared household and are related by consanguinity, marriage or a relationship in the nature of marriage, or adoption; in addition relationship with family members living together as a joint family are also included. Even those women who are sisters, widows, mothers, single women, or living with the abuser are entitled to get legal protection under the proposed Act.
- Domestic violence includes actual abuse or the threat of abuse that is physical, sexual, verbal, emotional and economic. Harassment by way of unlawful dowry demands to the woman or her relatives would also be covered under this definition.
- One of the most important features of the Act is the woman's right to secure housing. The Act provides for the woman's right to reside in the matrimonial or shared household, whether or not she has any title or rights in the household. This right is secured by a residence order, which is passed by a court. These residence orders cannot be passed against anyone who is a woman.
- The other relief envisaged under the Act is that of the power of the court to pass protection orders that prevent the abuser from aiding or committing an act of domestic

violence or any other specified act, entering a workplace or any other place frequented by the abused, attempting to communicate with the abused, isolating any assets used by both the parties and causing violence to the abused, her relatives and others who provide her assistance from the domestic violence.

- The draft Act provides for appointment of Protection Officers and NGOs to provide assistance to the woman w.r.t medical examination, legal aid, safe shelter, etc.
- The Act provides for breach of protection order or interim protection order by the respondent as a cognizable and non-bailable offence punishable with imprisonment for a term which may extend to one year or with fine which may extend to twenty thousand rupees or with both. Similarly, non-compliance or discharge of duties by the Protection Officer is also sought to be made an offence under the Act with similar punishment.

## **NATIONAL COMMISSION FOR WOMEN**

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The National Commission for Women (NCW) is a statutory body for women established in 1992 by Government of India under the provisions of the Indian Constitution, as defined in the 1990 National Commission for Women Act.

The objective of the NCW is to represent the rights of women in India and to provide a voice for their issues and concerns. The subjects of their campaigns have included dowry, politics, religion, equal representation for women in jobs, and the exploitation of women for labour.

The commission regularly publishes a monthly newsletter, Rashtra Mahila in both Hindi and English.

## **CONSTITUTIONAL PROVISION FOR WOMEN**

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### **Article 14: Equality before law**

The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

### **Article 15: Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth**

The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, and place of birth or any of them.

No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to-

- a) Access to shops, public restaurants, hotels and places of public entertainment; or
- b) The use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

Nothing in this article shall prevent the State from making any special provision for women and children.

**Article 16: Equality of opportunity in matters of public employment**

There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

**Article 21: Protection of life and personal liberty**

No person shall be deprived of his life or personal liberty except according to procedure established by law.

**Article 23: Prohibition of traffic in human beings and forced labour**

Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.

**Article 39: Certain principles of policy to be followed by the State**

The State shall, in particular, direct its policy towards securing-

- That the citizens, men and women equally, have the right to an adequate means of livelihood;
- That there is equal pay for equal work for both men and women;
- That the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength
- That children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

**Article 42: Provision for just and humane conditions of work and maternity relief**

The State shall make provision for securing just and humane conditions of work and for maternity relief.

**Article 45: Provision for free and compulsory education for children**

The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.

**Article 51(e): to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women.**

## **SKEWED CHILD SEX RATIO**

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In India, the Child Sex Ratio is defined as the number of females per thousand males in the age group 0–6 years in a human population.[1] Thus it is equal to  $1000 \times$  the reciprocal of the sex ratio (ratio of males to females in a population) in the same age group, i.e. under age seven. Obviously an imbalance in this age group will extend to older age groups in future years. Currently the ratio of males to females is generally significantly greater than 1, i.e. there are more boys than girls.

According to the decennial Indian census, the sex ratio in the 0-6 age group in India went from 104.0 males per 100 females in 1981, to 105.8 in 1991, to 107.8 in 2001, to 109.4 in 2011. The ratio is significantly higher in certain states such as Punjab and Haryana (126.1 and 122.0, as of 2001).

### **Impact of skewed child sex ratio**

- The impact of the current skewed sex ratio with more male children than females is already being felt in some parts of India, and is likely to continue to be so felt.
- Having less women of marriageable age will mean that a significant proportion of men will in the first instance have to delay their marriage. This will initially affect younger generations of men in their 20s. These men will not only be in surplus within their cohort (age group), but they will also face competition from a backlog of older, unmarried men, who will still be in the marriage market.
- This problem will not be overcome simply by delaying marriage, due to the cumulative impact of the skewed sex ratio over several generations. Thus a proportion of men will in due course have to forego marriage altogether. The poorest males will be disproportionately affected by this marriage squeeze. This may cause destabilisation, and may translate into class-based tensions.

## **VERMA PANEL RECOMMENDATION FOR PREVENTION OF SEXUAL HARASSMENT OF WOMEN**

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Justice Verma Committee was constituted to recommend amendments to the Criminal Law so as to provide for quicker trial and enhanced punishment for criminals accused of committing sexual assault against women. The Committee submitted its report on January 23, 2013.

On December 23, 2012 a three member Committee headed by Justice J.S. Verma, former Chief Justice of the Supreme Court, was constituted to recommend amendments to the Criminal Law so as to provide for quicker trial and enhanced punishment for criminals accused of committing sexual assault against women. The other members on the Committee were Justice Leila Seth, former judge of the High Court and Gopal Subramaniam, former Solicitor General of India.

The Committee submitted its report on January 23, 2013. It made recommendations on laws related to rape, sexual harassment, trafficking, child sexual abuse, medical examination of victims, police, electoral and educational reforms. We summarise the key recommendations of the Committee.

**Rape:** The Committee recommended that the gradation of sexual offences should be retained in the Indian Penal Code, 1860 (IPC).

The Committee was of the view that rape and sexual assault are not merely crimes of passion but an expression of power. Rape should be retained as a separate offence and it should not be limited to penetration of the vagina, mouth or anus. Any non-consensual penetration of a sexual nature should be included in the definition of rape.

The IPC differentiates between rape within marriage and outside marriage. Under the IPC sexual intercourse without consent is prohibited. However, an exception to the offence of rape exists in relation to un-consented sexual intercourse by a husband upon a wife. The Committee recommended that the exception to marital rape should be removed. Marriage should not be considered as an irrevocable consent to sexual acts. Therefore, with regard to an inquiry about whether the complainant consented to the sexual activity, the relationship between the victim and the accused should not be relevant.

**Sexual assault:** Currently, “assault or use of criminal force to a woman with the intent to outrage her modesty” is punishable under Section 354 of the IPC with 2 years imprisonment. The term outraging the modesty of a woman is not defined in the IPC. Thus, where penetration cannot be proved, the offence is categorized as defined under Section 354 of the IPC.

The Committee recommended that non-penetrative forms of sexual contact should be regarded as sexual assault. The offence of sexual assault should be defined so as to include all forms of non-consensual non-penetrative touching of a sexual nature. The sexual nature of an act should be determined on the basis of the circumstances. Sexual gratification as a motive for the act should not be prerequisite for proving the offence. The offence should be punishable with 5 years of imprisonment, or fine, or both.

Use of criminal force to disrobe a woman should be punishable with 3 to 7 years of imprisonment.

**Verbal sexual assault:** At present, use of words or gestures to “insult a woman’s modesty” is punishable with 1 year of imprisonment or fine or both under Section 509 of the IPC. This section should be repealed. The Committee has suggested that use of words, acts or gestures

that create an unwelcome threat of a sexual nature should be termed as sexual assault and be punishable for 1 year imprisonment or fine or both.

**Sexual harassment:** Some of the key recommendations made by the Committee on the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill, 2012 that is pending in Parliament are provided below:

- Domestic workers should be included within the purview of the Bill.
- Under the Bill the complainant and the respondent are first required to attempt conciliation. This is contrary to the Supreme Court judgment in Vishakha vs. State of Rajasthan which aimed to secure a safe workplace to women.
- The employer should pay compensation to the woman who has suffered sexual harassment.
- The Bill requires the employer to institute an internal complaints committee to which complaints must be filed. Such an internal committee defeats the purpose of the Bill and instead, there should be an Employment Tribunal to receive and adjudicate all complaints.

**Acid attack:** The Committee opined that the offence should not be clubbed under the provisions of grievous hurt which is punishable with 7 years imprisonment under the IPC. It noted that the offence was addressed in the Criminal Laws Amendment Bill, 2012 which is currently pending in Parliament. The Bill prescribes a punishment of imprisonment for 10 years or life. It recommended that the central and state government create a corpus to compensate victims of crimes against women.

**Offences against women in conflict areas:** The continuance of Armed Forces (Special Powers) Act (AFSPA) in conflict areas needs to be revisited. At present, the AFSPA requires a sanction by the central government for initiating prosecution against armed forces personnel. The Committee has recommended that the requirement of sanction for prosecution of armed forces personnel should be specifically excluded when a sexual offence is alleged. Complainants of sexual violence must be afforded witness protection. Special commissioners should be appointed in conflict areas to monitor and prosecute for sexual offences. Training of armed personnel should be reoriented to emphasise strict observance of orders in this regard by armed personnel.

**Trafficking:** The Committee noted that the Immoral Trafficking Prevention Act, 1956 did not define trafficking comprehensively since it only criminalised trafficking for the purpose of prostitution. It recommended that the provisions of the IPC on slavery be amended to criminalise trafficking by threat, force or inducement. It also recommended criminalising employment of a trafficked person. The juvenile and women protective homes should be placed under the legal guardianship of High Courts and steps should be taken to reintegrate the victims into society.

**Child sexual abuse:** The Committee has recommended that the terms ‘harm’ and ‘health’ be defined under the Juvenile Justice Act, 2000 to include mental and physical harm and health, respectively, of the juvenile.

**Punishment for crimes against women:** The Committee rejected the proposal for chemical castration as it fails to treat the social foundations of rape. It opined that death penalty should not be awarded for the offence of rape as there was considerable evidence that death penalty was not deterrence to serious crimes. It recommended life imprisonment for rape.

**Medical examination of a rape victim:** The Committee has recommended the discontinuation of the two-finger test which is conducted to determine the laxity of the vaginal muscles. The Supreme Court has through various judgments held that the two-finger test must not be conducted and that the previous sexual experience of the victim should not be relied upon for determining the consent or quality of consent given by the victim.

**Police reforms:** The Committee has recommended certain steps to reform the police. These include establishment of **State Security Commissions** to ensure that state governments do not exercise influence on the state police. Such Commissions should be headed by the Chief Minister or the Home Minister of the state. The Commission would lay down broad policy guidelines so that the Police Act according to the law. A **Police Establishment Board** should be established to decide all transfers, postings and promotions of officers. Director General of Police and Inspector General of Police should have a minimum tenure of 2 years.

**Reforms in management of cases related to crime against women:**

- A Rape Crisis Cell should be set up. The Cell should be immediately notified when an FIR in relation to sexual assault is made. The Cell must provide legal assistance to the victim.
- All police stations should have CCTVs at the entrance and in the questioning room.
- A complainant should be able to file FIRs online.
- Police officers should be duty bound to assist victims of sexual offences irrespective of the crime’s jurisdiction.
- Members of the public who help the victims should not be treated as wrong doers.
- The police should be trained to deal with sexual offences appropriately.
- Number of police personnel should be increased. Community policing should be developed by providing training to volunteers.

**Electoral reforms:** The Committee recommended the amendment of the Representation of People Act, 1951. Currently, the Act provides for disqualification of candidates for crimes



related to terrorism, untouchability and secularism, fairness of elections, sati and dowry. The Committee was of the opinion that filing of charge sheet and cognizance by the Court was sufficient for disqualification of a candidate under the Act. It further recommended that candidates should be disqualified for committing sexual offences.

**Education reforms:** The Committee has recommended that children's experiences should not be gendered. It has recommended that sexuality education should be imparted to children. Adult literacy programs are necessary for gender empowerment.

### **Women Empowerment measures undertaken in the different five year plans by Government of India**

<i>Five Year Plans of Govt. of India</i>	<i>Women Welfare Measures Formulated by Govt. of India</i>
First Five Year Plan	Central Social Welfare Board was set up, 1953
Second Five Year Plan	Mahila Mandals were organised
Third Five Year Plan	Priority for education of women
Fourth Five Year Plan	Supplementary nutrition for women and children
Fifth Five Year Plan	Shift from women's welfare to women's development
Sixth Five Year Plan	Separate chapter on women and adoption of a multidisciplinary approach with thrust on health, education and employment
Seventh Five Year Plan	Raise social and economic status of women. A separate department for women and child development under HRD Ministry created
Eighth Five Year Plan	Shift from women's development to women's empowerment
Ninth Five Year Plan	Vigorous steps on economic empowerment of women by launching DWACRA, STEP etc.
Tenth Five Year Plan (Approach Paper)	Promote access of women to information, resources and services

Women Employment in Organised Sector			
State	Public	Private	Total
Andhra Pradesh	219.90 (51.38)	208.10 (48.62)	428.00
Assam	83.70 (19.61)	343.10 (80.39)	426.80
Bihar	95.50 (84.28)	17.80 (15.72)	113.30
Gujarat	141.80 (84.55)	25.90 (15.45)	167.70
Haryana	62.80 (91.95)	5.50 (8.05)	68.30
<b>Himachal Pradesh</b>	<b>39.50 (94.95)</b>	<b>2.10 (5.05)</b>	<b>41.60</b>
Karnataka	245.60 (46.29)	284.90 (53.71)	530.50
Kerala	192.30 (88.29)	25.50 (11.71)	217.80
Madhya Pradesh	153.40 (42.65)	206.30 (57.35)	359.70
Maharashtra	352.00 (99.77)	0.80 (0.23)	352.80
Orissa	85.70 (71.36)	34.40 (28.64)	120.10
Punjab	102.60 (71.50)	409.00 (28.50)	143.50
Rajasthan	132.90 (28.98)	325.60 (71.02)	458.50
Tamil Nadu	419.70 (98.64)	5.80 (1.36)	425.50
Uttar Pradesh	186.80 (58.28)	133.70 (41.72)	320.50
West Bengal	113.90 (99.82)	0.20 (0.18)	114.10

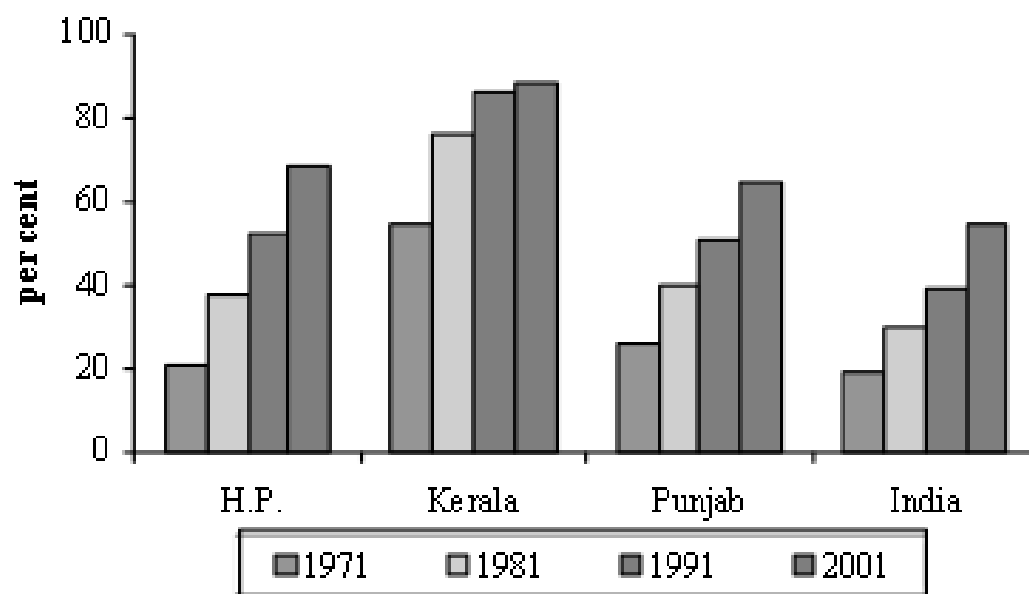
Source: National Sample Survey Organisation, Employment and Unemployment in India 1999-2000

Note-Figures in parenthesis show percentages to total.

### Empowering Rural Women through Agro-Business Consortium

The Samridhi Mahila Cooperative, an agro-business consortium, was formed in 1996 in the resource-poor changer areas of Kangra and Chamba districts. The organisation got support from the Indo-German Changer Eco-Development Project (IGCEDP) and also from two NGOs viz. New Hope (Kangra) and Himalaya Bachao Samiti (Chamba). From a modest beginning with 16 women members and 357 kg of processed products in 1995-96, Samridhi has grown into a sizable agro-business consortium with 182 members producing about 23,000 kg of processed pickles, *chutneys*, and candles in 2000-01. These have wide consumer acceptability in various parts of the country (Ashokan and Singh 2002). This example needs to be followed by other women groups.

### Female Literacy Rate From 1971-2001



Women in State Legislature 1975-1999 (per cent of Women MLAs)								
State	1970-75	1977-78	1979-83	1984-88	1989-92	1993-97	1998-99	State Averages
Andhra Pradesh	9.1	3.4	4.1	3.4	3.7	2.7	9.5	5.12
Assam	7.0	0.08	0.08	4.0	4.0	4.8	****	3.33
Bihar	3.8	4.0	3.7	4.6	2.8	3.4	****	3.72
Gujarat	3.2	****	2.7	8.8	2.2	1.1	2.2	3.36
Haryana	6.2	4.4	7.8	5.6	6.7	4.4	****	5.85
<b>Himachal Pradesh</b>	<b>5.9</b>	<b>1.5</b>	<b>4.4</b>	<b>4.4</b>	<b>5.9</b>	<b>4.4</b>	<b>8.8</b>	<b>5.04</b>
Karnataka	5.1	4.0	0.9	3.6	4.5	3.1	2.3	3.36
Kerala	1.5	0.7	3.2	5.7	5.7	9.3	****	4.35
Madhya Pradesh	5.4	3.1	5.6	9.7	3.4	3.8	8.1	5.58
Maharashtra	9.3	2.8	6.6	5.6	2.1	3.8	4.2	4.91
Orissa	1.4*	4.8	3.4	6.1	4.8	5.4	****	4.32
Punjab	5.8	2.6	5.1	3.4	5.1	6.0	****	4.66
Rajasthan	7.1	4.0	5.0	8.0	5.5	4.5	7.0	5.87
Tamil Nadu	2.1	0.9	2.1	3.4	9.0	3.8	****	3.55
Uttar Pradesh	5.9	2.6	5.6	7.3	3.3*	4.0*	****	4.78
West Bengal	1.6*	1.4	2.4	4.4	7.1	6.8	****	3.95

*Sources:* Jayaprakash Narayan Lok Satta Hyderabad, Dhiru Bhai Sheth Lokayan Delhi, CSDS, Centre for the Study of Development Society, Yogendra Yadav and Madhu Kishwar (Mamushi).

*Notes:* % women MLAs elected to state legislature in relevant elections.

\* two election held during this period. The given figures are the average of the two.

## CHILD ISSUES

### NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

The **National Commission for Protection of Child Rights (NCPCR)** was set up in March 2007 under the **Commission for Protection of Child Rights Act, 2005**, an **Act of Parliament (December 2005)**. The Commission's Mandate is to ensure that all Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child. The Child is defined as a person in the 0 to 18 years age group.

The Commission visualises a rights-based perspective flowing into National Policies and Programmes, along with nuanced responses at the State, District and Block levels, taking care of specificities and strengths of each region. In order to touch every child, it seeks a deeper penetration to communities and households and expects that the ground experiences inform the support the field receives from all the authorities at the higher level. Thus the Commission sees an indispensable role for the State, sound institution-building processes, respect for decentralization at the level of the local bodies at the community level and larger societal concern for children and their well-being.

#### Chapter 2.2: Child Marriage Causes and its Prevention

##### Child Marriage Causes

1. The caste system doesn't allow two adult people to marry outside their castes. But in the modern times, young boys and girls started marrying crossing the barriers of castes and customs as a result of which the people of old-mindset were threatened. As a solution to it and save the caste system, marriage at young age came into existence.
2. **Military alliances:** Child marriages took place to strengthen military alliances during the ancient and medieval era. But unfortunately this custom still exists among some feudal and royal families.
3. **Political turmoil:** Political turmoil during medieval time also encouraged child marriages. People wanted to safeguard the honour of their daughters. So they married them young.

### CHILD MARRIAGE: ITS PREVENTION

**The Child Marriage Restraint Act of 1929:** It is also known as Sarda act. It was applied to all the citizens of India except Jammu and Kashmir. This Act defined a male child as 21 years or younger, a female child as 18 years or younger, and a minor as a child of either sex 18 years or younger.

**The Prohibition of Child Marriage Act, 2006:** The Government of India enacted the Prohibition of Child Marriage Act (PCMA) 2006, which will have under its ambit all the States and Union Territories of India except the State of Jammu & Kashmir. The Act also applies to all citizens of India without and beyond India.

Under the **PCMA 2006**, every child marriage is voidable at the option of the contracting party who was a child at the time of the marriage, within two years of the child attaining majority.

**PCMA 2006 replaced Child Marriage Restraint Act (CMRA) of 1929.** PCMA was notified in the Gazette of India on 11 January, 2007 and has been enforced 1 November, 2007.

## CAUSES OF JUVENILE DELIQUENCY

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**Juvenile delinquency**, also known as **juvenile offending**, or **youth crime**, is participation in illegal behavior by minors (juveniles) (individuals younger than the statutory age of majority).

### Individual Risk Factors

- Several risk factors are identified with juvenile delinquency. A minor who has a lower intelligence and who does not receive a proper education is more prone to become involved in delinquent conduct. Other risk factors include impulsive behavior, uncontrolled aggression and an inability to delay gratification. In many instances, multiple individual risk factors can be identified as contributing to a juvenile involvement in harmful, destructive and illegal activities.

### Family Risk Factors

- A consistent pattern of family risk factors are associated with the development of delinquent behavior in young people. These family risk factors include a lack of proper parental supervision, ongoing parental conflict, neglect and abuse (emotional, psychological or physical). Parents who demonstrate a lack of respect for the law and social norms are likely to have children who think similarly. Finally, those children that display the weakest attachment to their parents and families are precisely the same juveniles who engage in inappropriate activities, including delinquent conduct.

### Mental Health Risk Factors

- Several mental health factors are also seen as contributing to juvenile delinquency. It is important to keep in mind, however, that a diagnosis of certain types of mental health conditions--primarily personality disorders--cannot be made in regard to child. However, there are precursors of these conditions that can be exhibited in childhood that tend to end up being displayed through delinquent behavior. A common one is conduct disorder. Conduct disorder is defined as & quota lack of empathy and disregard for societal norms & quota (Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, American Psychiatric Association, 2004.)

### Substance Abuse Risk Factors

- Substance abuse is found in a majority of cases of juvenile delinquency, Two trends are identified in regard to substance abuse and minors. First, juveniles are using more powerful drugs today than was the case as recently as 10 years ago. Second, the age at which some juveniles begin using drugs is younger. Children in elementary schools are found to be using powerful illegal drugs. The use of these illegal substances or the use of legal substances illegally motivates young people to commit crimes to obtain money for drugs. Additionally, juveniles are far more likely to engage in destructive, harmful and illegal activities when using drugs and alcohol.

### Identification

- Through the process of identifying potential risk factors that spur a juvenile to inappropriate and even illegal conduct and behavior, early interdiction can occur. Positive intervention, through programming, education and counseling, can divert a juvenile from a path that otherwise would result in delinquency as a child and crime as an adult.

## JUVENILE JUSTICE ACT

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The Juvenile Justice (Care and Protection of Children) Act, 2000, is the primary law for adjudication and disposal of matters relating to children in conflict with law. The Juvenile Justice Act provides that where a juvenile having been charged with offence is produced before a Board, the Board shall hold inquiry in accordance with the provisions of this Act and the inquiry shall be completed within a period of four months from the date of its commencement, unless the period is extended by the Board having regard to the circumstances of the case after recording the reasons in writing for such extension.

The Act further provides that the Chief Judicial Magistrate or the Chief Metropolitan Magistrate as the case may be, shall review the pendency of cases of the Board at every six months, and shall direct the Board to increase the frequency of its sittings or may cause the constitution of additional Boards, wherever needed.

## CHILD ABUSE AND ITS PREVENTION

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Child abuse was defined by Kempe and Kempe as a condition having to do those with who have been deliberately injured by physical assault. According to Burgess, Child abuse refers to any child who receives non-accidental physical and psychological injury as a result of acts and omissions on the part of his parents or guardians or employers.

According to an estimate, five to 15 children per 1000 children are abused by parents and employers in India.

**The Four major causes of child abuse are as following:**

- Alcoholism of Parents.
- Poverty.
- Lack of parental control and non-cordial relations within family.
- The parents facing child abuse in their own childhood.

**Child abuse is categorized into three types;**

- 1) Sexual
- 2) Physical
- 3) Emotional

The **Juvenile Justice Act 1986** defines child sexual abuse as interaction between a child and an adult. Under the age of 18 for girls and 16 for boys is considered a child.

Emotional abuse is defined as the maltreatment or neglect of children. Emotional neglect comprises lack of love and affection.

Child Sexual abuse can be better defined as the involvement of dependent and immature children in sexual activities they do not fully comprehend, to which they are unable to give informed consent.

The Child suffering from physical abuse, shows aggressiveness in behavior or show reluctance when it is time to go back home after school.

**These are the following guidelines to prevent child abuse:**

- Never discipline your child when your anger is out of control.
- Participate in your child's activities and get to know your child's friends.
- Teach the child the difference between good touches, bad touches and confusing touches.
- Listen to them and believe what they say.
- Be aware of changes in the child's behavior or attitude, and inquire into it.
- Teach the child what to do if you and your child become separated while away from home.
- Teach the child the correct names of his/her private body parts.
- Be alert for any talk that reveals premature sexual understanding.
- Pay attention when someone shows greater than normal interest in your child.
- Make certain your child's school or day care center will release him/her only to you or someone you officially designate.

## **CHILD MALNUTRITION AND STEPS TAKEN BY THE GOVERNMENT**

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The **Ministry of Statistics and Programme Implementation** released on 9 October 2012 a report named **Children in India 2012 - A Statistical Appraisal**, showcased the grim status of children in India. The report in its finding pointed out a growth of population by 181 million people, between 1991 to 2011 and at the same time also a huge reduction of 5.05 million of child in the age group of 0 to 6 years. And among this the decline in female population reportedly was 2.99 million and of male population was 2.06 million.

The report indicates a huge dip in the sex ratios of child, increased crime and troubles against the girl child and continued child labour that is constitutionally believed to be a social crime.

The **2011 Global Hunger Index (GHI) Report** ranked India 15th, amongst leading countries with hunger situation. It also places India amongst the three countries where the GHI between 1996 and 2011 went up from 22.9 to 23.7, while 78 out of the 81 developing countries studied, including Pakistan, Nepal, Bangladesh, Vietnam, Kenya, Nigeria, Myanmar, Uganda, Zimbabwe and Malawi, succeeded in improving hunger condition.

One More Report: The **Hunger and Malnutrition Survey** monitored over 100000 children in 112 districts across nine states in the country from October 2010 to February 2011. The Hunger and Malnutrition Survey report was released by Prime Minister Dr. Manmohan Singh on 10 January 2012. The survey stated that forty-two percent of children in India younger than 5 are underweight and nearly 60 percent are stunted. India, with a population of 1.2 billion people, has the largest number of children in the world.

The survey conducted by a group of non-profits was the largest such study since 2004, when the Indian government had surveyed child malnutrition. It was found that though India's economy boomed, with growth over the last few years averaging about 8 percent, the country's development indicators continue to be abysmal.

### **Major Findings**

The report found that of the stunted children, about half were severely stunted and about half of all children were underweight or stunted by the time they are two years. However, the number of underweight children was to have decreased from 53 to 42 per cent in the past seven years. The last study on the subject was done in 2004.

The survey however noted that positive change for child nutrition in India was happening, including in the 100 Focused Districts. The 100 Focus Districts are located across Bihar, Jharkhand, Madhya Pradesh, Orissa, Rajasthan and Uttar Pradesh – states which perform the worst on child nutrition.

The prevalence of malnutrition is significantly higher among children from low-income families. It found that children from Muslim or SC/ST households generally had worse nutrition indicators.

According to the report, birth weight is an important risk-factor for child malnutrition. The prevalence of underweight in children born with a weight below 2.5 kg is 50 per cent, while that among children born with a weight above 2.5 kg is 34 per cent.

Awareness among mothers about nutrition was found to be below. 92 per cent mothers had never heard the word malnutrition. Also, the report stated that a negligent approach was shown towards girl children even in their early childhood. The nutrition advantage girls have over boys in the first months of life gets reversed over time as they grow older. According to the survey, the mothers' education level also determines children's nutrition.

### Region wise malnutrition in India

- **Gujarat:** In this state, 44.7% of children are underweight, 22.3% of the population is undernourished and 6.1% of children who die under the age of 5 die from hunger.
- **Karnataka:** In this state, 37.6% of children are underweight, 28.1% of the population is undernourished and 5.5% of children who die under the age of 5 die from hunger.
- **Madhya Pradesh:** In this state, 59.8% of children are underweight, 23.4% of the population is undernourished and 9.4% of children who die under the age of 5 die from hunger.
- **Rajasthan:** In this state 40.4% of children are underweight 14.0% of the population is undernourished and 8.5% of children who die under the age of 5 die from hunger.
- **Uttar Pradesh:** In this state 42.3% of children are underweight 14.5% of the population is undernourished and 9.6% of children who die under the age of 5 die from hunger.
- **West Bengal:** In this state 38.5% of children are underweight 18.5% of the population is undernourished and 5.9% of children who die under the age of 5 die from hunger.

### The Step taken by the Government to prevent malnutrition in Children

#### Midday meal scheme in Indian schools

The Mid Day Meal is the world's largest school feeding programme reaching out to about 12 crore children in over 12.65 lakh schools/EGS centres across the country. It was initially launched on 15 August 1995 in 2408 blocks across the country. By the year 1997-98 the NP-NSPE was introduced in all blocks of the country. With a view to enhancing enrollment, retention and attendance and simultaneously improving nutritional levels among children, the National Programme of Nutritional Support to Primary Education (NP-NSPE) was launched as a Centrally Sponsored Scheme on 15th August 1995,

Mid Day Meal in schools has had a long history in India. In 1925, a Mid Day Meal Programme was introduced for disadvantaged children in Madras Municipal Corporation. By the mid 1980s three States viz. Gujarat, Kerala and Tamil Nadu and the UT of Pondicherry had universalized a

cooked Mid Day Meal Programme with their own resources for children studying at the primary stage. By 1990-91 the number of States implementing the mid day meal programme with their own resources on a universal or a large scale had increased to twelve states.

### **Integrated child development scheme**

The Government of India has started a program called **Integrated Child Development Services (ICDS)** in the year 1975. ICDS has been instrumental in improving the health of mothers and children under age 6 by providing health and nutrition education, health services, supplementary food, and pre-school education. The ICDS national development program is one of the largest in the world. It reaches more than 34 million children aged 0–6 years and 7 million pregnant and lactating mothers. Other programs impacting on under-nutrition include the National Midday Meal Scheme, the National Rural Health Mission, and the Public Distribution System (PDS). The challenge for all these programs and schemes is how to increase efficiency, impact and coverage.

### **National Children's Fund**

The National Children's Fund was created during the International Year of the Child in 1979 under the Charitable Endowment Fund Act, 1890. This Fund Provides support to the voluntary organisations that help the welfare of kids.

### **National Plan of Action for Children**

India is a signatory to the 27 survival and development goals laid down by the World Summit on children 1990. In order to implement these goals, the Department of Women & Child Development has formulated a National Plan of Action on Children. Each concerned Central Ministries/Departments, State Governments/U.Ts. and Voluntary Organisations dealing with women and children have been asked to take up appropriate measures to implement the Action Plan. These goals have been integrated into National Development Plans. A Monitoring Committee under the Chairpersonship of Secretary (Women & Child Development) reviews the achievement of goals set in the National Plan of Action. All concerned Central Ministries/Departments are represented on the Committee.

15 State Government in India have prepared State Plan of Action on the lines of National Plan of Action specifying targets for 1995 as well as for 2000 and spelling out strategies for holistic child development.

### **United Nations Children's Fund**

Department of Women and Child Development is the nodal department for UNICEF. India is associated with UNICEF since 1949 and is now in the fifth decade of cooperation for assisting most disadvantaged children and their mothers. Traditionally, UNICEF has been supporting India in a number of sectors like child development, women's development, urban basic services, support for community based convergent services, health, education, nutrition, water

& sanitation, childhood disability, children in especially difficult circumstances, information and communication, planning and programme support. India is presently a member on the UNICEF Executive Board till 31 December 1997. The board has 3 regular sessions and one annual session in a year. Strategies and other important matters relating to UNICEF are discussed in those meetings. A meeting of Government of India and UNICEF officials was concurred on 12 November 1997 to finalise the strategy and areas for programme of cooperation for the next Master Plan of operations 1999–2002 which is to synchronise with the Ninth Plan of Government of India.

### **National Rural Health Mission**

The National Rural Health Mission of India mission was created for the years 2005–2012, and its goal is to improve the availability of and access to quality health care by people, especially for those residing in rural areas, the poor, women, and children.

The subset of goals under this mission is as following:

- Reduce infant mortality rate (IMR) and maternal mortality ratio (MMR)
- Provide universal access to public health services
- Prevent and control both communicable and non-communicable diseases, including locally endemic diseases
- Provide access to integrated comprehensive primary healthcare
- Create population stabilisation, as well as gender and demographic balance
- Revitalize local health traditions and mainstream AYUSH
- Finally, to promote healthy life styles

## SCHEDULED CASTE, SCHEDULED TRIBES AND OTHER BACKWARD CASTES

### STATUS OF SC IN INDIA

#### Definition of Scheduled Castes

The Scheduled Castes (SCs) is a group of historically-disadvantaged people recognised by the Constitution of India or the people who are placed at the bottom of the traditional caste system. People of this group in the history performed unclean occupations of the society. As per the recommendation of the Government of Independent India, the President of India in October 1950 included a number of castes in the list of Scheduled Castes following the provisions mentioned under Article 341 (SC) of Constitution of India. The article provides rights to enjoy the social welfare schemes of the government and be a part of the development of the nation to the people who are the member of this category.

The Constitution (Scheduled Castes) Order, 1950 lists 1,108 castes across 25 states in its First Schedule and as per the latest amendment in 2008, the list included 1208 scheduled castes across India. The Scheduled Castes of India are put under the reserved categories following the guidelines of the Indian Constitution. The reservation policy became an integral part of the Indian Constitution by the efforts made by Bhimrao Ambedkar, who fought for the rights of the oppressed and depressed classes.

#### Nutritional Content- to achieve the objective a cooked midday meal should have:

Components	Primary	Upper Primary
Calories	450 gms	700
Protein	12 gms	20 gms
Micro-Nutrients	Adequate quantities of micro-nutrients like Iron, Folic Acid and Vitamin-A	

#### Components of Central Assistance:

Mid Day Meal Scheme provides the following assistance to State Governments/UT

#### Administrations:

(i) Supply of free food grains (wheat/rice) @100 grams per child per School Day from the nearest FCI go-down for primary classes (I-V).

(ii) Supply of free food grains (wheat/rice) @150 grams per child per School Day from the nearest FCI go-down for upper primary classes (VI-VIII)

### **Problems Faced by the Scheduled Castes in India**

- Lowest Status in the Hierarchy
- Education Disabilities
- Civic Disabilities that includes Religious Disabilities and Economic Disabilities
- No Right of Property Ownership
- Selection of Occupations Limited
- Landless Labours
- Political Disabilities

## **CONSTITUTIONAL PROVISIONS FOR SC**

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Provisions for Scheduled Castes mentioned **Under Part XVI - Special Provisions Relating to Certain Classes in the Constitution of India.**

### **Article 335: Claims of Scheduled Castes and Scheduled Tribes to services and posts.-**

The claims of the members of the Scheduled Castes and Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State. 289B Provided that nothing in this article shall prevent in making of any provision in favour of the members of the Scheduled Castes and the Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State

### **Article 341: Scheduled Castes.**

(1) The President 296 [may with respect to any State 297 [or Union territory], and where it is a State 298, after consultation with the Governor 299 thereof,] by public notification 300, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State 301 [or Union territory, as the case may be].

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

## Constitutional Safeguards

The Constitution offers seat reservation following the proportion of SCs in the lower and Upper House (Lok Sabha and Rajya Sabha) of the Indian Parliament under Article 330 and Article 332 respectively.

**Article 15 (4) that mentions Fundamental Rights, Right to Equality** it is mentioned that Nothing in this Article or in Clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

### Article 16- Equality of opportunity in matters of public employment - Article 16 (4A) and (4B)

**4(A)** - Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.

**(4B)** - Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under Clause (4) or Clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty percent reservation on total number of vacancies of that year.

### Services under the Union and the States:

**Article 320 (4)** - Functions of Public Service Commission's - Section (4) Nothing in clause (3) shall require a Public Service Commission to be consulted as respects the manner in which any provision referred to in clause (4) of article 16 may be made or as respects the manner in which effect may be given to the provisions of article 335.

## Chapter 3.3: Schemes for Welfare of SC

- Centrally sponsored Scheme of Pre-Matric Scholarship for Scheduled Castes Students - **Article 46 of Part IV ("Directive Principles of State Policy")** of the Constitution enjoins upon the State to promote with special care the educational and economic interests of the weaker sections of the people, in particular, of the Scheduled Castes and the Scheduled Tribes. **Article 38(2) of the same Part** also enjoins upon the State to minimize inequities in income and to endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.

- Central Sector Scheme of **Rajiv Gandhi National Fellowship** for Providing Scholarships to Scheduled Caste Students to pursue programmes in Higher Education such as M.Phil and Ph.D (Effective from 1 April 2010)
- Centrally-sponsored Pilot Scheme of **Pradhan Mantri Adarsh Gram Yojana (PMAGY)**: Government of India have approved implementation of a new Centrally-sponsored Pilot Scheme called Pradhan Mantri Adarsh Gram Yojana (PMAGY) from the financial year, 2009-10, for integrated development of 1000 villages in the country, each with more than 50% Scheduled Castes (SC) population.
- **Babu Jagjivan Ram Chhatrawas Yojana**: (The Centrally Sponsored Scheme of Hostels for SC Girls and Boys) earlier centrally sponsored scheme of hostels for SC boys and girls has been revised and is renamed as "Babu Jagjivan Ram Chhatrawas Yojana w.e.f. 1 January 2008. The scheme of construction of hostels is one of the means to enable and encourage students belonging to scheduled castes to attain quality education. The main modifications included in the revised scheme are-
  - a) 100% central assistance to States/UTs and Central Universities and 90% to deemed universities and private bodies for construction of girls hostel
  - b) Period of construction of hostels has been decreased from existing 5 years to 2 years.
- **Post-Matric Scholarship for SC Students**: The Post Matric Scholarships enables a considerable number of Scheduled Caste students to obtain post-matric and higher level of education resulting in their overall educational and economic development. The Scheme provides for 100 per cent Central Assistance to the State Governments and UT Administrations over and above the respective committed liability of the State/UT.
- **Pre-Matric Scholarships for the Children of those Engaged in Unclean Occupations**: Under the scheme, 100% central assistance is provided to State Governments/UT Administrations from the Government of India for the total expenditure under the Scheme, over and above their respective Committed Liability to implement this Scheme. The main objective of the scheme includes financial assistance to children, whose parents belong to the category in form of –
  - a) Persons who are either presently engaged in manual scavenging or were so engaged up to or after 1 January 1997 or the date on which the **The Employment of manual scavengers and construction of Dry latrines (Prohibition) Act 1993** came into force in their State/UT, whichever is earlier
  - b) Tanners
  - c) Flayers
- **Central Sector Scholarship Scheme of Top Class Education for SC Students (Effective from June 2007)**: Scheme framed in pursuance of the Union Budget 2005-06 announcements is effective from 21st June, 2007.
  - a) Objective of the scheme is to promote qualitative education amongst SC students, by providing full financial support for pursuing studies beyond 12th class.
- **National Overseas Scholarships for Scheduled Castes (SC) etc. Candidates**: Regulations governing the Central Sector Scheme of National Overseas. Scholarship for SC etc.



**candidates for Selection Year 2010-2011 (Plan).** The Scheme provides financial assistance to the finally selected candidates for pursuing Master level courses and Ph.D abroad in following specified fields of study:

- a) Engineering
- b) Management
- c) Pure Sciences
- d) Agricultural Science
- e) Medicine
- Special Educational Development Programme for Scheduled Castes Girls belonging to low Literacy Levels

**Financial Institutions for economic development of disadvantaged groups have been set up and they are:**

- National Scheduled Castes Finance & Development Corporation (NSFDC)
- National Safaikaramcharis Finance & Development Corporation (NSKFDC)
- Assistance to Scheduled Castes Development Corporations (SCDCs)
- National Commission for Safai Karamcharis

## NATIONAL COMMISSION FOR SC

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### About the Commission and History behind its formation

1. In order to ensure that the safeguards are properly implemented the Constitution on its inception, provided for appointment of a special office under **Article 338 of the Constitution** to investigate all matters relating to the safeguards provided for Scheduled Castes & Scheduled Tribes and report to the President about the working of these safeguards. In pursuance of this provision a Special Officer known as the Commissioner for Scheduled Castes & Scheduled Tribes was appointed for the first time on 18 November 1950.

2. It was felt that the office of the Commissioner for Scheduled Castes and Scheduled Tribes was not enough to monitor the safeguards provided to SCs & STs. Hence, due to voice raised by Members of Parliament, a proposal was mooted for **Amendment of Article 338 of the Constitution (46th Amendment)** by replacing the single member Special Officer by multi-member system. The first Commission for SC & ST came into being on August 1978, with effect from 1 December 1978.

3. The functions of the Commission for SCs & STs and of the O/o Commissioner for SCs & STs co-existed till 11 March 1992. The erstwhile O/o Commissioner for SCs/STs during their office had submitted 30 reports.

4. The setup of the Commission of 1978 underwent change in 1987 and it was named as National Commission for Scheduled Castes and Scheduled Tribes. This Commission being a National Level Advisory body played the role of adviser on major policy and developmental

issues relating to SCs/STs. This Commission for SCs & STs had submitted 8 reports during its tenure.

5. The National Commission for SCs & STs came into being consequent upon the 65th Amendment Bill, 1990 notified on 8 June 1990, and rules there under were notified on 3 November 1990.

6. In the **89th Amendment of the Constitution** it was decided to have a separate National Commission for Scheduled Castes & separate National Commission for Scheduled Tribes. This came into effect on 19 February 2004. The erstwhile **National Commission for SCs & STs was bifurcated into two different Commissions with actual bifurcation date being 1 December 2004**. After bifurcation there are at present 12 State Offices under the jurisdiction of NCSC. These are located at Agartala, Ahmedabad, Bangalore, Chandigarh, Chennai, Guwahati, Hyderabad, Kolkata, Lucknow, Patna, Pune & Thiruvananthapuram.

This is the **third National Commission for Scheduled Castes** and **Dr P.L Punia is the Chairperson** of the National Commission for Scheduled Castes at present.

### Functions and Duties of the Commission

**2.1 The functions, duties and power of the Commission have been laid down in clauses (5), (8) and (9) of the Article 338 of the Constitution.**

**Clause (5):** It shall be the duty of the Commission

1. To investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes under the 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
2. To inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes
3. 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 Union and any State
4. To present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards
5. 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
6. 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 the rule specify

**Clause (8)** - The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely

- a) Summoning and enforcing the attendance of any person from any part of India and examining him on oath
- b) Requiring the discovery and production of any documents
- c) Receiving evidence on affidavits
- d) Requisitioning any public record or copy thereof from any court or office
- e) Issuing commissions for the examination of witnesses and documents
- f) Any other matter which the President may by rule, determine

**Clause (9)** - The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Castes

## STATUS OF SCHEDULED TRIBES IN INDIA

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### Scheduled Tribes

**Scheduled Tribes (STs)** is a group of historically-disadvantaged people recognised in the Constitution of India and these tribes are not a part of the traditional caste system prevalent in the Indian society. The STs actually live in the forests, hills, deserts and islands and have their own social and cultural organization.

Scheduled Tribes comprise about 7.5 percent, of India's population. The proportion of Scheduled Tribes in the country's population has steadily risen since independence in 1947. The Constitution (Scheduled Tribes) Order, 1950 lists 744 tribes across 22 states in its First Schedule.

### Constitutional Definition of STs

The term Scheduled Tribes first appeared in the Constitution of India. **Article 366 (25)** defined scheduled tribes as such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under Article 342 to be Scheduled Tribes for the purposes of this constitution. **Article 342**, which is reproduced below, prescribes procedure to be followed in the matter of specification of scheduled tribes.

## CONSTITUTIONAL PROVISIONS FOR ST

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### Article 342 Scheduled Tribes

- The President may, with respect to any State or Union territory, and where it is a state, after consultation with the Governor thereof by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall, for the purposes of this constitution, be deemed to be scheduled tribes in relation to that state or Union Territory, as the case may be.

- Parliament may by law include in or exclude from the list of Scheduled tribes specified in a notification issued under **Clause(1)** any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid, a notification issued under the said clause shall not be varied by any subsequent notification.

Thus, the first specification of Scheduled Tribes in relation to a particular State/ Union Territory is by a notified order of the President, after consultation with the State governments concerned. These orders can be modified subsequently only through an Act of Parliament. The above Article also provides for listing of scheduled tribes State/Union Territory wise and not on an all India basis.

- The criterion followed for specification of a community, as scheduled tribes are indications of primitive traits, distinctive culture, geographical isolation, shyness of contact with the community at large, and backwardness. This criterion is not spelt out in the Constitution but has become well established. It subsumes the definitions contained in 1931 Census, the reports of first Backward Classes Commission 1955, the Advisory Committee (Kalelkar), on Revision of SC/ST lists (Lokur Committee), 1965 and the Joint Committee of Parliament on the Scheduled Castes and Scheduled Tribes orders (Amendment) Bill 1967 (Chanda Committee), 1969.
- In exercise of the powers conferred by Clause (1) of Article 342 of the Constitution of India, the President, after Consultation with the State Governments concerned have promulgated so far 9 orders specifying the Scheduled Tribes in relation to the state and union territories. Out of these, eight are in operation at present in their original or amended form. One order namely the Constitution (Goa, Daman & Diu) Scheduled Tribes order 1968 has become defunct on account of reorganization of Goa, Daman & Diu in 1987. Under the Goa, Daman & Diu reorganization Act 1987 (18 of 1987) the list of Scheduled Tribes of Goa has been transferred to part XIX of the Schedule to the Constitution (Scheduled Tribes) Order, 1950 and that of Daman & Diu II of the Schedule of the Constitution (Scheduled Tribes) (Union Territories) Order, 1951.

No community has been specified as Scheduled Tribe in relation to the State of Haryana and Punjab and Union Territories of Chandigarh, Delhi and Pondicherry. State/ Union-Territory wise list of Scheduled Tribes is at Annexure-I and alphabetical list of STs is at Annexure-II

## ISSUE OF SCHEDULED TRIBES CERTIFICATE - POINTS TO BE OBSERVED

### (a) General

Where a person claims to belong to a Scheduled Tribe by birth it should be verified

- i. That the person and his parents actually belong to the community claimed
- ii. That the community is included in the Presidential Order specifying the Scheduled Tribes in relation to the concerned State.

- iii. That the person belongs to that State and to the area within that State in respect of which the community has been scheduled.
- iv. He may profess any religion.
- v. That he should be permanent resident on the date of notification of the Presidential Order applicable in his case.
- vi. Person who is temporarily away from his permanent place of abode at the time of the notification of the Presidential order applicable in his case, say for example to earn a living or seek education, etc can also be regarded as a scheduled tribe, if his tribe has been specified in that order in relation to his state/ union territory. But he cannot be treated as such in relation to the place of his temporary residence notwithstanding the fact that the name of his tribe has been scheduled in respect of that area in any Presidential Order.

In the case of persons born after the date of notification of the relevant Presidential Order, the place of residence for the purpose of acquiring Scheduled Tribe Status is the place of permanent abode of their parents at the time of the notification of the presidential order under which they claim to belong to such a tribe.

**(b) Scheduled Tribe claims on migration**

- i. Where a person migrates from the portion of the state in respect of which his community is scheduled to another part of the same state in respect of which community is not scheduled, he will continue to be deemed to be a member of the Scheduled Tribe, in relation to that State
- ii. Where a person migrates from one state to another, he can claim to belong to a scheduled tribe, only in relation to the State to which he originally belonged and not in respect of the state to which he has migrated.

**(c) Scheduled Tribe claims through marriages:** The guiding principle is that no person who was not a Scheduled Tribes by birth will be deemed to be a member of Scheduled Tribe merely because he or she has married a person belonging to a Scheduled Tribe.

Similarly a person who is a member of a schedule tribe would continue to be a member of that scheduled Tribe, even after his or her marriage with a person who does not belong to a Scheduled Tribe.

**(d) Issue of Scheduled Tribe Certificates:** The candidates belonging to Scheduled Tribes may be issued Scheduled Tribe Certificates, in the prescribed form (Annexure-III) from one of the prescribed authorities in support of their claim.

**(e) Punishments for officials issuing Scheduled Tribe Certificates without proper verification**

**(f) Liberalization of procedure for the issue of Scheduled Tribe certificates to migrants from other States/ Union Territories.**

Person belonging to Scheduled Tribes, who have migrated from one State to another for the purpose of employment, education etc. experience great difficulty in obtaining tribe certificate from the State from which they have migrated. In order to remove this difficulty, it has been decided that the prescribed authority of a State government/Union Territory Administration may issue the Scheduled Tribe certificate to a person who has migrated from another state, on the production of the genuine certificate issued to his father/ mother's origin except where the prescribed authority feels that detailed inquiry is necessary through the State of origin before issue of the certificate. The certificate will be issued irrespective of whether the tribe in question is scheduled or not in relation to the State/ Union Territory to which the person has migrated. However, they would not be entitled to ST benefits in the migrated State.

## **CONSTITUTIONAL PROVISIONS RELATED TO STS**

### **II. Provisions relating to STs**

<b>II.A-Definition and Specification of STs</b>	
Article	Title
342	Scheduled Tribes
366	Definition

<b>II.B-Educational, Economic and Public Employment-related Safeguards</b>	
Article 15	Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth
Article 16	Equality of opportunity in matters of public employment
Article 19	Protection of certain rights regarding freedom of speech, etc.
Article 46	Promotion of Educational and Economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections
Article 335	Claims of Scheduled Castes and Scheduled

	Tribes to services and posts
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<b>II.C-Political Safeguards</b>	
Article 330	Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People
Article 332	Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States
Article 334	Reservation of seats and special representation to cease after sixty years
Article 243D	Reservation of seats (in Panchayats)
Article 243T	Reservation of seats

<b>II.D-Agency for monitoring safeguards</b>	
Article 338 A	National Commission for Scheduled Tribe

## **SCHEMES FOR WELFARE OF ST**

<b>Schemes Related to Education</b>	<ul style="list-style-type: none"> <li>• Top Class Education for ST Students</li> <li>• Upgradation of Merit for ST Students</li> <li>• Vocational Training Centres in Tribal Areas</li> <li>• National Overseas Scholarships for Scheduled Tribe Students</li> <li>• Rajiv Gandhi National Fellowship for ST Students</li> <li>• Post Matric Scholarships to the Students Belonging to Scheduled Tribes for Studies in India</li> <li>• Centrally Sponsored Scheme of Hostels for ST boys and ST Girls</li> <li>• PRE-MATRIC SCHOLARSHIP (Class IX</li> </ul>
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	and X) w.e.f. 01-07-2012
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<b>Special Grants</b>	<ul style="list-style-type: none"> <li>• Special Central Assistance to Tribal Sub Plan</li> <li>• Grants under Article 275 (1) of the Constitution of India</li> <li>• Eklavya Model Residential Schools (EMRS)</li> <li>• Establishment of Ashram Schools in Tribal Sub-Plan Areas</li> </ul>
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<b>NGO's</b>	<p>Scheme of Coaching for Scheduled Tribes</p> <p>Revised Scheme of Grant in Aid to Voluntary Organizations working for welfare of Scheduled Tribes (with effect from 1st April 2008)</p> <p>Scheme of Development of Primitive Tribal Groups (PTGs)</p> <p>Schemes of strengthening education among Scheduled Tribes Girls in a low literacy Districts</p>
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<b>CP-R's</b>	<ul style="list-style-type: none"> <li>• Scheme of Investment in TRIFED</li> <li>• Scheme of Marketing Development of Tribal Products/Produce</li> <li>• Scheme of Grants-in-Aid to STDCCs for MFP Operations</li> </ul>
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<b>R-M's</b>	<ul style="list-style-type: none"> <li>• Scheme of Centres of Excellence</li> <li>• Research Training: Grants to Tribal Research Institutes</li> </ul>
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### Some more important schemes

- Scheme for development of Primitive Tribal Groups (PTGs)
- Girls/Boys Hostel for STs
- Vocational training centres in Tribal Areas

## MINISTRY OF TRIBAL AFFAIRS

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The **Ministry of Tribal Affairs** was constituted in October 1999 with the objective of providing more focused attention on the integrated socio-economic development of the most underprivileged sections of the Indian society namely, the Scheduled Tribes (STs), in a coordinated and planned manner. The Ministry of Tribal Affairs is the nodal Ministry for the overall policy, planning and coordination of programmes for development of STs.

The Ministry of Tribal Affairs undertakes activities that flow from the subjects allocated under the Government of India (Allocation of Business) Rules, 1961. These include:

- Social security and social insurance to the Scheduled Tribes
- **Tribal Welfare:** Tribal welfare planning, project formulation, research, evaluation, statistics and training
- Promotion and development of voluntary efforts on tribal welfare
- Scheduled Tribes, including scholarship to students belonging to such tribes
- Development of Scheduled Tribes 5(a) All matters including legislation relating to the rights of forest dwelling Scheduled Tribes on forest lands
- Implementation of the **Protection of Civil Rights Act, 1955 (22 of 1955)** and the **Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (33 of 1989)**, excluding administration of criminal justice in regard to offences in so far as they relate to Scheduled Tribes.

### Rules and Regulations

- Forest Rights Act 2006
- Protection of Civil Rights Act, 1955
- Protection of Civil Right Rules, 1977
- SC/ST (Prevention of Atrocities) Act, 1989
- SC/ST (Prevention of Atrocities) Rules, 1995
- PESA 1996
- The Constitution (eighty-ninth amendment) ACT 2003

## NATIONAL COMMISSION FOR SCHEDULED TRIBES

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The **National Commission for Scheduled Tribes (NCST)** was established by amending **Article 338** and inserting a new **Article 338A** in the **Constitution** through the **Constitution (89th**

**Amendment) Act, 2003.** By this amendment, the erstwhile National Commission for Scheduled Castes and Scheduled Tribes was replaced by two separate Commissions namely-

- (i) The National Commission for Scheduled Castes (NCSC),
- (ii) The National Commission for Scheduled Tribes (NCST) w.e.f. 19 February 2004. Detailed background information about the historical evolution of the National Commission has been given in Chapter-1 of the first Report of the Commission for the year 2004-05 and 2005-06.

The second commission was chaired by Urmila Singh. The third Commission comprised of Dr. Rameshwar Uraon, Chairperson, K. Kamala Kumari, Member and Shri Bheru Lal Meena, Member. The posts of Vice chairperson and one member in the Commission are lying vacant.

### **Functions of the Commission (Under Clause (5) of Art. 338A)**

To investigate & Monitor matters relating to Safeguards provided for STs under the Constitution or under other laws or under Govt. Order, to evaluate the working of such Safeguards.

To inquire into specific complaints relating to Rights & Safeguards of STs;

To participate and Advise in the Planning Process relating to Socio-economic development of STs, and to Evaluate the progress of their development under the Union and any State;

To submit report to the President annually and at such other times as the Commission may deem fit, upon/ working of Safeguards, Measures required for effective implementation of Programmers/ Schemes relating to Welfare and Socio-economic development of STs;

To discharge such other functions in relation to STs as the President may, subject to the provisions of any law made by Parliament, by rule specify;

The Commission would also discharge the following other functions in relation to the protection, welfare and development & advancement of the Scheduled Tribes, namely:-

- i) Measures that need to be taken over conferring ownership rights in respect of minor forest produce to the Scheduled Tribes living in forest areas.
- ii) Measures to be taken to safeguard rights to the Tribal Communities over mineral resources, water resources etc. as per law.
- iii) Measures to be taken for the development of tribals and to work for move viable livelihood strategies.
- iv) Measures to be taken to improve the efficacy of relief and rehabilitation measures for tribal groups displaced by development projects.

- v) Measures to be taken to prevent alienation of tribal people from land and to effectively rehabilitate such people in whose case alienation has already taken place.
- vi) Measures to be taken to elicit maximum cooperation and involvement of Tribal Communities for protecting forests and undertaking social afforestation.
- vii) Measures to be taken to ensure full implementation of the Provisions of Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996).
- viii) Measures to be taken to reduce and ultimately eliminate the practice of shifting cultivation by Tribals that lead to their continuous disempowerment and degradation of land and the environment
- ix) Copy of **Ministry of Tribal Affairs** notification dated 23.08.2005 regarding the extended terms of reference of NCST
- x) NCST letter dated 21/10/2008 to MTA furnishing detailed proposal for strengthening of NCST
- xi) D.O. Letter dated 13/01/2011 from Chairperson NCST to the Minister for Tribal Affairs
- xii) UO dated 24/05/2010 from PMO to Ministry of Tribal Affairs regarding action to be taken on important pending issues
- xiii) D.O letter dated 05/03/2010 from VC, NCST to Minister to Minister for Tribal Affairs for resolving critical issues involved in efficient performance of NCST

## **SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006**

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In order to provide the land and forest rights to the tribals and other forest dwellers, the Government enacted **the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006**, notified for operation with effect from 31 December 2007. The Act undo's the historical injustice done to tribals and Forest dwellers living there for last three generations, before 13 December 2005, by providing them following rights-

### **Rights Recognized by the Act**

- Right to hold and live in the forestland under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers.
- Community rights such as nistar, by whatever name called, including those used in erstwhile Princely States, zamindari or such intermediary regimes.
- Right of ownership, access to collect, use and dispose of minor forest produce which has been traditionally collected within or outside village boundaries.

- Other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities.
- Rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities.
- Rights in or over disputed lands under any nomenclature in any State where claims are disputed.
- Rights for conversion of pattas or leases or grants issued by any local authority or any State Government on forestlands to titles.
- Rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages.
- Right to protect, regenerate or conserve or manage any community forest resources which they have been traditionally protecting and conserving for sustainable use.
- Rights which are recognized under any State law or laws of any Autonomous district Council or Autonomous Regional Council or which are accepted as rights of tribal's under any traditional or customary law of the concerned tribe of any State.
- Right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity.
- Any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal.
- Right to in situ rehabilitation including alternative land in cases where the Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.

## **TRIBAL DEVELOPMENT**

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- Adoption of the five principles of tribal development Panchseel that was adopted in 1956
- Multi-purpose Tribal Development Blocks were developed for STs in 1961
- Setting up of the Tribal Co-Operative Marketing Development Federation in 1987
- Establishment of the national Scheduled Castes and Scheduled Tribes Finance and Development Corporation in 1989
- Following the provisions of 73<sup>rd</sup> and 74<sup>th</sup> Constitutional amendments of the year 1993, efforts for participatory development of STs into the PSIs and Gram Sabhas is being carried on

- Panchayat's Extension of the **Scheduled Areas PESA Act 1996**
- Formation of separate National Scheduled Tribes Finance and Development Corporation 2001

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# MINORITIES

## MINORITIES IN INDIA

Minority has no particular definition in the Constitution of India, but generally they are categorized in two different patterns and these are

- On the basis of religion
- On the basis of tongue i.e. the language that they speak

Five communities had been notified as minorities by the Central Government of India and these includes Sikhs, Muslims, Christians, Buddhists and Zoroastrians. Whereas, the linguistic minorities are segmented and identified state wise.

## CONSTITUTIONAL PROVISIONS FOR MINORITIES

- **Part III: Fundamental Rights, Cultural and Educational Rights**
  - a) **Article 29: Protection of interests of minorities**

(1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.

(2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

- **Part III: Fundamental Rights, Cultural and Educational Rights**
  - b) **Article 30: Right of minorities to establish and administer educational institutions**

(1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

20[(1A) In making any law providing for the compulsory acquisition of any property of any educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.]

(2) The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

## NATIONAL COMMISSION FOR MINORITY EDUCATION INSTITUTIONS BILL-2009

## Rights of Minority Educational Institutions

The National Commission for Minority Educational Institutions Act 2004 (2 of 2005) as amended by the NCMEI (Amendment Act 2006) lays down rights of Minority Educational Institutions as under:

### Right to establish a Minority Educational Institution

- Any person who desires to establish a Minority Institution may apply to the competent authority for the grant of no objection certificate for the said purpose.
- The Competent authority shall
  - a) On perusal of documents, affidavits or other evidence, if any
  - b) After giving an opportunity of being heard to the applicant, decide every application filed under sub-section (1) as expeditiously as possible and grant or reject the application, as the case may be:

Provided that where an application is rejected, the competent authority shall communicate the same to the applicant.

- Where within a period of ninety days from the receipt of the application under sub-section (1) for the grant of no objection certificate
  - a) The Competent authority does not grant such certificate; or
  - b) where an application has been rejected and the same has not been communicated to the person who has applied for the grant of such certificate,

It shall be deemed that the competent authority has granted a no objection certificate to the applicant.

### The National Commission for Minority Educational Institutions (Amendment) Bill, 2009

A Bill further to amend the **National Commission for Minority Educational Institutions Act, 2004**

Enacted by Parliament in the **Sixtieth Year of the Republic of India** as follows

1. This Act may be called the **National Commission for Minority Educational Institutions (Amendment) Act, 2009**.
2. In section 2 of the National Commission for Minority Educational Institutions Act, 2004 (hereinafter referred to as the principal Act), for clause (g), the following clause shall be substituted, namely — (g) Minority Educational Institution means a college or an educational institution established and administered by a minority or minorities
3. In section 3 of the principal Act, in sub-section (2), for the words two member, the words three members shall be substituted.
4. In section 10 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely — (1) Subject to the provisions contained in any other law for the



time being in force, any person, who desires to establish a Minority Educational Institution, may apply to the competent authority for the grant of no objection certificate for the said purpose.

5. In section 12B of the principal Act, in sub-section (4), the words and in consultation with the State Government shall be omitted

## PM 15 POINT PROGRAMME FOR THE WELFARE OF MINORITIES

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### (A) Enhancing opportunities for Education

#### (1) Equitable availability of ICDS Services

The **Integrated Child Development Services (ICDS) Scheme** is aimed at holistic development of children and pregnant/lactating mothers from disadvantaged sections, by providing services through Anganwadi Centres such as supplementary nutrition, immunization, health check-up, referral services, pre-school and non-formal education. A certain percentage of the ICDS projects and Anganwadi Centres will be located in blocks/villages with a substantial population of minority communities to ensure that the benefits of this scheme are equitably available to such communities also.

#### (2) Improving access to School Education

Under the **Sarva Shiksha Abhiyan, the Kasturba Gandhi Balika Vidyalyaya Scheme**, and other similar Government schemes, it will be ensured that a certain percentage of all such schools are located in villages/localities having a substantial population of minority communities.

#### (3) Greater resources for teaching Urdu

Central assistance will be provided for **recruitment and posting of Urdu language teachers** in primary and upper primary schools that serve a population in which at least one-fourth belong to that language group.

#### (4) Modernizing Madarsa Education

The **Central Plan Scheme of Area Intensive and Madarsa Modernization Programme** provides basic educational infrastructure in areas of concentration of educationally backward minorities and resources for the modernization of Madarsa education. Keeping in view the importance of addressing this need, this programme will be substantially strengthened and implemented effectively.

#### (5) Scholarships for meritorious students from minority communities

**Schemes for pre-matric and post- matric scholarships** for students from minority communities will be formulated and implemented.

#### (6) Improving educational infrastructure through the Maulana Azad Education Foundation

The Government shall provide all possible assistance to **Maulana Azad Education Foundation (MAEF)** to strengthen and enable it to expand its activities more effectively.

## **(B) Equitable Share in Economic Activities and Employment**

### **(7) Self-Employment and Wage Employment for the poor**

- a) The **Swarnjayanti Gram Swarojgar Yojana (SGSY)**, the primary self-employment programme for rural areas, has the objective of bringing assisted poor rural families above the poverty line by providing them income generating assets through a mix of bank credit and Governmental subsidy. A certain percentage of the physical and financial targets under the SGSY will be earmarked for beneficiaries belonging to the minority communities living below the poverty line in rural areas.
- b) The **Swarn Jayanti Shahari Rojgar Yojana (SJSRY)** consists of two major components namely, the **Urban Self-Employment Programme (USEP)** and the **Urban Wage Employment Programme (UWEP)**. A certain percentage of the physical and financial targets under USEP and UWEP will be earmarked to benefit people below the poverty line from the minority communities.
- c) The **Sampurna Grameen Rozgar Yojana (SGRY)** is aimed at providing additional wage employment in rural areas alongside the creation of durable community, social and economic infrastructure. Since the **National Rural Employment Guarantee Programme (NREGP)** has been launched in 200 districts, and SGRY has been merged with NREGP in these districts, in the remaining districts, a certain percentage of the allocation under SGRY will be earmarked for beneficiaries belonging to the minority communities living below the poverty line till these districts are taken up under NREGP. Simultaneously, a certain percentage of the allocation will be earmarked for the creation of infrastructure in such villages, which have a substantial population of minorities.

### **(8) Upgradation of skills through technical training**

A very large proportion of the population of minority communities is engaged in low-level technical work or earns its living as handicraftsmen. Provision of technical training to such people would upgrade their skills and earning capability. Therefore, a certain proportion of all new ITIs will be located in areas predominantly inhabited by minority communities and a proportion of existing ITIs to be upgraded to **Centres of Excellence** will be selected on the same basis.

### **(9) Enhanced credit support for economic activities**

- a) The **National Minorities Development & Finance Corporation (NMDFC)** was set up in **1994** with the objective of promoting economic development activities among the minority communities. The Government is committed to strengthen the NMDFC by providing it greater equity support to enable it to fully achieve its objectives.
- b) Bank credit is essential for creation and sustenance of self-employment initiatives. A target of 40% of net bank credit for priority sector lending has been fixed for domestic

banks. The priority sector includes, inter alia, agricultural loans, loans to small-scale industries & small business, loans to retail trade, professional and self-employed persons, education loans, housing loans and micro-credit. It will be ensured that an appropriate percentage of the priority sector lending in all categories is targeted for the minority communities.

#### **(10) Recruitment to State and Central Services**

- a) In the recruitment of police personnel, State Governments will be advised to give special consideration to minorities. For this purpose, the composition of selection committees should be representative.
- b) The Central Government will take similar action in the recruitment of personnel to the Central police forces.
- c) Large scale employment opportunities are provided by the Railways, nationalized banks and public sector enterprises. In these cases also, the concerned departments will ensure that special consideration is given to recruitment from minority communities.
- d) An exclusive scheme will be launched for candidates belonging to minority communities to provide coaching in government institutions as well as private coaching institutes with credibility.

#### **(C) Improving the conditions of living of minorities**

##### **(11) Equitable share in rural housing scheme**

The **Indira Awaas Yojana (IAY)** provides financial assistance for shelter to the rural poor living below the poverty line. A certain percentage of the physical and financial targets under IAY will be earmarked for poor beneficiaries from minority communities living in rural

##### **(12) Improvement in condition of slums inhabited by minority communities**

Under the schemes of **Integrated Housing & Slum Development Programme (IHSDP)** and **Jawaharlal Nehru National Urban Renewal Mission (JNNURM)**, the Central Government provides assistance to States/UTs for development of urban slums through provision of physical amenities and basic services. It would be ensured that the benefits of these programmes flow equitably to members of the minority communities and to cities/slums, predominantly inhabited by minority communities.

#### **(D) Prevention & Control of Communal Riots**

##### **(13) Prevention of communal incidents**

In the areas, which have been identified as communally sensitive and riot prone, district and police officials of the highest known efficiency, impartiality and secular record must be posted. In such areas and even elsewhere, the prevention of communal tension should be one of the

primary duties of the district magistrate and superintendent of police. Their performances in this regard should be an important factor in determining their promotion prospects.

#### **(14) Prosecution for communal offences**

Severe action should be taken against all those who incite communal tension or take part in violence. Special court or courts specifically earmarked to try communal offences should be set up so that offenders are brought to book speedily.

#### **(15) Rehabilitation of victims of communal riots**

Victims of communal riots should be given immediate relief and provided prompt and adequate financial assistance for their rehabilitation.

### **Chapter 4.5: Sachar Committee on Minorities**

**The Government of India on 9 March 2005 issued a** Notification for the Constitution of a High Level Committee that was responsible for preparation of a report on the social, economic and educational status of the Muslim community of India. The seven-member High Level Committee was chaired by Justice Rajinder Sachar and it submitted its report in November 2006 to the Government.

Barring some generic observations about the causes for the 'development deficit' among Muslims, there is no explicit or detailed discussion of the causes of such conditions.

#### **Terms of Reference**

##### **The Committee's mandate was to**

- a) Obtain relevant information and conduct a literature survey on the relative social, economic and educational status of Muslims in India at the state, regional and district levels;
- b) Determine the level of their socio-economic development;
- c) Determine the relative share in public and private sector employment;
- d) Determine the proportion of OBCs from Muslim community in the total OBC population in various states,
- e) Determine access to education and health services, municipal infrastructure and bank credit provided by Government/ public sector entities

#### **Main Recommendations**

The Committee made a number of recommendations to address the status of the Muslim community in India, including:

- **Education**

- a) Emphasis on providing a minimum level of school education by the State is necessary. Regular affordable school education that is available to any other child in India should be made available to Muslims in all localities. Primary education in mother tongue is equally important.
- b) Access to government schools for Muslim children is limited. This is particularly so in regard to girls for whom the non-availability of schools within easy reach hampers access to education at the primary level.
- c) More schools for girls should be set up in localities of Muslim concentration, particularly for the 9-12 standards. This would facilitate higher participation of girls in school education. Induction of more female teachers, provision of hostels for girls and transport facilities would be helpful.
- d) Institution of more scholarships for professional and technical courses would encourage students to avail in greater measure of opportunities in higher education.
- e) Skill development initiatives for those who have not completed school education may also be particularly relevant for some section of Muslims given their occupational structure. The pre-entry qualifications for admission to ITI courses should be reduced to Class VIII. The scope of ITI courses should be expanded to focus on emerging market needs. The eligibility of such programmes should also be extended to Madrasa educated children

- **Economy and Employment Opportunities**

- a) Specific programmes for self-employed or home-based workers to provide skill, credit, technology and market support in backward districts are needed. These programmes should effectively combine modern managerial, technical and design skills with artisanal skills to create effective intervention strategies.
- b) ITIs, polytechnics and other institutions that provide skill training to non-matriculants need to be located in backward and minority concentration districts.
- c) Alternative mechanisms, including but not confined to micro financing bodies, should be identified and charged with the task of providing institutional support like market linkages, skill up-gradation and funding of trades being run by Muslims artisans.
- d) The Small Industrial Development Bank of India (SIDBI) should set aside a dedicated fund for training for minorities under its Entrepreneurial Development Programme.
- e) Imparting skills both to those who have completed school education, and those who have dropped out of school but have completed middle education, needs to be reassessed. Most existing technical training programmes require higher secondary education. Given the school completion rates of Muslims and the significant need for skill upgradation, provision of certain types of skill training after middle education may be useful.
- f) Given the precarious conditions of self-employed persons in the informal sector, especially the home-based workers, it is desirable to have a mandated social security system for such workers. Since the government is already in the process of drafting a scheme to cover the unorganized workers, an early implementation would benefit a

large section of the Muslim population along with helping the larger segment of the informal sector workforce.

- **Access to Bank Credit Cards:**

- a) Non-availability of banking facilities should be addressed on a priority basis by providing incentives to banks to open more branches in backward districts.
- b) To empower Muslims economically, it is necessary to ensure smooth flow of credit/micro credit and Priority Sector Advances. Steps should be taken to specifically direct credit, create awareness of various credit schemes, organize entrepreneurial development programmes, and bring transparency in reporting of information about provision of banking services.
- c) A policy to enhance the participation of minorities in the micro-credit schemes of NABARD should be laid down. This should spell out the intervention required by NABARD and could be a mix of target and incentive schemes to enhance the participation of Muslims in micro-credit.
- d) The practice of identifying 'negative geographical zones' where bank credit and other facilities are not easily provided needs to be reviewed to enable people to benefit fully from banking facilities in the light of government's socio-economic objectives of inclusion.

- **Access to Social and Physical Infrastructure and Government Programmes**

- a) Public investment in infrastructure in Muslim concentration areas is urgently required to promote socio-economic development and access to public services.
- b) A focus on backward districts and clusters where special artisanal groups exist will ensure a sharp reduction in disparities of access and attainment.
- c) Central Government should introduce a few schemes with large outlays for welfare of minorities with an equitable provision for Muslims.
- d) A periodic monitoring and assessment of welfare and development programmes, and the extent to which the benefits accrue to Muslims, is imperative. The monitoring mechanism should be multi-level and should have a civil society component. This would enhance public confidence.

- **Public Employment and Recruitment Procedures**

- a) It would be desirable to have experts drawn from the Muslim community on relevant interview panels and Boards. This practice is already in vogue in the case of SCs/STs.
- b) The earlier Government instructions about the inclusion of minority Community members in Selection Committees/Boards have either not been implemented or implemented inadequately. There is therefore an imperative need to reinforce these instructions and introduce a punitive clause for non-compliance.
- c) Measures like undertaking a visible recruitment process in areas and districts with high percentage of Muslims, job advertisements in Urdu and vernacular newspapers and other media, or simple messages like 'women, minority, and backward class candidates are encouraged to apply', should be undertaken to promote participation in public employment.

## NATIONAL COMMISSION FOR RELIGIOUS AND LINGUISTIC MINORITIES

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**National Commission for Religious and Linguistic Minorities (NCRLM)** was constituted by a Government of India Notification of October 2004 under the chairmanship of **former Chief Justice of India Justice Ranganath Mishra**. The Commission was constituted to:

- a) To suggest criteria for identification of socially and economically backward sections among religious and linguistic minorities;
- b) To recommend measures for welfare of socially and economically backward sections among religious and linguistic minorities, including reservation in education and government employment; and
- c) To suggest the necessary constitutional, legal and administrative modalities required for the implementation of its recommendations.

The Commission was asked to present a report on its deliberations and recommendations, within a period of six months from the date of assumption of charge by the Chairman. Whereas, the report was submitted by the commission to the Government of India in 2007 and was tabled in the Parliament in 2009 after the report was leaked to Media.

### Major Recommendations of the Committee

- The committee recommended 15 percent seats for all the non-minority educational institutions of which 10 percent was to be earmarked for the Muslim
- In context of employment based on different types of government schemes that a total of 15 percent should be earmarked for the minorities of which 10 percent should be for Muslims
- In context of state and central government services in all cadres 15 percent should be earmarked for minorities of which 10 percent should be for Muslims
- From the 27 percent OBC Quota, 8.4 percent seats should be reserved for minorities

## EQUAL OPPORTUNITY COMMISSION

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The **Equal Opportunity Commission (EOC)** was established by the Union Government of India on the lines of the recommendations made in the Sachar Committee Report on social, economic and educational status of Muslims for taking care of the discriminations against Muslims. The Chairperson of the Commission was Prof N.R. Madhava Menon.

### Why an equal opportunity commission?

Equality is a foundational value of our Republic. This is secured by the Constitution through Fundamental Rights and Directive Principles of State Policy and is widely shared in public life. Yet stark inequalities mark our social reality for the present generation and prospects for the future generations. Worse, these inequalities often coincide with boundaries of social groups and communities, making inter-group inequalities more visible than before. Hence there is a



need to address inequalities and supplement the existing policies of reservations by fine tuning the definition of the beneficiaries, expanding the range of modalities and evolving a forward looking and integral approach to affirmative action. That is why we need an Equal Opportunity Commission. The proposed EOC will serve as a path-finding institution that serves as a mechanism to evolve and evaluate mechanisms for affirmative action, following an evidence based approach.

### **What is equality of opportunity?**

Equality of Opportunity can be understood in two different ways: formal and substantive. Formal approach involves merely openness of opportunity without direct discrimination. The Constitution no doubt provides this minimal guarantee. But inherent in the Constitutional Right to Equality is a substantive understanding of equality of opportunity. This approach involves creation of level playing fields by neutralizing the effect of circumstances on achievement of key objectives. Supported by judicial reading of the Constitution and required by India's international obligations, this approach puts a positive obligation on the state to control direct as well as indirect discrimination and take into account the burden of history. The report follows this approach in defining 'equal opportunity', in understanding what constitutes 'discrimination', and in using the idea of 'deprivation'.

### **What are the lessons from EOCs across the world?**

EOCs or similar bodies are becoming the norm in democracies that are waking up to the challenge of diversity across the world. Their experience varies, as does their jurisprudence, yet there are many lessons to be learnt: there is no alternative to recognizing social identities; EOCs need to be pro-active; EOCs should be autonomous of the government; developing, gathering and publishing of evidence is crucial; and, wide range of context-specific policy options are needed. South Africa and United Kingdom offer instructive models though we need not replicate their legislation or structures. EOCs need to respond to the specificities of the challenge of equal opportunity in each country.

### **What is to be the mandate of the EOC?**

The jurisdiction of the proposed EOC should be wide ranging in terms of social groups and sectors but delimited in terms of domains and the nature of issues that it can take up. The EOC has to deal with particular groups and there are many communities that have a claim for inclusion. Yet the EOC would serve its purpose best if its mandate is not limited at this stage to any social group, if it is open to any citizen of India. The beneficiaries must be identified by evidence, not in an a priori manner. The scope of the EOC should extend both to the public and the private sector. The EOC should prioritise education and employment and should entertain only group equality related cases. Thus defined, the scope of the EOC may apparently overlap with other Commissions, yet the EOC will have its own niche and unique role, for it would provide a service that is not currently on offer. Parliament has the requisite power to legislate on this subject.



**What should be the functions of the EOC?**

The EOC should focus on advisory, advocacy and auditing functions rather than grievance redressal. Such an evidence-based advocacy role would involve many functions: research and data gathering function, so as to allow identification of beneficiaries; monitoring and auditing function, in order to assess the impact of laws and policies; advisory and consultative function, for various organs and levels of government; policy intervention function, by way of various equal opportunity practice codes; grievance redressal function, in a limited and supportive capacity; coordination function, in its role as an equal opportunity watchdog; promotion and advocacy function, aimed at shaping public opinion; and reporting and dissemination function, including the preparation and publication of performance reports and Status Reports on Equal Opportunity situation.

**What powers would the EOC require?**

The EOC needs the powers of a Civil Court, but not penal powers, for its inquiries and investigations. Yet the impact and the efficacy of the EOC would depend more on its ability to influence public opinion and provide credible evidence than its legal powers. Accordingly, the proposed EOC would have the power to announce Codes of Good Practice, the standard powers of a Civil Court relating to inquiries, powers to utilize any officer or agency for its investigation, power to provide legal assistance to complainants or engage legal counsel, power to give orders and directions to demand information and to inspect records, and power to require compliance of equal opportunity practice codes by taking violators to the court

**How would the EOC carry out its mandate?**

Since the EOC is expected to shift the thinking on equal opportunities from the anecdotal and reactive to a pro-active, evidence based understanding, it would need to adopt a fresh approach and come up with innovative procedures. Generating, collecting, processing and disseminating various kinds of data on equal opportunity issues – generic data, reporting data, indices and data from case studies - is going to be the key to the success of the EOC. Besides, the EOC would conduct General and Special Investigations, either in response to specific complaints or on its own. Such inquiries would have to follow a standard, transparent, fair and time-bound procedure. On the conclusion of the inquiry, the EOC may decide not to initiate any action, may facilitate reconciliation or take action against non-compliant organizations.

**What should be the structure and organisation of the EOC?**

The composition of the EOC needs to reflect its diverse constituencies and multiple functional requirements. These can be met if the proposed EOC has a chairperson and six members (at least two full time), with a tenure of five years. The members should be selected from among experts (at least one each from law and social science), professionals and activists, with due representation to women and other disadvantaged groups, by a bipartisan Committee, following the model of the selection of the members of the NHRC. The government would need to provide the EOC with an efficient secretariat and sufficient grants. The EOC would need to

work in a transparent manner and involve various stakeholders. Five Regional Commissions would be required to make the EOC accessible and relevant in different regions of the country.

## EDUCATION AND LITERACY

### STATUS OF LITERACY IN INDIA

In a country like India education and literacy plays a major role in society making as well as human development having an impact in the making of the socio-economic development. Higher is the level of literacy and education in the country, better are the standards of nutritional and health in the country. Better are the conditions of population control, economic growth, empowerment of weaker sections as well as the community in itself. Higher literacy rates are the indicators of the development with consistency.

As per the latest **Census of Literacy 2011 – definition of literacy in India** is: a person aged seven years and above who can both read and write in any language, is treated as 'literate'. A person, who can only read but cannot write, is not considered as 'literate'. It is not necessary that a person should receive any formal education or pass any minimum education standard. Literacy can also be achieved in adult literacy classes or through any non-formal education system. People who are blind but can read in braille have been treated as literates. All children of six years age or less are treated as 'illiterate' even if the child is going to a school and has picked up reading and writing skills.

In the Censuses prior to 1991, children below five years of age were treated as illiterates. Since the ability to read and write with understanding is not ordinarily achieved until one has time to develop these skills, therefore in 1991 Census, it was decided that all children in the age group of 0-6 years be treated as illiterate by definition and population aged seven years and above only be classified as either 'literate' or 'illiterate'. Since then, the same criterion has been retained in subsequent censuses of 2001 and 2011.

#### India and States

As per the provisional figures of Census 2011, in India 778454120 persons have been counted as literates. Among all literates, 334250358 are females, whereas 444203762 are males. The literacy rate of India in 2011 is 74.0 per cent. Literacy rate among females is 65.5 per cent whereas the literacy rate among males is 82.1 per cent.

In order of higher literacy rates; Kerala, Lakshadweep and Mizoram states hold first, second and third positions respectively; whereas in female literacy, Kerala is the first while Mizoram and Lakshadweep hold second and third positions among all States and Union Territories. Literacy rates by sex for top five and bottom five states/UTs in India are given in statement 6.2.

### Literacy Rate: India 1981 to 2011

Literacy Rate				
Year	Persons	Males	Females	Gap in Literacy
1981	43.6	56.4	29.8	26.6
1991	52.2	64.1	39.3	24.8
2001	64.8	75.3	53.7	21.6
2011	74.0	82.1	65.5	16.6

### Literacy Status: Highlights

- As per provisional population totals of Census 2011, literates constitute 74 per cent of the total population aged seven and above and illiterates form 26 per cent.
- Literacy rate has gone up from 64.83 per cent in 2001 to 74.04 per cent in 2011 showing an increase of 9.21 percentage points.
- The literacy rate for males and females works out to 82.14 per cent and 65.46 per cent respectively. The increase in literacy rate in males and females during 2001-2011 is in the order of 6.88 and 11.79 percentage points respectively.
- It is encouraging to note that out of total of 217,700,941 literates added during the decade, female 110,069,001 outnumber male 107,631,940.
- A significant milestone reached in Census 2011 is that a decline of 31,196,847 among illiterates is noted.
- Out of total decrease of 31,196,847 in number of illiterates, the female 17,122,197 outnumber males 14,074,650.
- Ten States and Union Territories viz., Kerala, Lakshadweep, Mizoram, Tripura, Goa, Daman & Diu, Puducherry, Chandigarh, NCT of Delhi and Andaman & Nicobar Islands have achieved literacy rate of above 85 per cent, the target set by the Planning Commission to be achieved by 2011- 2012.
- The gap of 21.59 percentage points recorded between male and female literacy rates in 2001 Census has reduced to 16.68 percentage points in 2011. Planning Commission has set up target of reducing this gap to 10 percentage points by the year 2011-2012.
- The States/Union Territories which have achieved male female gap in literacy rate of 10 percentage points or less are Chandigarh, Nagaland, Mizoram, Tripura, Meghalaya, Lakshadweep, Kerala and Andaman & Nicobar Islands.

### Ranking of States/UTs-Literacy Rate-2011

Top 2 States/UTs		Bottom 2 States/UTs	
States/UTs	Literacy Rate	States/UTs	Literacy Rate
Kerala	93.91	Bihar	63.82
Lakshadweep	92.28	Arunachal Pradesh	66.95

### Districts ranked as per Literacy Rate 2011

Top 2 Districts		Bottom 2 Districts	
District	Literacy Rate	District	Literacy Rate
Serchhip (Mizoram)	98.76	Alirajpur (Madhya Pradesh)	37.22
Aizawl (Mizoram)	98.50	Bijapur (Chhattisgarh)	41.58

## NATIONAL POLICY ON EDUCATION

The National Policy on Education (NPE) was adopted by the Parliament in May 1986. A committee was formed in May 1990 under the chairmanship of Acharya Ramamurthi to review NPE and make recommendations for its making. The Report was submitted by the committee in December 1990. To consider the modifications in NPE suggested by the Ramamurthi Committee a committee under the chairmanship of N Janardhana Reddy was constituted in July 1991 and to make recommendations in relation to the modifications suggested for NPE.

### The committee recommended certain points

- Free and compulsory education for all
- Development of Languages: Three Language Formula
- Equalisation of Educational Opportunities
- Identification of Talent
- Work-Experience and National Service
- Education for Agriculture and Industry

- Production of Books
- Secondary Education
- University Education
- Part-Time Education and Correspondence Courses
- Spread of Literacy and Adult Education
- Education of Minorities
- Development of Educational Structure

## SARVA SIKSHA ABHIYAN

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**Sarva Siksha Abhiyan** is a program run by Union Government of India for achievement of **Universalisation of Elementary Education (UEE)** in a time bound manner, as mandated by **86th amendment to the Constitution of India** making free and compulsory Education to the Children of 6-14 years age group, a Fundamental Right.

- SSA is being implemented in partnership with State Governments to cover the entire country and address the needs of 192 million children in 1.1 million habitations.
- The programme seeks to open new schools in those habitations which do not have schooling facilities and strengthen existing school infrastructure through provision of additional class rooms, toilets, drinking water, maintenance grant and school improvement grants.
- Existing schools with inadequate teacher strength are provided with additional teachers, while the capacity of existing teachers is being strengthened by extensive training, grants for developing teaching-learning materials and strengthening of the academic support structure at a cluster, block and district level.
- SSA seeks to provide quality elementary education including life skills. SSA has a special focus on girl's education and children with special needs. SSA also seeks to provide computer education to bridge the digital divide.

## RTE ACT-2009

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The **Right to Education (RTE) Act, 2009** was passed by the Indian Parliament in August 2009 and it provides right for free and compulsory education for every child between 6 to 14 years in India under Article 21A of the Indian Constitution. The RTE came into effect as per the 86<sup>th</sup> Constitutional Amendment Act with which Article 21 A was added making education a fundamental right for every citizen of India.

The Right to Education Act was earlier termed as The Right of Children to Free and Compulsory Education Act came into function after Gopal Krishna Gokhale's famous impassionate plea to the Imperial Legislative Council for introducing free and compulsory primary education throughout India. The Right to Education Act made compulsory all government and private sector schools across India to provide 25 percent reservation to children between the age group of 6 and 14 belonging to the weaker section of the country access to free and compulsory

education. India became one of the 135 countries to make education a fundamental right of every child, when the act finally came in practice in April 2010.

### **Features of the RTE Act 2009**

- Free and compulsory education to every child in age group of 6 to 14 years; education was included in Article 21A making it a Right to Life
- 25 percent seats in private schools were made free for students from weaker sections and 100 seats of Government Schools for every child
- The unrecognized schools were prohibited from practicing and provisions for no interviews for child or parent during admission was brought in
- The Act made it compulsory for every child to pass elementary education before passing the board examination
- The RTE Act in itself is the first legislation of the world that makes government responsible to ensure enrollment, attendance and completion of children
- For disable persons, RTE puts an age bar up to 18 years and this is laid down under a separate legislation and that is Persons with Disabilities Act

### **YASHPAL COMMITTEE REPORT**

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A report was submitted by **Yashpal Committee** in the year 2009 to the Ministry of Human Resource Development. The committee was headed by Prof. Yashpal and in its recommendation it suggested the Government to scrap out the all monitoring and regulatory bodies for higher education and create a super regulator for all in form of a seven-member commission for higher Education and Research.

The final report of the Committee on Renovation and Rejuvenation of Higher Education recommended creation of a National Commission for Higher Education and Research that will subsume as many as 13 existing professional councils and regulatory agencies, including the University Grants Commission, the Medical Council of India and the AICTE, is the most important recommendation of the committee. The 43-page final report by the committee to advise on renovation and rejuvenation of higher education in India, has been handed over to the Ministry of Human Resource Development MHRD.

### **Major Recommendations**

- All research bodies must connect with universities in their vicinity and create teaching opportunities for their researchers.
- Prevention of study of management and engineering from isolation and to look forward to expansion of IITs and IIMs for creating scholars in the field of linguistics, literature and politics
- Change of syllabus in a form, where the learning of both the student and the teacher can be applied for studying the local issues, situation and problems.

- To provide sufficient space for the creation of the knowledge acquired for use of local data and resources to bring into practice to gain experience
- To provide occupational exposure to students by providing internships and summer trainings
- Institutions of higher education should provide teacher training for all levels of education
- To make vocational institutes part of universities
- Zero discrimination between the state and central funded universities
- Creation of three types of universities, namely state-funded and run universities, private universities and those funded and run by public-private partnerships. All of them should work efficiently overseen by a transparent regulatory mechanism

## **NATIONAL KNOWLEDGE COMMISSION**

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The National Knowledge Commission is a high-level advisory body to the Prime Minister of India, with the objective of transforming India into a knowledge society. In its endeavour to transform the knowledge landscape of the country, the National Knowledge Commission has submitted around 300 recommendations on 27 focus areas during its three and a half year term. While the term of the NKC has come to an end, the implementation of NKC's recommendations is currently underway at the Central and State levels.

As per Government Notification of 13th June 2005, the **following were the Terms of Reference of the National Knowledge Commission (NKC).**

- Build excellence in the educational system to meet the knowledge challenges of the 21st century and increase India's competitive advantage in fields of knowledge.
- Promote creation of knowledge in S&T laboratories.
- Improve the management of institutions engaged in intellectual property rights.
- Promote knowledge applications in agriculture and industry.
- Promote the use of knowledge capabilities in making government an effective, transparent and accountable service provider to the citizen and promote widespread sharing of knowledge to maximize public benefit.

### **Objectives**

The overarching aim of the National Knowledge Commission is to enable the development of a vibrant knowledge based society. This entails both a radical improvement in existing systems of knowledge, and creating avenues for generating new forms of knowledge.

Greater participation and more equitable access to knowledge across all sections of society are of vital importance in achieving these goals.

**In view of the above, the NKC seeks to develop appropriate institutional frameworks to:**

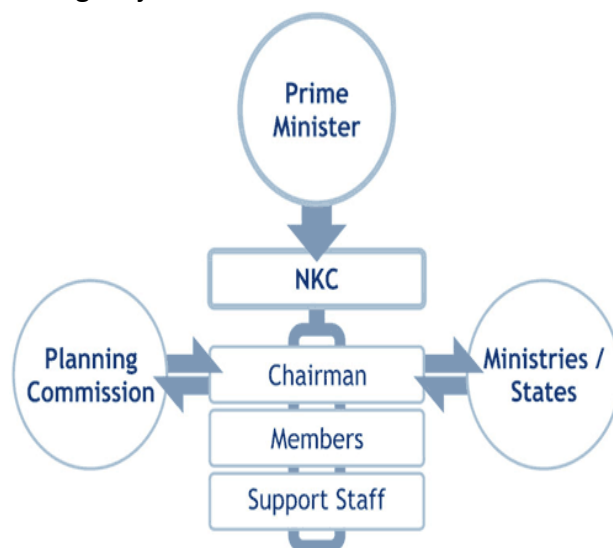


- Strengthen the education system, promote domestic research and innovation, and facilitate knowledge application in sectors like health, agriculture, and industry.
- Leverage information and communication technologies to enhance governance and improve connectivity.
- Devise mechanisms for exchange and interaction between knowledge systems in the global arena.

### Organization of NKC

The National Knowledge Commission consists of six Members, including the Chairman. All Members perform their duties on a part-time basis and do not claim any remuneration for the same. The Members are assisted in their duties by a small Technical Support Staff headed by an Executive Director seconded to the NKC by the government. The Commission is also free to co-opt Experts to assist in the management of its tasks. The Planning Commission is the nodal agency for the NKC for planning and budgeting purposes as well as for handling Parliament related responses. The methodology followed by the NKC is as follows:

- Identification of key focus areas.
- Identification of diverse stakeholders and understanding major issues in the area.
- Constitution of Working Groups of experts and specialists; organization of workshops, extensive formal and informal consultations with concerned entities and stakeholders
- Consultation with administrative Ministries and the Planning Commission
- Discussion in NKC to finalize recommendations in the form of letter to the PM from the Chairman, NKC
- Letter to PM containing key recommendations, first steps, financial implications etc. The letter will be supported by the relevant explanatory documents.
- Widespread dissemination of NKC recommendations to state governments, civil society and other stakeholders, also using the NKC website
- Initiating the implementation of the recommendations under the aegis of the PMO.
- Finalizing the recommendations based on stakeholder feedback and coordinating/following up the implementations of proposals



### Major recommendations of NKC and its Impact

One of the important recommendations of the **National Knowledge Commission (NKC)** is to inter-connect all knowledge institutions through high speed data communication network. This would encourage sharing of knowledge, specialized resources and collaborative research. On

the line of NKC's recommendation, Union Cabinet in March 2010 approved setting up a National Knowledge Network (NKN) with an outlay of Rs 5990 Crores.

**National Knowledge Network:** The idea of setting up a National Knowledge Network first emerged through deliberations between the office of Principal Scientific Advisor to the Government of India and the National Knowledge Commission. This was followed by extensive discussions with key stakeholders including experts, potential users, telecom service providers, educational and research institutions, which resulted in the design of the National Knowledge Network. As a forerunner of NKN Initial phase has been successfully executed by **National Informatics Centre (NIC)**.

The architecture of NKN has been designed for reliability, availability & scalability. The network consists of an ultra-high speed core, starting with multiple 2.5/10 G and progressively moving towards 40/100 Gigabits per Second (Gbps). The core is complimented with a distribution layer covering all districts at appropriate speeds.

The participating institutions at the edge would seamlessly connect to NKN at gigabit speed. The NKN shall be a critical information infrastructure for India to evolve as a knowledge society. NKN is a significant step which will enable scientists, researchers and students from across the country to work together for advancing human development in critical and emerging areas.

- Establishing a high-speed backbone connectivity which will enable knowledge and information sharing.
- Enabling collaborative research, development and Innovation
- Facilitating advanced distance education in specialized fields such as engineering, science, medicine etc.
- Facilitating an ultra high speed backbone for e-Governance
- Facilitating integration of different sectoral networks in the field of research, education, health, commerce and governance.

## DISABILITY ISSUES

Disability is an umbrella term, covering impairments, activity limitations, and participation restrictions. Impairment is a problem in body function or structure; an activity limitation is a difficulty encountered by an individual in executing a task or action; while a participation restriction is a problem experienced by an individual in involvement in life situations.

Disability is thus not just a health problem. It is a complex phenomenon, reflecting the interaction between features of a person's body and features of the society in which he or she lives. Overcoming the difficulties faced by people with disabilities requires interventions to remove environmental and social barriers.

Disability can be categorized into four categories: a) Speech disability b) Hearing disability c) Visual Disability d) Locomotive disability. Besides, Mental retardation is also considered a disability.

Mental retardation is categorized into a) Mild retardation b) Moderate retardation c) Severe retardation d) Profound retardation.

### CAUSES OF DISABILITY

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- **Malnutrition:** It causes visual disability.
- **Lack of Social Support System:** Social support systems like hospitals and medicines are not sufficient.
- **Accident at the work Place:** Accident at the work place can result into locomotive disability.
- **Callous attitude of the Community:** The community mostly shows apathy to the mental retardation leads disability.

### GOVERNMENT ACTION FOR THE DISABLES

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The **Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995** was enacted by the government to provide rehabilitation like employment, education and allowance for the disabled.

The Act regards disability as a civil right not any welfare and health issue. It calls for greater involvement of the disabled people within the society.

The Act lays down a comprehensive framework of strategies and programmes. It refuses to tolerate any exploitation and abuse in any form whatsoever.

**Section 33 of the Persons with Disabilities Act, 1995** provides for at least 3 percent reservation in Government jobs of which one percent each is to be reserved for persons suffering from

- i) Locomotive disability or cerebral palsy
- ii) Hearing impairment
- iii) Blindness or low vision

The government has also come out with schemes like **ADIP (Assistance to Disabled Persons for Purchase/ Fitting of Aids and Appliances)** scheme, **DDRS (Deendayal Disabled Rehabilitation Scheme to promote Voluntary Action for Persons with disabilities)** scheme and **scheme of National Awards for Empowerment of Persons with disabilities**. Besides, the government has set up **District Disability Rehabilitation Centers (DDRCs)** to rehabilitate disabled.

## **NATIONAL POLICY FOR THE PERSON WITH DISABILITIES**

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National Policy for Persons with disabilities was announced in February, 2006.

National Policy focuses on two aspects 1) Prevention of Disabilities and 2) Rehabilitation Measures.

**The Key features of the policy are as following:**

- Physical Rehabilitation which comprises early medical interventions and providing aids and appliances.
- Educational Rehabilitation which includes vocational training.
- Economic Rehabilitation so that disabled could live a life of dignity.
- Under the policy, grants are given to NGOs who help in rehabilitating disabled.
- RCI (Rehabilitation Council of India) was established to bring uniformity in training of professionals involved in rehabilitating the disabled.

## CORRUPTION

### CAUSE OF CORRUPTION

The basic and fundamental problems that result into corruption are a demand supply gap and no legislation regarding the timely fulfilment of services by the government bodies. A majority of bureaucrats in our country are ritualists and remain concerned more with perks and privileges than with development oriented policies for the society.

The emergence of the new business leaders who wanted profits which encouraged growth of corrupt practices among the public servants.

- **The economic policy of the government:** Most of the scandals have taken place in areas where either purchase policies or prices are regulated by the government. Unless and until the economy is freed from the clutches of misguided government regulations, the corruption will remain in existence.
- **The Scarcity of Required Things:** Corruption is also caused by scarcity of required things. When there is high demand for some commodities and low supply; people in power tend to manipulate things in their interest.
- **Change in the Value System and ethical qualities of men:** There is a decrease in the value system and ethical qualities of men. The old ideals of morality, service, honesty and sacrifice are no longer held in high esteem.
- **Ineffective administrative organization:** Ineffective administrative organization is also one of the major reasons behind corruption. Unaccountability, lack of vigilance and ineffective information system also encourage corruption.

Besides the above, craze for higher living standards, inflation, inadequate legislation and tedious judicial process also causes corruption.

### CONSEQUENCES OF CORRUPTION

The effect of corruption has many dimensions related to political, economic, social and environmental effects. In political sphere, corruption impedes democracy and the rule of law. In a democratic system, public institutions and offices may lose their legitimacy when they misuse their power for private interest. Corruption may also result in negative consequences such as encoring cynicism and reducing interest of political participation , political instability , reducing political competition, reducing the transparency of political decision making, distorting political development and sustaining political activity based on patronage, clientelism and money, etc.

In our society, the impact of corruption is often manifested through political intolerance, problems of accountability and transparency to the public, low level of democratic culture, principles of consultation and participation dialogue among others.

The economic effects of corruption can be categorized as minor and major. However, both in one way or the other have serious impact on the individual community and country. First and foremost, corruption leads to the depletion of national wealth. It is often responsible for increased costs of goods and services, the funneling of scarce public resources to uneconomic high profile projects at the expense of the much needed projects such as schools, hospitals and roads, or the supply of potable water, diversion and misallocation of resources, conversion of public wealth to private and personal property, inflation, imbalanced economic development, weakling work ethics and professionalism, hindrance of the development of fair in market structures and unhealthy competition there by deterring competition. Large scale corruption hurts the economy and impoverishes entire population.

## CORRUPTION PERCEPTION INDEX

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The Corruption Perceptions Index (CPI) has been developed since 1995 by Transparency International as a composite indicator that measures perceptions of corruption in the public sector in different countries around the world. India was ranked 94th out of 176 countries in **Transparency International's 2012 Corruption Perception Index (CPI)** released on 5 December 2012. In 2011, India was ranked 95 out of 183 countries.

Transparency International is a non-profit, non-governmental organisation dedicated to fighting corruption. It is best known for its Corruption Perceptions Index. Its secretariat is located in Berlin, Germany. The organization is present in more than 100 countries. It came into existence in 1993.

## LOKPAL AND LOKAYUKTA

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Dr L.M. Singhvi in 196 coined the word lokpal. In 1960s, the then Union Law Minister Ashoke Kumar Sen proposed the concept of a constitutional ombudsman for the first time. Shanti Bhushan proposed the first Jan Lokpal Bill in 1968 and passed in the 4th Lok Sabha in 1969, but did not pass through the Rajya Sabha. Lokpal Bills were introduced in 1971, 1977, 1985, again by Ashoke Kumar Sen, while he served as the Union Law Minister in the Rajiv Gandhi cabinet. Again in 1989, 1996, 1998, 2001, 2005 and 2008, also the bill was presented in the Parliament yet they were never passed. Fifty two years after its first introduction, the Lokpal Bill is still not enacted in India.

The Lokpal Bill provides for the filing, with the ombudsman, of complaints of corruption against the prime minister, other ministers, and MPs. The Administrative Reforms Commission (ARC) recommended the enacting of the Office of a Lokpal, convinced that such an institution was justified, not only for removing the sense of injustice from the minds of citizens, but also to instill public confidence in the efficiency of the administrative machinery.

The bill was revived several times in subsequent years, including in 2011. Every time on being introduced in the Parliament, the bill was referred for improvements, to a joint committee of parliament, or to a departmental standing committee of the Home Ministry. Before the government could take a final stand on the issue, the house was dissolved again. Several conspicuous flaws were found in the 2008 draft of the Lokpal Bill. The basic idea of a lokpal is borrowed from the Office of the Ombudsman, which has the Administrative Reforms Committee of a lokpal at the Centre,[clarification needed] and lokayukta(s) in the states.

Anna Hazare fought to get this bill passed, and it did pass on Dec 27, 2011, with some modifications. These were proposed as the Jan Lokpal Bill.

The **Jan Lokpal Bill (Citizen's Ombudsman Bill)** is a draft anti-corruption bill drawn up by **prominent civil society activists**, seeking the appointment of a Jan Lokpal, an independent body that would investigate corruption cases, complete the investigation within one year and conduct trials for the case within the next year.

**Drafted by Justice Santosh Hegde (a former Supreme Court Judge and former Lokayukta of Karnataka), Prashant Bhushan (a Supreme Court Lawyer) and Arvind Kejriwal (an RTI activist),** the draft Bill envisaged a system in which a corrupt person found guilty would go to jail within two years of the complaint being made and his ill-gotten wealth confiscated. It also sought power for the Jan Lokpal to prosecute politicians and bureaucrats without requiring government permission.

#### **Features of the Jan Lokpal Bill:**

1. An institution called Lokpal at the centre and Lokayukta in each state will be set up.
2. Like the Supreme Court and Election Commission, they will be completely independent of governments. No minister or bureaucrat will be able to influence their investigations.
3. Cases against corrupt people will not linger on for years anymore: investigations in any case will have to be completed in one year. Trial should be completed in the next one year, so that the corrupt politician, officer or judge is sent to jail within two years.
4. The loss that a corrupt person caused to the government will be recovered at the time of conviction.
5. How will it help a common citizen? If the work of any citizen is not done in a prescribed time, in any government office, Lokpal will impose a financial penalty on the guilty officers, which will be given as compensation to the complainant.
6. So, you could approach Lokpal if your ration card or passport or voter card had not been made, or if the police are not registering your case, or if any other work is not being done within the prescribed time. Lokpal will have to get it done in a month's time. You

could also report any case of corruption to Lokpal, like rations being siphoned off, poor quality roads being constructed or panchayat funds being siphoned off.

7. But won't the government appoint corrupt and weak people as Lokpal members? That won't be possible because its members will be selected by judges, citizens and constitutional authorities, not by politicians, through a completely transparent and participatory process.
8. What if some officer in Lokpal becomes corrupt? The entire functioning of Lokpal/Lokayukta will be completely transparent. Any complaint against any officer of Lokpal will be investigated and the officer dismissed within two months.
9. What will happen to existing anti-corruption agencies? CVC, the departmental vigilance and anti-corruption branch of the CBI, will be merged into Lokpal. Lokpal will have complete powers and machinery to independently investigate and prosecute any officer, judge or politician.
10. It will be the duty of the Lokpal to provide protection to those who are being victimized for raising their voice against corruption.

### Fundamental duties

1. To judge the cases and make jurisdictions against corruption cases with the Lokpal.
2. To judge whether a case is genuine or whether a fake complaint has been made.
3. To potentially impose fines on a fake complaint, or even a short span of jail time, if the case is not proved to be legally true.

### Lokayukta

The **Lokayukta (also Lok ayukta)** is an anti-corruption ombudsman organization in the Indian states.

The Administrative Reforms Commission (ARC) that was headed by Morarji Desai submitted its special interim report on **Problems of Redressal of Citizen's Grievances** in 1966. For redressal of the grievances of the citizen the report, from Administrative Reforms Commission recommended setting up of two special authorities designated as Lokpal and Lokayukta.

The Lokayukta, along with the Income Tax Department and the Anti Corruption Bureau, mainly helps people bring corruption amongst the politicians and officers in the government service to public attention. Many acts of the Lokayukta have not resulted in criminal or other consequences for those charged.

Maharashtra was the first state to introduce the institution of Lokayukta through The Maharashtra Lokayukta and Upa-Lokayuktas Act in 1971. This was followed by similar acts



being enacted by states of Rajasthan, Bihar, Uttar Pradesh, Karnataka, Madhya Pradesh, Andhra Pradesh, Gujarat and Delhi.

## CENTRAL VIGILANCE COMMISSION (CVC)

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**Central Vigilance Commission (CVC)** is an apex Indian Governmental Body created in 1964 to address governmental corruption. It has the status of an autonomous body, free of control from any executive authority, charged with monitoring all vigilance activity under the Central Government of India, and advising various authorities in central Government organizations in planning, executing, reviewing and reforming their vigilance work.

It was set up by the Government of India in February, 1964 on the recommendations of the Committee on Prevention of Corruption, headed by Shri K. Santhanam, to advise and guide Central Government agencies in the field of vigilance. Nittoor Srinivasa Rau was selected as the first Chief Vigilance Commissioner of India.

The Annual Report of the CVC not only gives the details of the work done by it but also brings out the system failures which lead to corruption in various Departments/Organisations, system improvements; various preventive measures and cases in which the Commission's advises were ignored etc.

The CVC is not an investigating agency, and works through either the CBI or through the Departmental Chief Vigilance Officers.

The only investigation carried out by the CVC is that of examining Civil Works of the Government which is done through the Chief Technical Officer.

Corruption investigations against government officials can proceed only after the government permits them. The CVC publishes a list of cases where permissions are pending, some of which may be more than a year old.

The CVC has also been publishing a list of corrupt government officials against which it has recommended punitive action.

The CVC is headed by a Central Vigilance Commissioner who is assisted by two Vigilance Commissioners.

The Central Vigilance Commissioner and the Vigilance Commissioners are appointed by the President after obtaining the recommendation of a Committee consisting of:

- **The Prime Minister** — Chairperson
- **The Home Minister** — Member.
- **The Leader of the Opposition in the Lok Sabha** — Member.

The Central Vigilance Commissioner or any Vigilance Commissioner can be removed from his office only by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the President, has, on inquiry, reported that the Central Vigilance Commissioner or any Vigilance Commissioner, as the case may be, ought to be removed. The President may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the Central Vigilance Commissioner or any Vigilance Commissioner in respect of whom a reference has been made to the Supreme Court until the President has passed orders on receipt of the report of the Supreme Court on such reference. The President may, by order, remove from office the Central Vigilance Commissioner or any Vigilance Commissioner if the Central Vigilance Commissioner or such Vigilance Commissioner, as the case may be:

- Is adjudged an insolvent; or
- Has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or
- Engages during his term of office in any paid employment outside the duties of his office; or
- Is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or
- Has acquired such financial or other interest as is likely to affect prejudicially his functions as a Central Vigilance Commissioner or a Vigilance Commissioner.

## **CBI**

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The Central Bureau of Investigation (CBI) is a governmental agency belonging to Government of India that jointly serves as a criminal investigation body. The CBI is a premier investigating police agency in India. It is an elite force playing a major role in preservation of values in public life and in ensuring the health of the national economy. It is also the nodal police agency in India which coordinates investigation on behalf of Interpol Member countries. The services of its investigating officers are sought for all major investigations in the country. The CBI is headquartered at the Rs 186 crore (37.2 Million US\$) new state-of-the-art building in New Delhi. The CBI is controlled by the Department of Personnel and Training in the Ministry of Personnel, Public Grievances and Pension of the Union Government usually headed by a Union Minister who reports directly to the Prime Minister.

The CBI is headed by a Director, an IPS Officer of the rank of Director General of Police or Commissioner of Police (State). Director is selected based on the procedure laid down by CVC Act 2003 and has a tenure of 2 years.

Director is selected based on the procedure laid down by CVC Act 2003 and has a tenure of minimum of 2 years. It is worth noting that CVC Act 2003 was established on the similar lines of the directions of Supreme Court of India in the infamous Hawala scam.

#### Selection committee

The committee is empowered to recommend a panel of officers for the post of the Director of CBI. The committee consists of:

- Chief Vigilance Commissioner—Chairperson
- Vigilance Commissioners—Members
- Secretary, Home Ministry—Member
- Secretary (Coordination and Public Grievances) in the Cabinet Secretariat—Member
- While making any recommendation, the committee takes into consideration the views of the outgoing Director.

The final selection is made by the Appointments Committee of the Cabinet from the panel recommended by selection committee. Jurisdiction of CBI vis-a-vis State Police

Law and Order is a State subject and the basic jurisdiction to investigate crime lies with State Police. Besides, due to limited resources, CBI would not be able to investigate crimes of all kind. CBI may investigate:

- Cases which are essentially against Central Govt. employees or concerning affairs of the Central Govt. and the employees of the Central Public Sector Undertakings and Public Sector Banks.
- Cases in which the financial interests of the Central Government are involved.
- Cases relating to the breaches of Central Laws with the enforcement of which the Government of India is mainly concerned.
- Big cases of fraud, cheating, embezzlement and the like relating to companies in which large funds are involved and similar other cases when committed by organised gangs or professional criminals having ramifications in several States.
- Cases having interstate and international ramifications and involving several official agencies where, from all angles, it is considered necessary that a single investigating agency should be in charge of the investigation.

#### Power and jurisdiction of High Courts and Supreme Court

Notwithstanding above limitations, the High Courts and the Supreme Court of India have the power and jurisdiction to order a CBI investigation into a cognisable offence alleged to have

been committed within the territory of a State without the consent of that State. This matter was settled by a five judge constitutional bench of Supreme Court of India (in Civil Appeal 6249, 6250 of 2001) on 17 Feb 2010.

## **WHISTLEBLOWERS BILL**

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Union Cabinet of India approved Public Interest Disclosure and Protection to Persons Making the Disclosure Bill, 2010, also known as Whistleblowers act to provide protection to Whistleblowers and punishing those who expose identity of Whistleblowers.

Under the Whistleblowers act anybody who reveals the identity of Whistleblowers would be punished with 3 years imprisonment or fine up to 50000 rupees. In case of any information leakage regarding the Whistleblower's identity the head of the department is to be held liable by (Central Vigilance Commission) CVC. At the same time there is also the provision that if anyone makes a false charge, he would be equally punishable with equal amount of imprisonment and fine.

At present, India has no legislation about Whistle blowing. The **Law Commission of India, in 2001 had recommended that in order to eliminate corruption, a law to protect whistleblowers was essential.** In 2004, in response to a petition filed after the murder of Satyendra Dubey, the Supreme Court directed that some machinery be put in place for acting on complaints from whistleblowers till a law is enacted. Whistleblowers Bill is also known as the **Public Interest Disclosure and Protection of Person Making the Disclosure Bill, 2010.**

The Whistle-blower Bill will protect the whistle blower from any consequences that may arise due to his/her act. The Bill seeks to strike a balance between protecting persons making a public interest disclosure and preventing undue harassment of public officials. Corporate Whistle blowing is not included in this Bill as it will be taken care of by Companies Bill, 2009.

The disclosures can be made to the Central or the State Vigilance Commission. Every complaint has to include the name and address of the complainant. The Commission will not accept or act upon anonymous complaints. This is to make sure that only genuine complaints are reported.

It is the duty of the Vigilance Commission to protect the identity of the complainant and related documents, unless it decides against doing so, or is required by a court to do so. The complainant may also be given protection for this purpose. The Central Government and the Vigilance Commission have to take care that no private individual is harmed in any way. If a public servant is harmed then they have to see to it that he/she is restored back to his old position.

**United States of America was one of the first countries to pass legislation about whistle-blowing. It was called the *United States False Claims Act* in 1863.**

**Disclosure has been defined as:** Any complaint made in writing or electronic mail against a public servant on matters related to (a) attempt to or commission of an offence under the

Prevention of Corruption Act, 1988; (b) wilful misuse of power which leads to demonstrable loss to the government or gain to the public servant; or (c) attempt or commission of a criminal offence by a public servant.

The definition recommended by the Law Commission was wider and included actions which are unjust, cause undue delay or negligent, leading to waste of public funds.

**Public Servant is defined as:** Any person who is an employee of the central government or the state government or any company or society owned or controlled by the central or state government. However, no public interest disclosure shall be accepted against defence, police and intelligence personnel.

There are a few exceptions when the complaint cannot be made. They are:

- When the subject matter of the complaint is already decided by a court.
- When a public inquiry has been ordered in that matter.
- When the complaint is registered after 5 years of the commission of the wrong.
- Disclosure of proceeding of the Cabinet is barred if it is likely to affect the sovereignty of India, security of the state, friendly relations with foreign states, public order, decency or morality.

The Bill has laid down penalties for various offences. If the reports are not submitted to the Vigilance Commission then a fine of 250 rupees per day is imposed till the day the report is submitted. A total of 50000 rupees is the highest fine anyone can be made to pay. If the identity of the complainant is revealed due to any negligent or mala fide reasons then penalty will be imprisonment of up to 3 years and a fine of up to 50000 rupees. If a person knowingly makes a false or misleading disclosure then he/she will be sentenced to up to 2 years imprisonment and a fine of up to 30000 rupees

## ANTI MONEY LAUNDERING ACT

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Parliament adopted **the Prevention of Money Laundering (Amendment) Bill, 2009**. This bill aims at combating money laundering, terror financing and cross-border economic offenses.

Money laundering is the process by which large amounts of illegally obtained money like from drug trafficking, terrorist activity or other serious crimes, is given the appearance of having originated from a legitimate source. But in the real sense it is the conversion of black money into white money.

As per IMF estimates, the turnover of this industry could well over around \$1.5 trillion.

The new law seeks to check use of black money for financing terror activities. This also enables India's entry into the Financial Action Task Force, an intergovernmental body that has the

mandate to combat money laundering and terrorist financing. The bill will address India's international obligation and empower the Enforcement Directorate to search the premises immediately after the offenses are committed and police have filed report. The period of provisional attachment of property will be increased from 90 to 120 days but the investigating agency can attach property and search a person only after completing the probe.

The **Prevention of Money-Laundering Act, 2002** came into effect on 1 July 2005. It seeks to prevent money laundering and to provide for attachment, seizure and confiscation of proceeds of crime obtained or derived, directly or indirectly from money laundering and for matters connected therewith or incidental thereto.

**Section 12 (1)** of the act prescribes the obligations on banks, financial institutions and intermediaries (a) to maintain records detailing the nature and value of transactions which may be prescribed, whether such transactions comprise of a single transaction or a series of transactions integrally connected to each other, and where such series of transactions take place within a month; (b) to furnish information of transactions referred to in clause (a) to the Director within such time as may be prescribed and to records of the identity of all its clients. Section 12 (2) prescribes that the records referred to in sub-section (1) as mentioned above, must be maintained for ten years after the transactions finished. It is handled by the Indian Income Tax Department.

The provisions of the Act are frequently reviewed and various amendments have been passed from time to time. The recent activity in money laundering in India is through political parties, corporate companies and the shares market. It is investigated by the Indian Income Tax Department.

Bank accountants must record all the transactions whose amount will be more than Rs. 10 Lakhs. Bank accountants must maintain these records for 10 years. Banks will also make **Cash Transaction Reports (CTRs)** and suspicious transaction reports whose amounts are more than 10 Lakhs rupees within 7 days of doubt. This report will be submitted to enforcement directorate and income tax department.

# NAXALISM

## NAXALISM AND ITS CAUSES

The term Naxal is derived from the name of the village Naxalbari in West Bengal the place of origin of the movement. Considered to be the far-left radical communists, the Naxals are supportive of Maoist political sentiment and ideology. The movement originated with the split of the Communist Party of India (Marxist), leading to the formation of the Communist Party of India (Marxist–Leninist) in 1967. With its beginning years in West Bengal, the movement slowly spread its stretch across the Eastern India less developed areas of rural central and eastern India, such as Chhattisgarh, Odisha and Andhra Pradesh through the activities of underground groups like the Communist Party of India (Maoist). For the past 10 years, it has grown mostly from displaced tribals and natives who are fighting against exploitation from major Indian corporations and local officials whom they believe to be corrupt. In 2009, Naxalites were active across approximately 180 districts in ten states of India. The term Naxalites comes from Naxalbari, a small village in West Bengal, where a section of the Communist Party of India (Marxist) (CPM) led by Kanu Sanyal, and Jangal Santhal initiated a violent uprising in 1967.

### It's Causes:

- 1) Mismanagement of Forests
- 2) Tribal policies not implemented well
- 3) The Growing inter and intra regional disparities
- 4) Absence of proper Industrialisation and lack of land Reforms
- 5) Geographical Terrain
- 6) Middle Class Youth

**Mismanagement of Forests:** It is one of the main reason for the spread of Naxalism. It started with the British government. The monopolisation of forest started with the enactment of various forest laws. The integration with the wider world led to influx of new class like moneylenders. The administrative machinery became more exploitative and extortionate at functional level.

**Tribal policies not implemented well:** Even during post Independence era, the government was not able to stop the process of the tribal alienation and their displacement caused by large projects. Even the issues of food security were not fully sorted out. Consequently, naxalism made inroads in Orissa and other states.

**The Growing inter and intra regional disparities:** Naxalism attract people who have poor livelihood like fishermen, farmers, daily labourers and bamboo cutters. The government

policies have failed to stem the growing inter and intra regional disparities. The poor people think that Naxalism can provide solution to their problems.

**Absence of proper Industrialisation and lack of land Reforms:** The half-hearted implementation of land reforms by the government has yielded negative results. The agrarian set up has not been defined in the absence of proper implementation of survey and settlement. This further damaged the agriculture production and the rural economy. Absence of proper industrialization has failed to generate employment for rural people leading to dissatisfaction with the government. It is also one of the causes behind Naxalism.

**Geographical Terrain:** Naxalism thrive in areas covered with forests. It helps them fight against the police and the army by waging Guerrilla warfare.

**Middle Class Youth:** The educated youths have been the largest supporters of the Naxalist movement as maximum of the youths involved in the movement are medical and engineering graduates. Universities have turned up to be a pitch for creation of radical ideologies.

### **The Laws Made by the Government**

## **REHABILITATION AND RESETTLEMENT BILL, 2011**

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Infrastructure across the country must expand rapidly. Industrialisation, especially based on manufacturing has also to accelerate. Urbanisation is inevitable. Land is an essential requirement for all these processes.

Government also needs to acquire land for a variety of public purposes. In every case, land acquisition must take place in a manner that fully protects the interests of land-owners and also of those whose livelihoods depend on the land being acquired.

Under our Constitution, land is a State subject but land acquisition is a Concurrent subject. So far, the basic law governing the land acquisition process has been the Land Acquisition Act, 1894.

Although it has been amended from time to time, it is painfully evident that the basic law has become archaic.

Land markets in India are imperfect. There is asymmetry of power (and information) between those wanting to acquire the land and those whose lands are being acquired. That is why there has to be a role for the Government to put in place a transparent and flexible set of rules and regulations and to ensure its enforcement. Land Acquisition and Rehabilitation and Resettlement (R&R) need to be seen necessarily as two sides of the same coin.

R&R must always, in each instance, necessarily follow upon acquisition of land. Not combining the two – R&R and land acquisition – within one law, risks neglect of R&R.



This has, indeed, been the experience thus far.

This draft Bill seeks to balance the need for facilitating land acquisition for various public purposes including infrastructure development, industrialisation and urbanisation, while at the same time meaningfully addressing the concerns of farmers and those whose livelihoods are dependent on the land being acquired.

The issue of who acquires land is less important than the process of land acquisition, compensation for land acquired and the R&R process, package and conditions.

This Draft Bill specifies these irrespective of the ratios of private and government acquisition. The objective is to make the process of land acquisition easy, transparent and fair for both sides in each instance.

## **FOREST RIGHTS ACT, 2006**

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The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, was passed on December 15, 2006, in the Lok Sabha and December 18, 2006, in the Rajya Sabha. It was signed by the President on December 29, 2006, but only notified into force on December 31, 2007 (one year later). The Rules to the Act - which provide for some of the operational details - were notified into force on January 1, 2008.

Prior to being passed, the original Bill was subjected to a lengthy process of examination by a Joint Parliamentary Committee. The Committee's historic report marked a huge step forward for the struggle for forest rights.

Finally, the Act was preceded by several orders of the Environment Ministry intended to address issues of rights (primarily land rights). These orders were barely implemented. Copies of some of the orders can be found in the attachments below.

## **CONSEQUENCES OF NAXALISM**

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- The Naxalism is causing social conflicts between various communalism cultures and societies and blaming each other for this cause. And this finally leads to the separation of society and indulged a feeling of hatred and jealous among them.
- They are exploiting the national resources of our country and leads to decreasing national income and per-capita income which in turn responsible for the decreasing growth rate.
- Naxalism is also endangering the internal security of India as well as posing serious threat to the Unity of India.

## OPERATION GREEN HUNT

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Operation Green Hunt was the name used by the Indian media to describe the Government of India's paramilitary offensive against the Naxalite rebels in the late 2000s. The operation began in November 2009 along five states in the Red Corridor.

The term was coined by the Chhattisgarh police officials to describe one successful drive against the Communist Party of India (Maoist) in the state. It was erroneously used by the media to describe the wider anti-Naxalite operations; the Government of India doesn't use the term "Operation Green Hunt" to describe its anti-Naxalite offensive.

At the beginning of November 2009, the first phase of the operation began in Gadchiroli district. As many as 18 companies of the central paramilitary forces were moved into the area in anticipation of the operation.

## SALWA JUDUM CAMPAIGN

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Salwa Judum (meaning Peace March or Purification Hunt in Gondi language) refers to a militia in Chhattisgarh, India, which is aimed at countering the naxalite violence in the region. The militia consisting of local tribal youth receives support and training from the Chhattisgarh state government. On July 5, 2011, the Supreme Court of India declared the militia as illegal and unconstitutional. The court directed the Chhattisgarh government to recover all the firearms given along with the ammunition and accessories. It also ordered the government to investigate all instances of alleged criminal activities of Salwa Judum. The use of Salwa Judum by the government for anti naxal operations was criticized for its violations of human rights, use of child soldiers and poorly trained uneducated youth for counter-insurgency roles.

Salwa Judum started in 2006 as a people's resistance movement against the Naxalites, a far-left movement in some states in rural India that is designated by India as a terrorist organization on account of their violent Maoist activities in the state. Initially an uprising of local indigenous people in Chhattisgarh, the Salwa Judum movement later received bi-partisan support from both the opposition and ruling parties.

## STEPS TO COUNTER NAXALISM AND GOVERNMENT POLITICS

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In February 2009, the Indian Central government announced a new nationwide initiative, to be called the Integrated Action Plan (IAP) for broad, co-ordinated operations aimed at dealing with the Naxalite problem in all affected states (namely Karnataka, Chhattisgarh, Odisha, Andhra Pradesh, Maharashtra, Jharkhand, Bihar, Uttar Pradesh, and West Bengal). Importantly, this plan included funding for grass-roots economic development projects in Naxalite affected areas, as well as increased special police funding for better containment and reduction of Naxalite influence in these areas.

The Central Government has taken various measures to control Left Wing Extremism which includes augmenting the strength of Central Armed Police Forces; establishment of National Security Guard (NSG) hubs at Chennai, Kolkata, Hyderabad and Mumbai; strengthening and re-organizing of Multi-Agency Centre to enable it to function on 24x7 basis; and sanctioning of new Specialized India Reserve Battalions (SIRB). The Central Government also proposes release of funds under the Special Infrastructure Scheme to the States of Bihar, Chhattisgarh, Jharkhand and Odisha to raise Special Task Force to combat LWE. The **Unlawful Activities (Prevention) Act, 1967** has been amended to strengthen the punitive measures.

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This will help us serve you in a better way.



# TERRORISM

## CAUSES OF TERRORISM

All terrorist acts are mainly motivated by:

- **Social and political injustice:** People choose terrorism when they are trying to right what they perceive to be a social or political or historical wrong—when they have been stripped of their land or rights, or denied these.
- **The belief that violence or its threat will be effective, and usher in change.** Another way of saying this is: the belief that violent means justify the ends. Many terrorists in history said sincerely that they chose violence after long deliberation, because they felt they had no choice.
- Besides the above, **Poverty and communal feelings** can be the major reasons behind terrorism.

## TERRORISM IN INDIA

**Terrorism in India**, according to the Home Ministry, poses a significant threat to the state. Terrorism in India is basically two types **external and internal, external terrorism emerge from neighboring countries and internal terrorism emulates from religious or communal violence and Naxalite–Maoist insurgency.** Terror activities involve either Indian or foreign citizens.

The four types of terrorism India has to face are: Khalistan-oriented terrorism in Punjab, militants's terrorism in Kashmir, Naxalite terrorism in Bengal, Bihar, Andhra Pradesh, and the ULFA terrorism in Assam.

India has been faced with the Kashmir problem for the past half a century and even faced two Indo-Pak wars on this issue.

Terrorism in Assam emerged from 1980 onwards. The **United Minorities Front (UMF) and the United Liberation Front of Assam (ULFA)** emerged as two militant organizations. The All Bodo Students' Union also demanded a separate state resulting in considerable violence.

Khalistan oriented terrorism was based on the identity crisis of Sikhs or on the Idea of theocratic state through secession and partition of the country.

The Government of India enacted an Act in 1985 called the Terrorists and Disruptive Activities Prevention Act (TADA) to deal with terrorists and terrorism.

Prior to that, **Prevention Detention Act, 1950** had been adopted by the Indian Parliament. This act gave way to the Maintenance of Internal Security Act (MISA) in 1971 and to the **National**

**Security Act (NSA) in 1980.** The most glaring example of terrorists circumventing TADA was Operation Black Thunder in Assam.

TADA was allowed to expire on 23 May 1995 and a new bill called the **Criminal Law (Amendment) Bill** was introduced in Rajya Sabha on 18 May 1995 in place of TADA.

## UN GLOBAL COUNTER TERRORISM STRATEGY-2006

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The **United Nations Global Counter-Terrorism Strategy** was adopted by Member States on 8 September 2006. The strategy, in the form of a resolution and an annexed Plan of Action (A/RES/60/288), is a unique global instrument that will enhance national, regional and international efforts to counter terrorism. This is the first time that all Member States were agreed to a common strategic approach to fight terrorism, not only sending a clear message that terrorism is unacceptable in all its forms and manifestation but also resolving to take practical steps individually and collectively to prevent and combat it. Those practical steps include a wide array of measures ranging from strengthening state capacity to counter terrorist threats to better coordinating United Nations system's counter-terrorism activities. The adoption of the strategy fulfils the commitment made by world leaders at the 2005 September Summit and builds on many of the elements proposed by the Secretary-General in his 2 May 2006 report, entitled *Uniting against Terrorism: Recommendations for a Global Counter-Terrorism Strategy*.

During the 2005 September Summit, and using the occasion of the one year anniversary of the Madrid train bombings, Secretary-General Kofi Annan, acting on the recommendations of the High-level Panel, launched his proposals for a comprehensive counter-terrorism strategy in a speech in Madrid.

## UAPA-2008

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Unlawful Activities (Prevention) Act is Indian law aimed at effective prevention of unlawful activities associations in India. Its main objective was to make powers available for dealing with activities directed against the integrity and sovereignty of India

Pursuant to the acceptance by Government of a unanimous recommendation of the Committee on National Integration and Regionalism appointed by the National Integration Council, the Constitution (Sixteenth Amendment) Act, 1963, was enacted empowering Parliament to impose, by law, reasonable restrictions in the interests of sovereignty and integrity of India, on the:

- i) Freedom of Speech and Expression;
- ii) Right to Assemble peaceably and without arms; and
- iii) Right to Form Associations or Unions.

The object of this Bill was to make powers available for dealing with activities directed against the integrity and sovereignty of India. The Bill was passed by both the Houses of Parliament and received the assent of the President on 30 December 1967. The Amending Acts are as follows:

- i) The Unlawful Activities (Prevention) Amendment Act, 1969;
- ii) The Criminal Law (Amendment) Act, 1972;
- iii) The Delegated Legislation Provisions (Amendment) Act, 1986;
- iv) The Unlawful Activities (Prevention) Amendment Act, 2004,
- v) The Unlawful Activities (Prevention) Amendment Act, 2008

This last Amendment was enacted after POTA was withdrawn by the Parliament. However, in the last Amendment Act in 2004, most of provisions of POTA were re-incorporated. In 2008, after Mumbai attacks, it was further strengthened.

### **Significance**

The Act makes it a crime to support any secessionist movement, or to support claims by a foreign power to what India claims as its territory. It includes the following:

- i) Unlawful activity, in relation to an individual or association, means any action taken by such individual or association (whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise),
- ii) Which is intended, or supports any claim, to bring about, on any ground whatsoever, the cession of a part of the territory of India or the secession of a part of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cession or secession; or
- iii) Which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India; or
- iv) Which causes or is intended to cause disaffection against India

# COMMUNALISM

## CAUSES OF COMMUNALISM IN INDIA

Following are the factors responsible for the growth of Communalism in India:

**(i) Divide and Rule Policy of the British:** The British rulers adopted the policy of 'Divide and Rule' to strengthen their roots while living in India. They divided the people of various communities of India and spread the feeling of distrust among them and hence they sowed the seeds of communalism in India.

**(ii) Political Organisations:** Different communal organisations are found in India which have created hatred among the people of various religious communities by propagating, and hence they are the root cause of communalism.

**(iii) Inertia indifferent Government:** When the government does not take proper action at the proper time, communalism spreads among the subjects. Sometimes the government favours on the religion and leave others which create differences.

**(iv) Ineffective Handling of Communal Riots:** Sometimes the state governments have been proved ineffective to curb the communal riots in their respective states. It also results in spreading the communalism.

As the result of the above factors, communalism is raising its ugly face in India after the Independence and also creating great problems even in the working of Indian political system.

## MAJOR INCIDENTS

India witnessed its worst communal riots in 1948 after the partition. Noakhali in Bengal and several villages of Bihar were the worst hit.

One of the first major communal riots took place in August 1893 in Mumbai in which about a hundred people were killed and 800 injured. The period between 1921 and 1940 marked a particularly difficult phase. The 1926 Muharram celebrations in Calcutta were for example marred by a clash that

The first major riots between Hindus and Muslims after the bloodshed of partition in 1947 occurred in Jabalpur in Madhya Pradesh in 1961.

**1969 Ahmedabad riots:** Communal riots between Hindus and Muslims erupted in Ahmedabad in 1969. Atleast 1000 people had died during this riot.

**1984 Sikh riots:** The assassination of Prime Minister Indira Gandhi on October 31, 1984 sparked riots that lasted 15 days. Several inquiry panels later, eight people were convicted. The politicians and police got away.

**1987 Merrut riots:** The riots began on May 21, 1987 and continued for two months.

The Babri masjid demolition set off riots between December 1992 and January 1993. The Sri Krishna panel examined 502 witnesses, but no police officer has yet been punished.

**1992 Mumbai riots:** Hours after the demolition of the Babri masjid, Mumbai erupted. For five days in December 1992 and then again for a fortnight in January, the city witnessed unprecedented riots. As many as 1,788 people were killed and property worth crores of rupees destroyed.

On January 25, 1993, the Maharashtra government set up the Sri Krishna Commission of Inquiry, which recorded the evidence of 502 witnesses and examined 2,903 exhibits.

**2002 Gujarat riots:** On February 27, 2002 suspected Muslim mob attacked a train carrying activists of the Vishwa Hindu Parishad (VHP) back from the disputed holy site of Ayodhya. The attack left 58 Hindu activists dead.

The episode resulted in major riots, which left many Muslims dead in Gujarat.

## MEASURES TO CONTROL COMMUNALISM

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### Remedies:

- a) The remedy of constitutional safeguards to root out the chronic malaise of communalism and casteism shall not have desired effect unless it is tackled by society itself.
- b) Efforts should be made by the enlightened citizens to discourage the communal and caste based forces from the social, political and electoral process in order to make these forces irrelevant. They are to be opposed not to be appeased.
- c) Communal carnage and caste wars should be dealt strictly with new strategies.
- d) To usher an era of social equity and **SARVA DHARMA SAMBHAVA** the people of India should not mix religion and caste with politics to attain the goal of common brotherhood for the unity and integrity of the nation.

## COMMUNAL VIOLENCE PREVENTION, CONTROL, AND REHABILITATION OF VICTIMS BILL-2010

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The Union Cabinet gave its approval for enactment of Legislation titled - The Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2010.

**This Bill will envisage the following benefits / results:**

- i) Prevention of communal violence/offences
- ii) Speedy investigation and speedy dispensation of justice
- iii) Imposition of enhanced punishment on the persons involved in communal violence/offences
- iv) Providing relief and rehabilitation facilities to the victims
- v) Creating institutional arrangement for speedy investigation, disposal of cases, providing relief and rehabilitation to the victims
- vi) Empowering the States / Central authorities to discharge their duties in assisting victims in the matter

## LABOUR ISSUES

### STATUS OF LABOUR IN INDIA

**Status of Labour in India:** The **labour in India** consists of about 487 million workers, the second largest after China. Of these over 94 percent work in unincorporated, unorganized enterprises ranging from pushcart vendors to home-based diamond and gem polishing operations. The organized sector includes those employed by the government, state-owned enterprises and private sector enterprises. In 2008, the organized sector employed 27.5 million workers, of which 17.3 million worked for government or government owned entities. Over 94 percent of India's working population is part of the unorganized sector. In local terms, *organized sector* or *formal sector* in India refers to licensed organizations, that is, those who are registered and pay sales tax, income tax, etc. These include the publicly traded companies, incorporated or formally registered entities, corporations, factories, shopping malls, hotels, and large businesses. **Unorganised sector**, also known as **informal sector** or **own account enterprises**, refers to all unlicensed, self-employed or unregistered economic activity such as owner manned general stores, handicrafts and handloom workers, rural traders, farmers, etc

India's Ministry of Labor, in its 2008 report, classified the unorganized labor in India into four groups. This classification categorized India's unorganized labour force by occupation, nature of employment, especially distressed categories and service categories. The unorganized occupational groups include small and marginal farmers, landless agricultural labourers, share croppers, fishermen, those engaged in animal husbandry, beedi rolling, labeling and packing, building and construction workers, leather workers, weavers, artisans, salt workers, workers in brick kilns and stone quarries, workers in saw mills, and workers in oil mills. A separate category based on nature of employment includes attached agricultural labourers, bonded labourers, migrant workers, contract and casual laborers. Another separate category dedicated to distressed unorganized sector includes toddy tappers, scavengers, and carriers of head loads, drivers of animal driven vehicles, loaders and unloaders. The last unorganized labor category includes service workers such as midwives, domestic workers, barbers, vegetable and fruit vendors, newspaper vendors, pavement vendors, hand cart operators, and the unorganized retail.

### MAJOR PROBLEMS RELATED TO LABOUR

#### Migrant workers

Migrant skilled and unskilled laborers of India constitute about 40 to 85 percent of low wage working population in many parts of the Middle East. They are credited to having built many of the notable buildings in the Arab countries, including the Burj Khalifa in Dubai. Various claims of poor living conditions and labor abuse have been reported.

India has two broad groups of migrant workers - one that migrates to temporarily work overseas, and another that migrates domestically on a seasonal and work available basis.

About 4 million Indian-origin laborers are migrant workers in the Middle East alone. They are credited to have been the majority of workers who built many of Dubai, Bahrain, Qatar and Persian Gulf modern architecture, including the Burj Khalifa, the tallest building in world's history which opened in January 2010. These migrant workers are attracted by better salaries (typically US\$2 to 5 per hour), possibility of earning overtime pay, and opportunity to remit funds to support their families in India. The Middle East-based migrant workers from India remitted about US\$20 billion in 2009. Once the projects are over, they are required to return back at their own expenses, with no unemployment or social security benefits. In some cases, labor abuses such as unpaid salaries, unsafe work conditions and poor living conditions have been claimed.

Domestic migrant workers have been estimated to be about 4.2 million. These workers range from full-time to part-time workers, temporary or permanent workers. They are typically employed for remuneration in cash or kind, in any household through any agency or directly, to do the household work, but do not include any member of the family of an employer. Some of these work exclusively for a single employer, while others work for more than one employer. Some are live-in workers, while some are seasonal. The employment of these migrant workers is typically at the will of the employer and the worker, and compensation varies.

### **Debt bondage**

Forced Labour/Bonded labour is almost the same thing and in this type of labour the relationship between the employee and the employer is a forced one. In this type of labour the compulsion is recovered from the outstanding debt with high interest rate, as a result of it a bonded labour remains in such a kind of relationship with the employer for a long time or may be for lifetime. Sometimes, the employee has no options for employment in the organized or unorganized sectors of India, and prefers the security of any employment including one offered in bonded labor form. While illegal, bonded labor relationships may be reinforced by force, or they may continue from custom. Once an employee enters into bonded relationships, they are characterised by asymmetry of information, opportunity, no time to search for alternative jobs and high exit costs.

Estimates as per different surveys put forward a complete different figure of bonded labour in India depending upon the methods and assumptions used for conducting the survey.

- **Official Estimates:** few hundred thousand labours are bonded labours
- **Estimates of Activists and social organization:** 2.6 to 5 million labours

### **CHILD LABOUR**

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According to 2001 Census, India had 12.6 million children, aged 5–14, who work either part-time or full-time. Of these over 60 percent works in unorganized agriculture sector, and the rest

in other unorganized labor markets. Poverty, lack of schools, poor education infrastructure and growth of unorganized economy are considered as the most important causes of child labour in India.

## CONSTITUTIONAL SAFEGUARD

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### Article 24: Prohibition of employment of children in factories, etc. -

No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

## CHILD LABOUR AND ITS CAUSES

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**Definition:** According to the census of India, a child worker is one who works for the major part of the day and is below the age of 14 years. The 1989 UN convention on the Rights of the Child defines the upper age at 18. The International Labour Organisation states that those who are under 15 years should be considered children.

### Major Facts related to Child Labour in India

- ILO states that there are 44 million child labourers in India between the age of 5-14.
- Approximately, 70 percent of the school dropouts start working as child labourers.
- India has the largest child labour force in the world according to an estimate.
- These children are primarily employed in various industries like match factories, fire crackers, lock industries, glass factories, Brass Industry, carpet weaving, agriculture and street work.
- There are 12 million child labourers in India. A UNICEF report world's children 2006 say that in India 17 percent children are under the age of 15 are working.
- Out of the total child population of 252 million, 12.5 million children in the age group of 5-14 are working as per Census 2001.
- As per ILO survey, almost 15 percent of the children are child workers in India.

### Causes of Child Labour:

- **Illiteracy and Ignorance:** The major cause behind India having the largest child workforce is that 82 million children are not enrolled in school. Illiterate and ignorant parents do not understand the need for providing education to their children which forces them to find jobs at early age.
- **Big families and less income:** In most of the rural areas of India, there are big families without too much income. They are forced to promote child labour for their livelihood.
- **Child Labour considered safe and cheap:** Child labour is both cheap and safe. Children don't have access to trade unions and lack the understanding of their rights.

- **Social Acceptance:** Child labour is accepted by both the employers as well as parents of the child in India. There is no awareness regarding child labour.
- **Poverty:** Approximately, 29.9 percent of the total population of India lives below poverty line. These people have no option but to send their children to work in factories.
- **Child labour advantageous for industries:** child labour benefits industries. For instance, the carpet industry of Uttar Pradesh has employed 75000 children and is earning about 150 crore rupees a year. In the year 1993, the export earnings were estimated to be about 350 crore rupees.
- **High Fertility:** High fertility rate is also a consequence of poverty. Owing to large family, parents are tempted to engage children in labour work instead of sending them to school.
- **Gender Bias:** In India, there is a tendency to retain girl children at home and make them do household and farm works.
- **Ineffective child labour laws:** India lacks effective child labour laws which can curb child labour.

**Article 24:** It prohibits the employment of children below 14 years in any factory, mines or other hazardous employment.

**Article 21 A:** A newly inserted Fundamental Right to Education by **86<sup>th</sup> Amendment Act 2002**, lays down that the state shall provide free and compulsory education to all children of age 6 to 14 years in such manner as the state may by law determine.

Child labour has several forms like use of children for military purpose and child prostitution, bonded child labour, and employed as domestic servants in domestic households.

### **Child Labour Sector-Wise**

- **The Agriculture Sector:** In India, 80 percent of child workers are employed in agriculture and allied occupations.
- **The Manufacturing Sector:** Most hazardous form of child labour in the manufacturing sector of India includes glass industry, match factories, carpet industry and lock industry.
- **Street Work:** Many children live and work in the city street of India. The majority of the street children do rag picking for their livelihood. Some of them are selling newspapers, flowers and water at traffic signals. Some of them beg for their living.

## GOVERNMENT POLICIES

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### The Government's Response to Child Labour

**The Union government of India in 1979 set up a committee headed by MS Gurupadaswamy** whose duty was to examine and inquire the problems arising out of child labour and to suggest suitable measures for the protection and welfare of children.

**A major programme was launched on 15 August 1994** for retrieving children working in dangerous conditions and rehabilitating them through special schools.

**National Authority on Elimination of Child Labour** was set up with Union Minister of Labour as the chair and with representatives of the ten government departments comprising of namely Labour, Textile, Women and Child development, Welfare, Health, Family Welfare, Information and Broadcasting, Education, Rural Expenditure, expenditure.

**National Plan of Action for Children, 2005:** The National Plan of Action for Children, 2005 is by far the most comprehensive planning document concerning children. Its value is that it clearly outlines goals, objectives, and strategies to achieve the objectives outlined and recognises the needs of all children up to the age of eighteen. It is divided into four basic child right categories as per the United Nations Convention on the Rights of a Child: Child survival, Child development, Child protection and Child participation.

**Child Labour (Prohibition and Regulation) Act, 1986-** The Child Labour (Prohibition and Regulation) Act, 1986 is one the most debated acts regarding children in India. It outlines where and how children can work and where they can not. The provisions of the act are meant to be acted upon immediately after the publication of the act, except for part III that discusses the conditions in which a child may work. Part III can only come into effect as per a date appointed by the Central Government (which was decided as 26th of May, 1993).

The act defines a child as any person who has not completed his fourteenth year of age. Part II of the act prohibits children from working in any occupation listed in Part A of the Schedule; for example: Catering at railway establishments, construction work on the railway or anywhere near the tracks, plastics factories, automobile garages, etc. The act also prohibits children from working in places where certain processes are being undertaken, as listed in Part B of the Schedule; for example: beedi making, tanning, soap manufacture, brick kilns and roof tiles units, etc. These provisions do not apply to a workshop where the occupier is working with the help of his family or in a government recognised or aided school.

The act calls for the establishment of a Child Labour Technical Advisory Committee (CLTAC) who is responsible for advising the government about additions to the Schedule lists.

**Integrated Child Development Services (ICDS)** Launched on 2<sup>nd</sup> October 1975, today, ICDS Scheme represents one of the world's largest and most unique programmes for early childhood development. ICDS is the foremost symbol of India's commitment to her children – India's response to the challenge of providing pre-school education on one hand and breaking the vicious cycle of malnutrition, morbidity, reduced learning capacity and mortality, on the other.

**1. Objectives:** The Integrated Child Development Services (ICDS) Scheme was launched in 1975 with the following objectives:

- 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 dropout;
- iv. to achieve 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.

**Childline India Foundation (CIF):** Supports for Child Protection and Child Development in India. It was set up as anodal organization to save street children in disress. They are India's only and most widespread Children's phone emergency outreach service (1098) for children in need of care and protection.

**Shishu Greh Scheme:** Scheme of Assistance to Homes (Shishu Greh) for Children to promote In-Country Adoption is implemented by CARA. The purpose of the scheme is to regulate adoption in the country, to provide institutional care for orphaned, destitute and surrendered children prior to adoption and to promote in-country adoption. Under this scheme NGOs can register to run a Shishu Greh. 90% of funding will come from the Government of India and 10% must be covered by the organisation. 100% grants will be afforded to agencies but only up to Rs. 600000/- a financial year.

Under this scheme NGOs and Voluntary organisations can undertake the following activities:

- Opening of Homes for destitute infants in the age group of 0-6 years with the strength of 10 children with a view to finding adoptive families for them. Such destitute infants could be abandoned/surrendered who are legally free for adoption.
- Homes, which are already running on funds available from other sources, can also apply for separate grants for specific purposes such as purchase of medicines and utensils, library books, cradles, mattresses, learning materials, which could include toys also.

- Such other activities as may be specified by the Ministry in accordance with the objectives of the scheme

The **Shishu Greha Scheme** now comes under the umbrella of the ICPS programmes.

## **NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS**

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The **National Commission for Protection of Child Rights (NCPCR)** was set up in March 2007 under the **Commission for Protection of Child Rights Act, 2005, an Act of Parliament (December 2005)**. The Commission's Mandate is to ensure that all Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child. The Child is defined as a person in the 0 to 18 years age group.

The Commission visualises a rights-based perspective flowing into National Policies and Programmes, along with nuanced responses at the State, District and Block levels, taking care of specificities and strengths of each region. In order to touch every child, it seeks a deeper penetration to communities and households and expects that the ground experiences inform the support the field receives from all the authorities at the higher level. Thus the Commission sees an indispensable role for the State, sound institution-building processes, respect for decentralization at the level of the local bodies at the community level and larger societal concern for children and their well-being.

India is a signatory to the UN Convention on the rights of the Child and ILO Abolition of Forced Labour Convention. A National Labour policy was adopted in the year 1987.

What is UNCRC (The United Nations Convention on the Rights of the Child): It is an international convention which defines civil, social, cultural, political, economic and social rights of children.

The convention defines that a child is under the age of 18.

The convention was adopted in 1989 which came into force in 1990.

Prof. Shantha Sinha is the **Chairperson of the Commission** at present.

### **Powers of the Commission**

The Commission, while enquiring into any matter, has all powers of the Civil Court trying a suit under the **Code of Civil Procedures, 1908** and in particular, with respect to the following matters:

- Summoning and enforcing the attendance of any person from any part of India and examining them on oath
- Requiring the discovery and production of any documents



- Receiving evidence on Affidavits
- Requisitioning of any Public Record or copy thereof from any Court of Office
- Issuing commissions for the examination of witnesses or documents
- Forwarding cases to Magistrates who have jurisdiction to try the same
- On completion of inquiry, the Commission has the powers to take the following actions:
  - To recommend to concerned Government for initiation of proceedings for prosecution or other suitable action on finding any violation of child rights and provisions of law during the course of an inquiry
  - To approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary
  - To recommend to concerned Government or authority for grant of such interim relief to the victim or the members of his family as considered necessary

**On the same line of the National Commission for Protection of Child Rights, different states of India also have similar commissions.**

## SOCIAL ISSUE UPDATES

### PRESIDENT PRANAB MUKHERJEE SIGNED ORDINANCE ON FOOD SECURITY

President Pranab Mukherjee signed the ordinance on food security on 5 July 2013 which seeks to give legal rights to 67 per cent of the population over subsidised grains every month.

Now, with the presidential consent, the bill will be presented before the Parliament when it convenes for the Monsoon Session.

The Government had issued the ordinance to give nation's two-third population the right to get 5 kgs of foodgrains every month at highly subsidised rates of 1-3 Rupees per kg amid political opposition.

The food security arrangements will be the largest in the world after implementation, with the government spending estimated at one lakh 25 thousand crore rupees annually on supply of about 62 million tonnes of rice, wheat and coarse cereals to 67 per cent of the population.

The Food Security Bill was tabled during the budget session of Parliament, but was not taken up for discussion because of opposition-led disturbances of proceedings arising out of scam-related allegations.

### MARRAKESH TREATY FOR VISUALLY IMPAIRED SIGNED

The Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print Disabled was adopted by more than 150 countries at the World Intellectual Property Organisation (WIPO) Diplomatic Conference hosted by Morocco in Marrakesh, Morocco on 28 June 2013. The treaty will provide access to various books for the print disabled, visually impaired as well as blind.

Marrakesh, Morocco is an important place because at this place itself, the World Trade Organization was established after signing of the treaty on 15 April 1994.

#### SALIENT FEATURES OF THE MARRAKESH TREATY

The treaty will address the needs of the books for visually impaired. This will be done after the contracting parties will adopt the national law provisions which will allow distribution, reproduction as well as making accessible the published works in easy formats through exceptions and limitations to copyrights.

- The primary aim of the treaty is to bring down the rate of book famine which is faced by the blind i.e., lack of the accessible books format for people who have print disabilities, while at the same time considering international copyright framework.

- The treaty will also facilitate assurance to various publishers as well as authors that the system of this treaty would not lead to misuse or improper distribution of their copyrighted works.
- The treaty is described as Miracle in Marrakesh by the Moroccan Minister of Communications Mustapha Khalfi.
- The treaty also provides for exchanging the accessible format works through the borders by those organisations which serve blind, visually impaired, and print disabled people. Sharing of the works will facilitate increasing the number of works which are available because this would eliminate plagiarism.
- In all, there are 285 million visually blind as well as partially-sighted people in world. Maximum percentage of these people lives in India. It is important to note that merely 1 to 7 percent of overall published books are available in the formats which are accessible to them.

### **ANDHRA ASSEMBLY PASSED BILL TO RESTORE GENDER BALANCE**

Andhra Pradesh state Assembly on 19 June 2013 passed the bill called the Andhra Pradesh Bangaru Talli Girl Child Promotion and Empowerment Bill 2013 which provides, among other benefits, financial assistance of 2500 rupees to a family on birth of a girl child. Each such family would get a total of 55000 rupees till the girl's 21st birthday and upon completion of intermediate (Plus-2) or graduation, an additional 50000 rupees or one lakh rupees respectively would be given as incentive.

The bill is aimed at the restoring the gender balance and channeling the capabilities of women for nation building. The Opposition benches remained empty in the House following the suspension of TRS and YSR Congress members and walkout staged by TDP, BJP, CPI and CPM MLAs.

Women Development and Child Welfare Minister of Andhra Pradesh V Sunita Laxma Reddy had introduced the Bill. Child sex ratio in AP declined from 975 in 1991 to 961 in 2001 and further to 943 in 2011, signaling a grave danger for the demographic composition.

### **GOVT. TARGET TO ACHIEVE 80% LITERACY RATE BY 2017**

The Union Government of India on 12 June 2013 announced that it has set a target to achieve 80 percent literacy rate in the country by 2017. The literacy rate of the country at present is 74 percent. The government is aimed to strengthen the **Panchayati Raj Institutions** as it serves as a vital leverage to promote education in general and literacy in particular.

Government of India's Saakshar Bharat Programme that is operational in 372 districts covering nearly 1.5 lakh gram panchayats spread over 25 states will work as an instrument of literacy and empowerment as well as the agent of change to create equal and inclusive India.

The Government has also stressed on the need to bridge the gender gap in rural and urban areas to attain the target.

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### SAAKSHAR BHARAT PROGRAMME

The Prime Minister launched Saakshar Bharat, a centrally sponsored scheme of Department of School Education and Literacy (DSEL), Ministry of Human Resource Development (MHRD), Government of India (GOI), on the International Literacy Day, 8 September 2009. It aims to further promote and strengthen adult education, specially of women, by extending educational options to those adults who having lost the opportunity of access to formal education and crossed the standard age for receiving such education, now feel a need for learning of any type, including, literacy, basic education (equivalency to formal education), vocational education (skill development), physical and emotional development, practical arts, applied science, sports, and recreation.

### World Day against Child Labour celebrated on 12 June 2013

#### **12 June 2013: World Day against Child Labour**

World Day against Child Labour was celebrated on 12 June 2013. The theme this year was, *No to Child Labour in Domestic Work*. According to International Labour Organisation, ILO, throughout the world, there are around 215 million children who work, many of them, full-time. In fact, the ILO is marking the day by calling for action to build a worldwide movement against child labour.

The International Labour Organization (ILO) estimates 10.5 million children around the world are working as domestic workers in hazardous, sometimes slave-like conditions. The ILO report finds 6.5 million of the 10.5 million child domestic laborers are aged between five and 14 years. More than 70 percent are girls. The United Nation's action plan has proposed that the ILO and its member states continue to pursue the goal of effective abolition of child labour by committing themselves to eliminate all its worst forms by 2016.

The International Labour Organization (ILO) launched the World Day against Child Labour in 2002 to focus attention on the global extent of child labour and the action and efforts needed to eliminate it. Each year on 12 June, the World Day brings together governments, employers and workers organizations, civil society, as well as millions of people from around the world to highlight the plight of child labourers and what can be done to help them.

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### UNANIMOUS RESOLUTION PASSED ON NAXAL VIOLENCE

The meeting of all political parties on Naxal violence unanimously passed a resolution on 10 June 2013 in New Delhi. It strongly condemned the brutal killing of political leaders and workers by the CPI (Maoist) on 25 May 2013 at **Jiram Ghati, District Bastar in Chhattisgarh**. Twenty six persons, mostly members of the Congress party, some security persons and innocent villagers, lost their lives in this dastardly attack on a peaceful convoy returning from a political event.

As per the resolution, the CPI (Maoist) is an unlawful organisation. It has indulged in senseless acts of violence targeting security persons, alleged police informers, small business persons and government servants. The attack on 25 May 2013 was a pre-meditated attack on political workers with the intent to intimidate and overawe all political workers in that region and to thwart the political mobilisation of the people. It was an attack on democracy, freedom, and free speech and expression. Nothing can be more dangerous than the insurgency of the CPI (Maoist) in the pursuit of its misguided goal of overthrowing Parliamentary democracy and the Constitution of India through violent means. The Indian State cannot, and will not, accept the pernicious Maoist doctrine. The CPI (Maoist) must give up the path of violence and destruction. On this, there can be no compromise.

All Parties resolution stated that there is enough room in Parliamentary democracy for dissent and differences of opinion, for redressal of grievances, and for advocacy of the cause of the poor and the downtrodden. We appeal to the youth of the affected States to abjure violence and pursue their goals through legitimate and democratic means. We assure them that the Governments will be sensitive to their concerns and redress any sense of alienation and the injustices of the past. We will make every effort to accelerate development, social inclusion and economic empowerment.

The resolution urged that the State Governments as well as the Central Government should adopt the two-pronged strategy of sustained operations to clear the areas of Maoist influence and pursue the objectives of effective governance and rapid development. We urge them to use all legitimate means to defend the security of the country and its institutions and quell armed insurgency and violence. We also urge the State Governments to draw upon their own resources as well as the resources provided by the Central Government to re-establish the rule of law and accelerate development activities in the affected States.

## **WORLD LEADERS SIGNED AGREEMENT TO TACKLE MALNUTRITION**

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World leaders on 8 June 2013 signed a global agreement to fight malnutrition in children and made commitments of up to 4.15 billion dollars to tackle under nutrition up to 2020. The agreement, called Global Nutrition for Growth was signed during the central London summit. The summit was participated by two Presidents and four Prime Ministers from Africa, philanthropist Bill Gates, former UN Secretary General Kofi Annan and Unilever chief executive Paul Polman.

The agreement also aims to improve saving the lives of at least 1.7 million children by increasing breastfeeding and better treatment of severe and acute malnutrition. The UK committed an additional 375 million pounds of funding from 2013 to 2020.

Countries which have previously increased nutrition funding, like the US and Canada, committed themselves to continuing those high levels of funding while others, like the European Union, the World Bank and Ireland, increased their support substantially.

Stunting affects around 165 million children across the globe and almost 50 per cent of children in India. The World Health Assembly agreed a new global target of a 40 per cent reduction in the number of stunted children by 2025.

## GOVERNMENT TO LAUNCH RASHTRIYA UCHHTAR SHIKSHA ABHIYAN

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The Union government of India on 8 June 2013 decided to launch National Higher education Campaign, Rashtriya Uchchar Shiksha Abhiyan, to focus on equity based development, improvement in teaching-learning quality and research. Under it, funds will be provided to public Universities and Colleges so that higher educational institutes do not rely heavily on the affiliation fees.

With the implementation of the scheme, the Universities can give more emphasize on life-skill development activities which would ultimately help in employment generation.

## SCHEME ROSHNI TO TRAIN YOUTH IN NAXAL-HIT AREAS LAUNCHED

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The Ministry of Rural Development on 7 June 2013 launched a new skill development scheme designed to offer employment to tribal youth in 24 Naxal -affected districts.

The scheme, which is named **Roshni** is supposed to provide training and employment to an anticipated 50000 youth in the 10-35 years age group, for a period of three years. As per the Ministry 50 per cent of the beneficiaries of the scheme will be women only.

The scheme is designed in light of the Himayat project model, which was launched in Jammu and Kashmir has been implemented in Sukma, Chhattisgarh, and West Singhbhum, Jharkand, on a pilot basis over the last 18 months.

### IMPLEMENTATION OF THE SCHEME ROSHNI

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- The Scheme **Roshni** which is a 100-crore Rupees project that will be mutually funded by the Union and State Governments, with the Centre providing 75 per cent of the funding.
- The scheme will be implemented on a public-private basis, with private agencies providing job training and employment.

It is worth mentioning here that the scheme has achieved success in the two districts where it was implemented on a pilot basis.

### First All-Women Police Station became Functional in Itanagar

To deal with the Crimes against the women, the first all-women police station started functioning in Itanagar, Arunachal Pradesh on 4 June 2013. With the opening of the first all-women police station, the state Government has tried to showcase its concern towards the protection of women in the state.

The proposal of setting up of the all-women police station was passed by the state cabinet on 6 February 2013. To tackle crime against women, the state cabinet has also approved the creation of separate cells in all the seventeen district headquarters and the Police headquarters of the state. To run these cells the state is also running a special recruitment drive for recruiting women police personnel.

## **DBTL SCHEME LAUNCHED IN 18 DISTRICTS OF INDIA**

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The Minister of Petroleum & Natural Gas, M. Veerappa Moily launched the Direct Benefit Transfer for LPG (DBTL) Scheme in 18 districts on 1 June 2013 at Tumkur near Bangalore. The scheme was also flagged off by Chief Minister of Andhra Pradesh Kiran Kumar Reddy.

DBTL Scheme became operational in 18 districts of India. Now, the subsidy on LPG cylinders in the districts would be provided directly to consumers in their Aadhar linked bank accounts. More than 67 lakh LPG consumers in 18 districts of India will enjoy the benefits of DBTL Scheme.

The LPG consumers, who have not linked their Aadhaar number to LPG consumer number, will get a grace period of three month from the date of launch of this scheme. During the tenure, these consumers will get the LPG cylinders at subsidized rate, up to the cap of 9 cylinders.

After end of the grace period (1 September 2013), LPG cylinders will be sold to all domestic LPG consumers at market price. However, the subsidy will be transferred to only those who have linked Aadhaar number to LPG consumer number and Bank account.

**The 18 districts covered under the Direct Benefit Transfer for LPG (DBTL) Scheme are:** Anantpur, Chittoor, East Godavari, Hyderabad, Ranga Reddy, Dui, North Goa, Bilaspur, Hamirpur, Una, Tumkur, Pathanamthitta, Wayanad, Wardha, Pondicherry, SBS Nagar/ Nawanshahar, East Nimar (Khandwa) and Harda.

## **MAHARASHTRA TO SET EDUCATION COMMISSIONERATES FOR TRIBALS**

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Maharashtra government in Month of June 2013 decided setting up separate education commissionerates in order to provide education to students of the tribal community.

The Commissionerates for tribals will be named by Adivasi Shikshan Ayuktalay and will first come up in four divisions of the state and the head office will be in Nashik.

The emphasis of Education Commissionerates is to provide quality education to tribal students. The government will also work towards improving ashram shalas that is the tribal residential school, seeing its poor condition. Around 80 per cent of ashram shalas are already undertaken by government. It has been found that tribal students were suffering due to poor infrastructure and academic facilities at ashram shalas and the supply of low-quality nutritional supplements.

The government will soon acquire 20 per cent of these ashram shalas as the most of the tribal residential schools were constructed in 1972 and are in shambles.

There are about 552 ashram shalas in Maharashtra and if it will go under upgradation the cost will come around 650 crore rupees. As per the government there is no shortage of fund in this regard.

### **NORTHERN RAILWAY TO DEPLOY ELECTRIC GOLF CARTS FOR ELDERLY**

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The Northern Railway decided in June 2013 to install the golf carts for physically challenged as well as senior citizens at all the railway stations in Delhi.

As of now, the New Delhi railway station has deployed three carts like these and furthermore, two will be deployed. In the meanwhile, Old Delhi Railway Station has one cart and two more carts will be introduced. Two carts will be introduced at Sarai Rohilla, Anand Vihar and Nizamuddin stations.

All these carts will be made available by June 2013 end. The golf carts will have their parking at end of platform.

The decision to introduce the carts was made because the physically challenged as well as the elderly found difficult to walk on platforms. This service has been planned to minimize inconvenience.

### **GOVT DECIDED TO SET UP TEACHER TRAINING INSTITUTES**

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The Union Government of India on 24 May 2013 announced that under the 12th Five Year Plan it will set up Institutes of Teacher Training at Block Level in 196 districts. The decision of the union Government will help in strengthening the teacher training capacity across the nation.

The Government has decided to develop these institutes in SC/ST/Minority concentrated districts of the country. Under this program, a budget of more than 690 crore rupees has been approved for the project development and execution. One third of the total budget allocated will be invested in the high teacher deficit states namely Uttar Pradesh, Bihar, Chhattisgarh, Odisha, West Bengal, Assam, Jharkhand and Madhya Pradesh.

### **RECRUITMENT DRIVE TO FILL BACKLOG VACANCIES FOR SC, ST & OBCS**

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The Union Cabinet of India on 23 May 2013 approved the Special Recruitment Drive to fill the backlog in reserved vacancies of Scheduled Castes (SC), Scheduled Tribes (ST) and Other Backward Classes (OBC). The decision to bring the special recruitment drive into effect was chaired by Prime Minister of India, Manmohan Singh at New Delhi.

Under the recruitment drive of 75000 identified vacancies 48000 were filled in 2012 under the drive and the government wants to fill the remaining backlog by 2013. During the meet of the



cabinet, different ministries and departments were made responsible to make concerted efforts to fill the remaining backlog of reserved vacancies.

## AGE LIMIT UNDER JSY FOR INSTITUTIONAL DELIVERIES RELAXED

The Union Ministry of Health and Family Welfare on 21 May 2013 relaxed the eligibility parameters for the Janani Suraksha Yojana (JSY), with an expectation of reducing the neonatal and maternal mortality in young mothers. Janani Suraksha Yojana provides financial assistance to mothers for institutional deliveries. With the relaxation of the scheme, the women who belong to Below Poverty Line (BPL) category can get an access to JSY benefits irrespective of their age and the number of Children they have.

The benefits of the scheme is extended to every women from BPL Category as well as Scheduled Castes and Scheduled Tribes from all States and Union Territories of the country if they give birth to the new one in Government as well as the Private accredited health facility, as well as to those women from BPL category who delivers at home (as part of their choice).

## ABOUT THE JANANI SURAKSHA YOJANA (JSY)

Janani Suraksha Yojana (JSY) is a safe motherhood intervention under the National Rural Health Mission (NRHM) that is implemented with the objective of reducing maternal and neo-natal mortality by promoting institutional delivery among the poor pregnant women. The Yojana, launched on 12 April 2005, by the Prime Minister, is being implemented in all states and UTs with special focus on low performing states.

JSY is a 100 % centrally sponsored scheme and it integrates cash assistance with delivery and post-delivery care. The success of the scheme would be determined by the increase in institutional delivery among the poor families.

## ELIGIBILITY FOR CASH ASSISTANCE (BEFORE RELAXATION)

<b>LPS States</b>	All pregnant women delivering in Government health centres like Sub-centre, PHC/CHC/ FRU / general wards of District and state Hospitals or accredited private institutions
<b>HPS States</b>	BPL - pregnant women, aged 19 years and above

<b>LPS &amp; HPS</b>	All SC and ST women delivering in a government health centre like Sub-centre, PHC/CHC/ FRU / general ward of District and state Hospitals or accredited private institutions
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### REASON BEHIND AGE RELAXATION

The decision of relaxing the age parameters for the JSY came up after the Government realized that the majority of women who could have been benefitted with the scheme needed to prove that they were above 19 years in age and didn't had more than two children. Because of the initial parameters that existed under the purview of the JSY scheme, the JSY failed to respond to the maternal mortality of the girls aged 14-15 (who suffered maximum), as they didn't succeeded in getting the age verification as well as the number of children they had.

The Union Health Ministry data claims that after the launch of the scheme, there has been an increase in the institutional deliveries of from 47 percent in 2007-08 to 72.9 percent in 2009 (Coverage Evaluation Survey).

### AFGHANISTAN BLOCKED LAW ON VIOLENCE AGAINST WOMEN

Afghanistan Parliament on 19 May 2013 blocked law aimed at strengthening provisions for women's freedom. The Parliament argued that parts of the law violated Islamic principles and encouraged disobedience.

In fact, the Law on Elimination of Violence against women is in force since 2009, but only by Presidential decree. The law was now presented in the parliament to get its approval so that in future no president could repeal it to satisfy the wishes of orthodox religious parties.

### FEATURES OF THE LAW

- The law criminalizes child marriage and forced marriage.
- It bans baad, the traditional practice of selling and buying women to settle disputes.
- It also makes domestic violence a crime punishable by up to three years and specifies that rape victims should not face criminal charges for fornication or adultery.

The Taliban while in power imposed a strict interpretation of Islam that put severe restrictions on the freedom of women. Taliban even banned women from working and going to school, or even leaving home without a male relative. In public, all women were forced wear a head-to-toe burqa, which even covered the face. Violators faced public flogging or execution.

Since the U.S.-led invasion in 2001, women's freedoms have shown improvement, but Afghanistan still exhibits conservative culture, mainly in rural areas. As per the UN analysis in late 2011, only a small percentage of reported crimes against women were taken into consideration by the Afghan government. Between March 2010 and March 2011 only 7 percent of the total number of crimes reported.

## **UNION CABINET RAISED OBC CREAMY LAYER CRITERIA TO 6 LAKH RUPEES**

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The Union Government of India on 16 May 2013 revised the criteria for creamy layer of Other Backward Classes (OBCs) from 4.5 lakh rupees to 6 lakh rupees to avail benefits of reservations in government jobs and admissions to central educational institutions.

The decision came up in a view to increase the income limits in tune with the increase of the consumer price index. This would enable more people to take an advantage of reservation benefits that are extended to OBCs. Creamy layer is the income limit beyond which OBCs are not eligible for quotas.

## **BRITISH PARLIAMENT AGREED TO OUTLAW CASTE DISCRIMINATION**

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The British parliament finally agreed to outlaw caste discrimination by amending the Equality Act 2010. The Act prohibited race discrimination, harassment and victimisation in the workplace, till now. The definition of race mentioned in the Act includes colour, ethnic or national origin and nationality but makes no specific reference to caste.

The British parliament finally voted for legal protection for the four lakh dalits residing in the country. With this step, UK has become the first country outside South Asia to legislate against caste discrimination. The legislation will protect thousands of people, who has suffered abuse and prejudice because they were considered low caste.

The issue has created a divide among the Indian diaspora in the UK. The groups like Caste Watch UK are rallying to urge MPs to introduce legal protection for those from traditionally lower-caste backgrounds whereas the Hindu Alliance called for a boycott of the amendment. According to the 2011 census, there are 81633 Hindus are living in UK.

## **IBSA RESOLUTION TO EMPOWER WOMEN**

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The Union Minister for Women and Child Development Krishna Tirath on 16 May 2013 signed the Fifth India-Brazil-South Africa (IBSA) Women's Forum Resolution at the end of the three day meet of IBSA Women's Forum. The signed joint resolution, will allow the three countries to recognize the key role of Governments of these countries with the support of the Civil Society to ensure and accelerate efforts towards achieving gender equality and empowerment of women.

The resolution was signed between Krishna Tirath, her South African counterpart Lulama Xingwana and Maria do Carmo Godinho Delgado, Secretary of Evaluation of Policies and Economic Autonomy of Women of Brazil.

To end violence against women for development of the equitable society and model for effective delivery of financial benefits to poor families, South Africa is running a **Stop Rape Campaign** and on similar grounds Brazil is running a campaign named **Bolsa Familia of Brazil**.

The platform of IBSA was constituted to enhance the efforts for continuous engendering of the policies and programmes of India, Brazil and South Africa and to bring in the marginalized section into the mainstream.

## MONETARY ASSISTANCE UNDER IAY HIKED

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The Union Government of India on 13 May 2013 hiked the monetary assistance by 25000 rupees under the **Indira Awas Yojana (IAY)**, the housing scheme for the poor, giving priority to the scheduled castes, tribes and minorities. The cost for 250 square foot housing unit has gone up to 70000 rupees in plain areas and 75000 rupees in hilly and difficult areas from 45000 rupees.

The Union Government under the new guidelines of the Indira Awas Yojna has decided to transfer the share of its funds to the State Governments rather than making a district based allocation. The Union Government's assistance got procurement of a homestead site to the states has been doubled for landless poor from 10000 rupees to 20000 rupees.

The changes has been brought in following the agreement reached between the Government and the Jan Satyagraha on 11 October 2012 at Agra, also known as the Agra Agreement on Land Reforms in which 10-point agreement was signed by the Rural Development Minister Jairam Ramesh at Agra.

### INDIRA AWAS YOJNA (IAY)

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Indira Awas Yojna is a flagship scheme of the Union Ministry of Rural Development to address the rural housing needs of providing grants for construction and upgradation of dwelling units of BPL families. Indira Awaas Yojana (IAY) was launched in May 1985 as a sub-scheme of Jawahar Rozgar Yojana. It is being implemented as an independent scheme since 1 January 1996.

### GOVERNMENT NOTIFIED NEW GUIDELINES FOR THE INDIRA AWAS YOJNA

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- Building Toilets has been made compulsory under the Indira Awas Yojna
- Manual scavengers freed bonded labourers and tribal groups will be given preference in allotments.
- The allocation for each dwelling unit was increased from 45000 rupees to 75000 rupees

- In Maoist-affected and hilly regions, the allocation would now be 75000 rupees from the existing 48500 rupees. Landless labourers which were given 10000 rupees for buying land would now be given 20000 rupees
- Apart from the above guidelines, a major change was introduced which is that funds will be given to only consolidated proposals from state governments and not district-level organisations

Indira Awas Yojana is a flagship scheme under the rural development ministry. It addresses rural housing needs by giving grant for construction of dwelling units of BPL families.

## JHARKHAND TO IMPART TECHNICAL TRAINING TO UNEMPLOYED YOUTH

The Government of Jharkhand on 12 May 2013 decided to impart **Technical Skill Development Training** to all unemployed youth of the naxal affected areas. This government's decision has come in the wake of recent success of one such project in Chaibasa where the unemployed youths of erstwhile naxal affected areas of **Saranda** were trained in a **special institute- Gurukul**. Saryu is one such naxal affected area of Jharkhand and presently, a special development plan called **Saryu Development Plan**, is being carried out there.

This area of **Latehar and Palamu** often faces acute water crisis. The Saryu Development Plan is designed on the lines of an identical project at Saranda. Here Integrated Watershed Management Programme is a part of the development plan and its aim is to save the surface water. With the help of satellite, pictures of catchment area and command area have been obtained which show the possibilities of management of surface water, something that would hopefully bring a new phase in the lives of people of this part of Latehar and Palamu.

## MINISTER FOR WOMEN & CHILD DEVELOPMENT LAUNCHED ISSNIP

The Minister for Women & Child Development, Krishna Tirath on 9 May 2013 launched the World Bank assisted **ICDS Systems Strengthening and Nutrition Improvement Project (ISSNIP)**. The aim of the programme is improvement of child development and nutritional outcomes for children in selected districts having higher proportional of child under nutrition.

The project is worth 2893 crore Rupees with 70 percent IDA share of 2025 crore Rupees over the time duration of 7 years. The cost of phase 1 of the project is estimated to be around 682 crore Rupees. The project received an initial support of 106 million US dollar by World Bank, which is payable over the time of 25 years. This will be followed by the support for second phase of 344 million US dollar, which will be subject to assessment of phase 1.

First phase of this project will support the efforts of Union Government to strengthen policy measures and institutional capacity and will also finance innovative pilots and programmers in 162 high malnutrition-burden districts across eight States. Apart from this, the project will also

support the urban and sub-urban pilots in NCR of Delhi and convergent nutrition action pilots in Odisha and Uttarakhand.

The Minister for Women & Child Development took various other measures for strengthening the programme management, planning and monitoring of ICDS with introduction of revised MIS, and the 5-tier monitoring and supervision committee with representation of People's representatives to review the progress in ICDS at different levels.

The ISSNIP project will support the government's efforts in building the necessary institutional capacity and systems needed to improve nutrition in the targeted groups of mothers and children.

The Cabinet Committee on Economic Affairs approved the implementation of the International Development Association (IDA) assisted ICDS Systems Strengthening and Nutrition Improvement Project (ISSNIP) in October 2012.

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### FEATURES OF ISSNIP

- ISSNIP is designed to supplement and provide value addition on the existing ICDS programme, through systems strengthening for better service delivery, as well as to allow the selected States and Districts to experiment, innovate and conduct pilots of potentially more effective approaches for ICDS in order to achieve early childhood education and nutrition outcomes.
- The additional support through the project is catalytic and is an important dimension of MWCD's overall efforts to strengthen and restructure the ICDS programme.

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### FOUR MAJOR COMPONENTS UNDER THE PROJECT

- (i) Institutional and systems strengthening in ICDS
- (ii) Community mobilization and behaviour change communication
- (iii) Piloting multi-sectoral nutrition actions, and
- (iv) Project Management, Technical Assistance and Monitoring & Evaluation

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### TRIBAL FOREST DWELLERS EMPOWERMENT SCHEME LAUNCHED

**Tribal Forest Dwellers Empowerment Scheme of National Scheduled Tribes Finance and Development Corporation (NSTFDC)** for economic upliftment of Schedule Tribe forest dwellers here was launched on 8 May 2013 by the Union Ministry of Tribal Affairs & Panchayati Raj. This is a significant scheme for economic development of Scheduled tribes. The Forest Rights act recognized and regularized the preexisting rights of ST forest dwellers and under this scheme, financial assistance will be provided them at concessional rate for their empowerment.

The Government enacted a Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. Under this act, the Scheduled Tribes and Other Traditional forest Dwellers have been given the right to hold the forest land for habitation or for self-cultivation or for carrying out any other traditional activity for their livelihood. Most of the Scheduled Tribes are poor and need financial support for productive utilization of land for their livelihood.

In order to provide concessional finance to the Forest Dwelling STs, the NSTFDC has formulated the new Tribal Forest Dwellers Empowerment Scheme. NSTFDC would generate awareness, provide training and assist in market linkage apart from providing financial assistance at concessional rate of interest of 6% p.a. to the beneficiaries. This assistance would be made available through 33 State Channelizing Agencies of NSTFDC and certain PSU Banks/ Regional Rural Banks having refinance agreements with NSTFDC.

### **HARYANA GOVERNMENT ISSUED SHIKSHA SETU CARDS TO STUDENTS**

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State Government of Haryana on 5 May 2013 issued Shiksha Setu Cards for Government Schools to keep students and teachers updated about the performance of students.

The Shiksha Setu Cards are issued for ensuring individual attention over every student as this will help to impart quality education to students in Government schools. These cards will act as the report cards for the students. This can be considered as a state Governments step towards effective implementation of the Section 134 A of the Right to Education Act, which envisages for admission of children belonging to poor and needy families in private schools.

### **CABINET APPROVED LOW INTEREST LOANS FOR WOMEN SHG**

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The Union Cabinet of India on 1May 2013 approved major changes to the National Rural Livelihoods Mission (NRLM) with the objective of removing poverty in rural areas by empowering women. Approximately, 25 lakh Women Self Help Groups (SHGs) will be given bank loans at an interest rate of seven percent. They could avail loans upto 3 lakh rupees annually. At first, the scheme will begin as a pilot project in 150 districts which includes the 82 Integrated Action Plan districts affected by naxal violence while 75 per cent of the cost will be carried by the Central government and 25 per cent by the States in the rest of the states.

All women SHGs are now getting bank loans at 11.5 to 14 per cent rate of interest. In the 150 districts, the Union government will carry the complete cost of the interest subvention from the market rate to seven per cent. The entire cost of the project is approximately 1650 crore rupees for 2013-14, out of which, 1400 crore rupees shall be carried out by the Union government and 250 crore rupees by the States.

Aajeevika - National Rural Livelihoods Mission (NRLM) was launched by the Ministry of Rural Development (MoRD), Government of India in June 2011. Aided in part through investment support by the World Bank, the Mission aims at creating efficient and effective institutional



platforms of the rural poor enabling them to increase household income through sustainable livelihood enhancements and improved access to financial services.

## **GOA LAUNCHED DIGITAL KRISHI CARD FOR FARMERS**

Goa Government on 29 April 2013 launched a digital Krishi Card which is supposed to help farmers in making use of benefits such as subsidies and loans given by the State Government. The Digital Krishi card was officially launched by Chief Minister Manohar Parrikar which is based on the database created by the State Agriculture Department at Porvorim.

The introduction of the digitally coded card is a landmark and is going to spare farmers from the need of repeatedly producing documents to gain subsidies. It is important here to note that around 10000-15000 farmers with clear land holdings would benefit from the card during the first phase, followed by landless agriculturists.

The next major initiative of the Government of Goa will be introduction of similar cards for fishermen and dairy farmers; the cards have been conceptualized by the State-run Goa Electronic Ltd.

### **BENEFITS OF THE DIGITAL KRISHI CARD**

- Earlier farmers had to go through the confusion of submitting documents such as affidavits every time they applied for agro subsidies. With the launch of Digital Krishi Card they will have to quote the Unique Identity Number to get access to the subsidy.
- The card would also make farmers eligible for loans depending on their land holding.
- A loan of up to 30000 rupees per annum for farmers owning a minimum of one hectare would be made available through various financial institutions to be empanelled by the Government.
- The card would not be a legal document if the farmer or tenant wants to stake his claim over the land.

## **WB'S PLAN FOR POVERTY ALLEVIATION IN INDIAN STATES**

The World Bank (WB) in the second week of April 2013 announced a multi-million dollar four-year plan that is to be initiated in seven low-income states of India to bring down the poverty levels.

The World Bank's Country Partnership Strategy for India proposed to lend 3 billion to 5 billion US dollars every year for a period of next four years. The recognized states are Chhattisgarh, Jharkhand, Madhya Pradesh, Odisha, Rajasthan, and Uttar Pradesh. The states have been identified depending upon the number of poor's that live in these states.





## MEDI CLAIM FACILITY FOR THE FARMERS HOLDING KCC LAUNCHED

The Union Finance Minister P. Chidambaram on 24 April 2013 launched medi claim facility for the farmers holding Kisan Credit Cards (KCC) issued by Dena Bank. The medi claim policies along with ID cards were handed over to six farmers of different States holding KCC of Dena Bank.

The medi claim facility was introduced by Dena Bank and United India Insurance Company (UIIC) for benefiting the farmers. The scheme will enable hassle free cashless medi claim facility to the farmers. Once successful on the small scale, the scheme would be considered to be implemented on the large scale as well.



It is important to note that this is the first time that the initiative like this was taken over by any bank in India. This facility will be available only to the KCC holder of Dena Bank and his/her spouse and two children under tie up with UIIC under Group Health insurance cover. This cashless facility will be available at around 4200 hospitals all over the country.

Dena Bank launched this Nobel scheme for the 225000 KCC holder farmer customers which also cover their family members under the Medclaim with maximum cover up to Rupees Thirty Thousand.

## BIHAR CABINET GAVE ITS NOD ON QUOTA FOR WOMEN IN POLICE

The State Cabinet of Bihar on 16 April 2013 gave its nod to the Home Department's proposal to grant 35 percent reservation for women in the recruitment of constables and sub-inspectors in reserved and unreserved categories of the state.

The state cabinet meeting was presided over by the Chief Minister of the State, Nitish Kumar. The reservation for women would be in addition to the three per cent already existing for women belonging to backward class. The decision is the follow up of the state's recent women centric policies to uplift women in the state. Before this, the state cabinet approved quota of 50 percent in cooperatives for women in the state.

## NATIONAL POLICY FOR CHILDREN-2012 APPROVED BY UNION CABINET

The Union Cabinet of India on 18 April 2013 approved the National Policy for Children, 2012. The policy was approved to reaffirm the commitment of the Government towards the realization of the rights of the Children in the Country as it recognized that every person below 18 years in age as a child.

## GUIDING PRINCIPLES LAID DOWN BY THE POLICY INCLUDES

- The right of every child to life, survival, development, education, protection and participation;
- Equal rights for all children without discrimination;
- The best interest of the child as a primary concern in all actions and decisions affecting children
- Family environment as the most conducive for all-round development of children

The set principles makes it mandatory for Governments at all levels, National, State and Local to respect the children in all their actions and initiatives that affects them.

The policy has identified survival, nutrition, health, development, education, protection and participation as undeniable rights of every child, and these have been recognized as the key priority areas. For development of a child multi-sectoral, interconnected and collective effort is required to be put forward.

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### THE POLICY AIMS AT

- Purposeful convergence and strong coordination across different sectors and levels of governance
- Active engagement and partnerships with all stakeholders
- Setting up of a comprehensive and reliable knowledge base
- Provision of adequate resources
- Sensitization and capacity development of all those who work for and with children

To give effect to the Policy the Union Government has decided to develop a National Plan of Action and constitute a National Coordination and Action Group (NCAG) for fine monitoring of the progress of implementation of the plan. For monitoring and implementation of the policy at state and district level, same type of action groups will be constituted by the Government.

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### RESPONSIBILITIES GIVEN TO

The National Commission for Protection of Child Rights and State Commissions for Protection of Child Rights are made responsible to ensure that the principles of the policy are respected in all sectors at all levels.

The Government has also created a provision of reviewing the Policy after every five years. The Ministry of Women and Child Development will be the nodal ministry for overseeing and coordinating the implementation of the policy and will lead the review process.

## ANDHRA PRADESH LAUNCHED AMMA HASTHAM

The State Government of Andhra Pradesh on 11 April 2013 on occasion of Ugadi Festival launched a new scheme named Amma Hastham (mother's hand) to supply nine essential food items to poor at subsidized rates.

The Amma Hstam scheme was named after the name of Late Prime Minister of India, Indira Gandhi. Chief Minister of the state Kiran Kumar Reddy has formally launched the scheme at Hyderabad. About 2 crore 20 lakh poor families will be benefitted with the launch of the scheme that is to be run on an additional annual burden of 660 crore rupees on the state exchequer.

The nine essential item mentioned in the scheme includes a kilo of Wheat, Wheat Flour, Palm Oil, Salt Red Gram, half a kilo of Sugar and Tamerind, quarter kilo of Red Mirchi powder and 100 grams Termaric Powder.

## ARMY TO LAUNCH SCHEME OF OLD AGE HOMES FOR EX-SERVICEMEN

Bikram Singh, the Chief of Army Staff on 7 April 2013 announced that the Army had prepared a new scheme, under which an old-age home will be opened in every command. The scheme is designed for providing a home to elderly ex-servicemen, who have no one to look after them during their old age. At present, the army is running an old age home on experiment basis near Chandigarh in Panchkula.

### ABOUT THE SCHEME

Under the proposed scheme, the ex-servicemen willing to avail the services of the old-age homes will have to pay for the same from their pensions, as the services offered under the scheme are not free.

## Criminal law (amendment) bill 2013 passed in the Lok Sabha

The **Criminal Law (Amendment) Bill 2013** was passed in the Lok Sabha on 19 March 2013. Now the bill will be the tabled in the Rajya Sabha, where the voting will take place.

The bill encompasses features that will provide stringent punishment for crimes against women such as rape, acid attacks, voyeurism and stalking. The punishments range from life term to death penalty for the repeated offenders. The Bill brought out after the Delhi gang rape of the Para-medical student on 16 December 2012, also fixed the age of consensual sex to 18 years.



### KEY FEATURES OF THE CRIMINAL LAW (AMENDMENT) BILL 2013

- The Criminal Law (Amendment) Bill 2013 was actually the Ordinance that was promulgated by the President of India on 3 February 2013.
- The bill seeks to make amendments in the Code of Criminal Procedure, Indian Penal Code and Protection of Children from Sexual Offences Act as well as Indian Evidence Act.
- The bill states that offender could be given an imprisonment of not less than 20 years, extendable up to life term.
- The bill also includes provisions for death sentence for offenders who are convicted earlier for such crimes.
- This is for the first time that the bill described voyeurism and stalking as the non-bailable offences, in case repeated for the second time.
- Perpetrators of acid attacks would be sentenced for 10-year jail term.

### NEW OFFENCES INCORPORATED IN THE INDIAN PENAL CODE (IPC)

- Acid Attack
- Attempt to Acid Attack
- Sexual Harassment
- Public disrobing of woman
- Voyeurism
- Stalking

### BACKGROUND

In light of the gang rape of female physiotherapy student on 16 December 2012 in Delhi, the judicial committee which was headed by Justice J. S. Verma was appointed by the Government of India on 22 December 2012 for submitting the report, suggesting amendments in criminal law for dealing with sexual assault cases. The Justice Verma panel, which is a 3-member commission created to review the laws for sexual crimes submitted the report to the Government of India on 23 January 2013.

As a result, the Cabinet Ministers approved the bringing of ordinance on 1 February 2013 for bringing into law the suggestions of **Verma Committee Report**. Subsequently, the President of India, Pranab Mukherjee on 3 February 2013 agreed to the Criminal Law (Amendment) Ordinance, 2013 for sharpening the laws against sexual assault.

### UNDP REPORT: SOUTH ASIA LEAD THE WORLD

The United National Development Programme (UNDP) on 14 March 2013 at Georgetown Club, United States released its UNDP Human Development Report 2013. The report in its findings revealed that South Asia leads the world in improvements in human development. The report

clarified that the South Asian Countries achieved widespread gains in terms of human development across the developing world from 2000 to 2012.

The report titled The Rise of the South Human Progress in a Diverse World also identified investment in Education and taking care of the environment as the two key factors that can contribute in the making of the healthy development. It also indicated that although Afghanistan experienced several rapid gains but it lagged far behind in the race of development.

The progress in human development in context of India, Bangladesh and the other South Asian nation helped in driving a historic shift in global dynamics due to which millions of people have raised themselves out of poverty and billions are at the edge of joining the fast growing middle class.

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### THE GROWTH IN HUMAN DEVELOPMENT ACHIEVED BY DIFFERENT NATIONS

- Afghanistan and it was 3.9 percent (fastest)
- Pakistan achieved 1.7 percent
- Indian 1.7 percent
- Sri Lanka 0.7 percent (least growth achieved)

The findings of the report are based on the analysis of more than 40 developing countries that achieved striking human development gains in recent past. The term South and North in the report is used to denote developing countries and developed countries respectively.

#### **National Commitments that are attributed to be the reason for the achievements made by the developing countries included**

- Better public health and education services
- Innovative poverty eradication programs
- Strategic engagement with the world economy

The report in its findings also defined that the speed and scale with which the South had risen was dramatic and stressed that never in the history, living conditions of the people changed in such a dramatic condition and have driven the global economic growth and societal change for the first time in centuries.

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### SIGNIFICANCE OF THE CHANGES

- The economic take-offs of China and India started with about 1 billion people in each of these countries and within 20 years the output per capita of these doubled, which means that an economic force have affected a much larger section of the population, than that happened after the industrial revolution

- The report also summed up that the combined economic output of the three nations namely Brazil, India and China will cross the aggregate production of Canada, France, Germany, Italy, the United Kingdom and the United States

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### REPORT FINDINGS IN CONTEXT OF INDIA

India's investments on the world-class tertiary education, openness to trade and investments, building of human capabilities allowed India to develop technology enabled industries that are supported by a huge support of its skilled labour. The automobile, pharmaceutical, chemical and service industry of India also grew at a fast pace and allowed it to tap into the world market.

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### RESULTS OF SUCH POLICIES FOR INDIA

- India's trade output ratio increased to 46.3 percent in 2010 from 15.7 percent in 1990
- FDI in GDP went up to 3.6 percent from 0.1 percent in 1990
- Eight World's largest fortune 500 listed corporations were Indian in 2011

India's stand to offer affordable capital goods that suits to the requirements of the people in south than from the goods from the west also offered India a chance to be a global economic power.

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### INDIA'S FIRST ALL WOMEN POST OFFICE INAUGURATED BY KAPIL SIBAL

Union Minister of Communications & IT, Kapil Sibal on 8 March 2013 inaugurated the First All Women Employees Post Office of India at Shastri Bhawan in New Delhi.

The Post Office is called Project Arrow Office and consists of three counters. Two of the three counters offer Multi Purpose services such as registration, booking of money orders, booking of speed post as well as sale of IPOs. Other counter is meant to facilitate the sale of stamps. All the three counters will have only women employees.

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### MARRIAGE (SAME SEX COUPLES) BILL 2012-2013 APPROVED IN BRITAIN

The British House of Commons voted on 5 February 2013 to pass the **Marriage (Same Sex Couples) Bill 2012-2013**, which legalise same-sex marriage in UK. The bill received votes of 400 to 175. It is important to note that the bill is strongly supported by the Prime Minister David Cameron.

The Bill was presented in the UK Parliament on 24 January 2013. The legislation applied to Wales and England. This would allow civil marriage between the couples of same sex. However, the Church of England as well as certain other faiths was exempted from the obligation of performing such ceremonies. Certain faith groups such as Quakers announced that legal right was required for performing the same-sex marriages.

The bill will now have to pass in House of Lords. In the House of Commons, 127 out of 303 Conservative lawmakers voted in favour of the bill while 136 voted against it. 5 remained absent while 35 did not register their vote.

Majority of the votes which approved the bill came from Labour Party, which is in opposition, as well as the Liberal Democrats, the center-left party. These two parties are in coalition with the Conservatives. If the Bill is approved, it would put Britain on path of some of the other European nations such as Denmark, Netherlands and Spain, which open the marriage to the homosexuals.

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This will help us serve you in a better way.

