

## **SECOND UNIVERSAL PERIODIC REVIEW OF INDIA**

### **I. INTRODUCTION**

1. As the largest democracy in the world, Indian polity weaves immense diversity into the fabric of a civilisational ethos of tolerance, respect and mutual understanding. India is home to 1.2 billion people. India has a very large population of Hindus (80% of the population), Muslims (13.4% i.e. 138 million), and a great many followers of other faiths, including Christians (2.3% i.e. 24 million), Sikhs, Jains, Parsis and others. India has 22 scheduled languages, but more than 1,650 dialects are spoken across the country.

2. Twenty-eight States and seven Union Territories constitute India into a federal polity. There are 640 Districts and 640,867 villages in India. India is also the most representative democracy where, in a unique feature, there are over 3 million elected local representatives in the *Panchayats*, which are the units of local self-government at the village level, out of which around 1 million elected local representatives are women. Elections at regular intervals reinforce the democratic polity of the country.

3. The Constitution of India has ensured through its Fundamental Rights and Directive Principles of State Policy that India remains a multi-religious, multi-cultural, multi-linguistic, multi-ethnic and secular democracy. The secular backbone to India's socio-economic development has been vital in India's continued progress. India's approach towards protection and promotion of human rights has been characterised by a holistic, inclusive and multi-pronged effort. Prime Minister Dr. Manmohan Singh has observed "India's struggle for social and economic transformation of its 1.2 billion strong population in the framework of an open society and a democratic polity, committed to respect fundamental human rights and the rule of law has no parallel in history. Our success in accomplishing this gigantic task could have great significance for the evolution of human kind in this twenty first century of ours."

### **II. METHODOLOGY**

4. In the preparation of the India Report under the Universal Periodic Review, the General Guidelines for the preparation of information have been followed broadly.

5. The process has been broad and inclusive involving concerned Ministries and Departments of the Government of India, including Ministry of External Affairs, Ministry of Home Affairs, Ministry of Social Justice and Empowerment, Ministry of Minority Affairs, Ministry of Defence, Ministry of Consumer Affairs, Food and Public Distribution, Ministry of Health and Family Welfare, Ministry of Housing and Urban Poverty Alleviation, Ministry of Human Resource Development, Ministry of Labour and Employment, Ministry of Law and Justice, Ministry of Panchayati Raj, Ministry of Rural Development, Ministry of Statistics and Programme Implementation, Ministry of Tribal

Affairs, and Ministry of Women and Child Development (MWCD). Planning Commission has also been consulted.

6. Consultations were held with the stakeholders consisting of several non-governmental organisations and experts involved in human rights related activities. In addition, the Government also participated in the consultations held by the National Human Rights Commission in all parts of the country. The draft UPR - II was also posted on the website for comments prior to its finalisation. A National Report has thus evolved, reflecting this extensive consultation process. The Action Taken Report on recommendations on UPR 2008 is at **Annexure I**.

### **III. BACKGROUND TO FUNDAMENTAL RIGHTS AND THEIR IMPACT ON LEGISLATIVE AND REGULATORY FRAMEWORK**

7. India is not only the largest democracy, but is also distinguished by a vibrant and evolving Constitutional system which is founded on the recognition of human rights placed in the forefront of the Constitution, viz Part III and has taken root in the ethos of the nation. The spirit underlying the Chapter on Fundamental Rights in Part III of the Constitution and the Directive Principles of the State Policy in Part IV of the Constitution is the recognition and the need to balance the immense diversity of India with the imperative of maintaining the fabric of civilization and progress, coupled with tolerance, respect, mutual understanding, and recognition of the importance of human life and individual rights. Foremost among these are measures for the removal and eradication of inequality.

8. The Chapter on human rights has undergone a revolutionary interpretative evolution at the hands of the Supreme Court (fully supported by the Government), as a result of which new vistas have emerged around the dynamic content of human rights. To illustrate a few, India has broadened the traditional narrow approach towards equality and proceeded on the basis of a positive mandate to eradicate backwardness in any form, social, economic and educational. Similarly, the freedoms under Article 19 have been given a wide connotation as, for instance, the expansion of the freedom of speech and expression to include the right to obtain information. The Right to life and Personal Liberty in Article 21 has now come to encompass the right to a clean environment, right to legal aid, elimination of bonded labour, right to livelihood, right to speedy and fair trial, and right to education, amongst various other rights.

9. This National Report seeks to identify various steps taken by India in the ongoing effort of making fundamental human rights real and meaningful. A summary of some important judicial pronouncements which have enabled this progressive evolution of the fundamental rights incorporated in the Constitution is at **Annexure II**.

10. In recent years, India has taken several important initiatives aimed at securing human rights, including the following:

- In 2010, in a unique development and to ensure citizens their right to live with dignity in a healthy environment, the National Green Tribunal Act was enacted providing for effective legal protection for environment, forests and other natural resources.
- In the same year, the Government introduced in Parliament the Protection of Women against Sexual Harassment at Workplace Bill covering both organized and unorganized sectors.
- In 2009, the Right to Education Act was enacted, which introduced a new fundamental right for free and compulsory education of children in a neighbourhood school.
- In 2008, a Constitutional amendment bill was introduced in Parliament to reserve for women nearly one-third of seats in the Lok Sabha (Lower House of Parliament) and the state legislative assemblies for a period of 15 years. The Rajya Sabha (Upper House of Parliament) passed this bill in 2010. It is currently in the Lok Sabha.
- In 2007, the National Commission for the Protection of Child Rights (NCPCR) was established to ensure that all legislative and administrative measures are in consonance with the Child Rights perspective as enshrined in the Constitution of India and the Convention on the Rights of the Child.
- The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 rests forest rights and occupation with forest dwelling tribals and other forest dwellers.
- In 2005, the landmark Mahatma Gandhi National Rural Employment Guarantee Act was passed and the programme launched in 2006 to confer livelihood right on the poor.
- The Protection of Women from Domestic Violence Act 2005 came into force in 2006.
- During 2005, the historic Right to Information Act (RTI) was enacted.

11. As mentioned earlier, the judiciary has been a major catalyst for change, including through its Public Interest Litigation for protection against grave violation of human rights. The Judiciary has also ensured that, even if India has not signed or ratified any particular international instrument/protocol, cognizance of these is taken through its various judgments.

12. The establishment of an autonomous National Human Rights Commission (NHRC) in 1993 under the Protection of Human Rights Act reflects our continuing commitment for effective implementation of human rights. Wide powers and functions have been given to the NHRC. State Human Rights Commissions (SHRCs) have been set up in 20 states. During the year 2010-11 99,185 cases were registered for consideration in NHRC and it disposed of 87,568 cases. During the said period, the Commission recommended payment of monetary relief in 583 cases amounting to Rs. 198,655,500. For e.g. in *Jaywant P. Sankpal v. Suman Gholap* (AIR 2010 SC 208), the Supreme Court upheld the award of compensation by the Maharashtra State Human Rights Commission for use of excessive force by police.

13. The Constitution has vested in the Election Commission of India the superintendence, direction and control of the entire process for conduct of elections to Parliament and Legislature of every State and to the offices of President and Vice-President of India. The Election Commission of India is a permanent Constitutional Body and has, over the decades, ensured free and fair elections.

14. The Comptroller and Auditor General is a Constitutional authority with powers to oversee and audit the accounts of the entire Government of India.

### **TRANSPARENCY AND GOOD GOVERNANCE**

15. The Government has taken following recent far-reaching steps to ensure transparency in governance:

#### **Right to Information Act**

- a. To increase transparency in the functioning of Government and accountability in public life, and expanding the ambit of Article 19(1)(a) on the Freedom of Speech and Expression, the Government brought forward the historic Right to Information Act, 2005. The Act has a wide reach, covering the Central and State Governments, Panchayati Raj Institutions, local bodies, as well as recipients of Government grants. It has given citizens access to information.

#### **Citizens' Charters**

- b. The main objective of Citizens' Charters is letting people know the mandate of the each Ministry/ Department/ Organisation, how one can get in touch with its officials, what to expect by way of services and how to seek a remedy.

#### **E-Governance**

- c. E-Governance in India has steadily evolved from computerization of Government Departments to initiatives such as citizen centricity, service orientation and transparency. The National e-Governance Plan (NeGP), takes a holistic view of e-Governance initiatives across the country. A massive countrywide infrastructure is evolving, and large-scale digitization of records is taking place.

### **IV. CIVIL AND POLITICAL RIGHTS**

#### **Right to Life and Liberty, Fundamental Rights and Directive Principles of State Policy**

16. The Constitution offers all citizens, individually and collectively basic freedoms which are justiciable and inviolable in the form of Fundamental Rights in Part III of the Constitution (Commentary at Annexure II).

17. The Constitution also lays down certain Directive Principles of State Policy which are 'fundamental in the governance of the country' and it is the duty of the State to apply these principles in making laws.

18. India has the unique provision where the citizen has a right to invoke the highest court of the land directly where violation of Fundamental Rights and human rights are concerned under Article 32. Similar provision exists under Article 226 for the States and their High Courts. These provisions have been used frequently and effectively.

### **Recent developments/ Issues**

19. India has borne the brunt of terrorist activities over the last three decades from across the border. Insurgency in some parts has added another dimension. Terrorists and insurgents have taken advantage of our open and democratic society to perpetrate violence and killings with deleterious effect on the population and on their enjoyment of human rights. For e.g. the 26/11/2008 and 11/7/2006 terrorist attacks in Mumbai claimed several hundred lives and injured many more. Combatting these challenges has been a major priority since the threat they pose are existential. However, we are enthused by those insurgent groups and individuals, who have renounced violence and come forward to pursue the path of dialogue with the Government.

20. An internal challenge has been left wing extremism and violence. The Left Wing Extremists (LWE) have killed 464 civilians and 142 security forces between 1.1.11 to 31.12.11. Most of those killed by LWE belong to poor and marginalised sections of society. They torture and execute after holding kangaroo courts called Jan Adalats. The Government believes that through a combination of development and security related interventions, the LWE problem can be tackled. We do not underestimate the challenge these so-called "Maoists" pose. The civil society needs to build pressure on them to eschew violence, join the mainstream and recognise the fact that the socio-economic and political aspirations of a 21<sup>st</sup> century India are far removed from their world-view. India is committed to meet these threats with compassion, people-oriented development and resolve.

### **Armed/Security Forces and Human Rights**

21. The Government of India remains committed to fulfil its obligation to secure to its citizens all civil and political rights. Concerns have been raised about the Armed Forces Special Powers Act, 1958. At the outset, it is important to point out that the constitutionality of this Act was upheld by the highest judicial body in India i.e Supreme Court of India in *Naga People's Movement for Human Rights v. Union of India* [AIR 1998 SC 431]. Even while doing so, the apex court has reduced the rigour of its provisions and laid down an elaborate list of dos and don'ts for army officials while working in disturbed areas.

22. This Act is considered necessary to deal with serious terrorist and insurgency/ militancy situation arising in certain parts of the country and uphold the duty of the state to protect and secure its citizens. It provides necessary powers, legal support and protection to the Armed Forces for carrying out proactive operation against the terrorists in a highly hostile environment. An analysis of the ground realities shows that the violence levels and the fighting ability of terrorists have reduced over the years. Nevertheless, they still possess sophisticated weapons and modern communication equipment and the terrorist infrastructure across the borders is still active. The terrorists continue to intimidate the public. In such a challenging environment, where the very lives of its citizens and the unity and integrity of India is at stake, as long as deployment of armed forces is required to maintain peace and normalcy, AFSPA powers are required. However, it is pertinent to point out that the extension of declaration of “disturbed areas” is a subject matter of periodic review in consultation with the State Government and security agencies.

23. The Army maintains continuous vigilance to prevent human rights violations by its forces. Human Rights Cell in the Army Headquarters was established in March 1993, even before the NHRC was constituted. These cells have been established at various levels. The investigations of violations are carried out swiftly and in a transparent manner and exemplary punishments are meted out to those involved. The troops are sensitized on upholding human rights and avoiding collateral damage. The Chief of the Army Staff has issued the Ten Commandments to be followed by the Army personnel while dealing with the militants and the insurgents. The Supreme Court has expressed its satisfaction with respect to these commandments in *Naga People’s Movement for Human Rights v. Union of India* [AIR 1998 SC 431] case, and observed that they were in essence a set of guiding principles for the prevention of human rights violation by the soldiers.

24. Since January, 1994 until December, 2011, out of 1,429 complaints of human rights excesses received against the personnel of Army and Central Para Military Forces, 1,412 have been investigated and 1,332 found false. In 80 cases, where the complaints were found genuine, stringent punishment has been imposed. 17 cases are under investigation.

### **Death Penalty**

25. In India, the death penalty is awarded in the ‘rarest of rare’ cases. The Supreme Court has restricted the use of death penalty only where the crime committed is so heinous as to ‘shock the conscience of society’. Indian law provides for all requisite procedural safeguards. Juvenile offenders cannot be sentenced to death under any circumstances and there are specific provisions for pregnant women. Death sentences in India must also be confirmed by a superior court. The President of India in all cases, and the Governors of States under their respective jurisdictions, have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend,

remit or commute the sentence of any person convicted of any offence. For instance, 13 mercy petitions were decided between 1.11.2009 and 23.11.2012 of which 10 were commuted to life imprisonment and 3 rejected. The last death sentence in India was carried out in 2004.

### **Torture**

26. India has signed the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. A Bill introduced in the Parliament was passed in the Lok Sabha in 2010. In Rajya Sabha, it was referred to a Parliamentary Select Committee which has made certain recommendations. These are under examination by the Government. Although India has not yet ratified the Convention, Article 21 and other Articles of the Constitution of India and the relevant provisions under the Indian Penal Code, 1860, provide for adequate safeguards. The Supreme Court of India, through its judgements, has also laid down exacting standards on this issue.

### **Detention and Enforced Disappearances**

27. Article 21 and other articles of the Constitution as well as the Criminal Procedure Code provide protection to persons under detention. India has signed the Convention for Protection of all Persons from Enforced Disappearance in 2007. We are actively considering its ratification. The Constitution guarantees the right to approach the higher courts by way of Habeas Corpus petitions. Indian courts have also been awarding compensation in such cases even though our domestic laws do not have any such provision. Apart from Article 21 itself, under Article 20(3) of the Constitution, no person accused of any offence can be compelled to be a witness against himself. Articles 22 (1) and (2) provide that a person who is arrested must be informed of the grounds of his arrest. The person also has the right to consult a lawyer of his choice. An arrested person must be produced before the nearest magistrate within 24 hours of his arrest. To protect persons in police custody from abuse, the Supreme Court has laid down specific rules that police must follow while making arrests, such as, informing relatives of an arrest or detention, recording the arrest in a diary, medical examination norms, signing of "Inspection Memo" both by the arrestee and the police officer effecting the arrest etc. (e.g. *D.K. Basu v. State of West Bengal* (AIR 1997 SC 610)).

28. In addition, the Code of Criminal Procedure (Amendment) Bill, 2010, was passed by Parliament and became law in 2010. It provides for additional protection to the accused from police arrests.

### **Access to Justice and Legal Aid**

29. In order to ensure greater access to justice for the cross-section of the population, India has taken important strides in this direction. The National Legal Services Authority (NALSA) was constituted in 1987 under the Legal

Services Authorities Act, 1987 to provide free legal services to the weaker sections of the society and to organize Lok Adalats for amicable settlement of disputes. In every State, State Legal Services Authority and District Legal Services Authority have been constituted to give effect to the policies and directions of the NALSA.. Until March 31, 2009, about 9.7 million people have benefited through legal aid in which about 1.4 million persons belonging to Scheduled Castes and 464,000 persons of Scheduled Tribe communities were beneficiaries. More than 1 million people were women and about 235,000 people in custody were also benefitted. About 725,000 Lok Adalats have been held throughout the country in which more than 2.68 million cases have been settled.

30. The Gram Nyayalayas Act, 2008 which came into force in 2009, provides for the establishment of Gram Nyayalayas (Village Courts) at the grass roots level for the purposes of providing access to justice to the citizens at their doorsteps and to ensure that opportunities for securing justice are not denied to any citizen by reason of social, economic or other disabilities. Many States have established the Gram Nyayalayas.

### **Corruption**

31. In order to curb corruption and in a path-breaking development, the Government has introduced the Lok Pal and Lokayukta Bill in the Parliament in 2011. This was passed by the Lok Sabha in December 2011, and is now before the Rajya Sabha for its consideration.

### **Human Trafficking**

32. India has ratified the United Nations Convention against Transnational Organized Crime and its two protocols, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, in May 2011. Article 23 of the Constitution prohibits both trafficking in human beings and forced labour. Substantive laws like the Indian Penal Code 1860, special legislations like the Immoral Traffic (Prevention) Act 1956, the Bonded Labour System (Abolition) Act 1976, etc. and local laws like the Goa Children's Act 2003, provide the legal regime. In addition, judgments by the Supreme Court and various High Courts have provided further legal strength to the law enforcement agencies.

33. India has made significant efforts on the issue of human trafficking. The Government has, *inter alia*, already set up 104 local anti-trafficking units and increased the numbers of convictions of people involved in human trafficking for forced labour. Project IND/S16 of the United Nations Office on Drugs and Crime, a joint initiative with the Government, was launched in April 2006. This project is focused on "Strengthening the law enforcement response in India against trafficking in persons, through training and capacity building". It is proposed to establish 330 Anti-Human Trafficking Units throughout the country and impart training to 10,000 police officers through Training of Trainers (TOTs) component in three years. A

comprehensive scheme for prevention of trafficking and rescue, rehabilitation, re-integration and repatriation of victims of trafficking for commercial sexual exploitation namely “Ujjawala” is being implemented since 2007 under which 86 rehabilitative homes have been sanctioned to accommodate nearly 4000 women victims. It is done in partnership with civil society.

### **Sexual Orientation**

34. Homosexual intercourse was a criminal offence until 2009 under Section 377 of the Indian Penal Code, 1860. The law was struck down by the Delhi High Court in 2009, in the matter of *Naz Foundation v. Govt. of NCT of Delhi*, as a violation of fundamental rights in the case of consensual adults.

## **V. ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **Developmental imperatives**

35. The central vision of the 11<sup>th</sup> Plan (2007-2012) is to trigger a development process which ensures broad-based improvement in the quality of life in an inclusive manner. It includes several inter-related components, including rapid growth that reduces poverty and creates employment opportunities, access to essential services in health and education, equality of opportunity, empowerment through education, environmental sustainability, recognition of women’s agency and good governance. Larger resources are being invested in sectors providing basic services to the poor and for improving their capabilities to participate in the growth process, and in economically weaker states and backward regions. In fact, there is now a mandatory requirement that all Cabinet proposals should specifically mention how ‘equity’ will be served.

### **Right of Children to Free and Compulsory Education**

36. The right to education is now guaranteed under Article 21-A as a part of the right to live with dignity. The Right of Children to Free and Compulsory Education (RTE) Act, 2009 came into effect from April 1, 2010. It makes it mandatory for every child between the ages of 6-14 to be provided free and compulsory education by the State. It is a justiciable right up to 8 years of elementary education in an age appropriate classroom in the vicinity of his/her neighbourhood. The Act has special provisions for girl child education, including out of school girl children. It further mandates the private schools to ensure at least 25% of its seats are available for marginalised households. The implementation of RTE Act is a shared responsibility of both the central and the state governments and the total expenditure managed by the centre-state ratio of 68:32.

37. The Act has considerable implications for the implementation of Sarva Shiksha Abhiyan (SSA), which is Government’s flagship programme for achievement of Universalization of Elementary Education (UEE) in a time bound manner. SSA is being implemented in partnership with State

Governments and address the needs of 192 million children in 1.1 million habitations. The vision, strategy and norms under SSA are being harmonised with the RTE Act of 2009 mandate. The Right of Children to Free and Compulsory Education Rules, 2010 have been formulated and a National Advisory Council was set-up in 2010 to advise on implementation in an effective manner.

38. The Sarva Shiksha Abhiyan (SSA) has positively impacted the access and retention in schools and availability of teachers. SSA has ensured almost universal access to primary education and provides special focus on education of girls. The following achievements are worth mentioning:

- Rural habitations with access to primary school increased from 87 per cent in 2002 to 99 per cent in 2008, and that of upper primary school from 78 per cent to 92 per cent during the same period.
- 99% of the rural population has a primary school within 1 km.
- An independent survey in 2010 shows that for age group 6-14 years in rural India, the percentage of children who are not enrolled in school has dropped from 6.6% in 2005 to 3.5% in 2010.
- Proportion of girls in the age group 11-14 years who were out of school has declined from 11.2% in 2005 to 5.9% in 2010.
- Gross Enrolment Ratio (GER) at the primary level improved from 96.3 in 2001-02 to 114.37 in 2008-09, that for upper primary from 60.2 to 76.23.
- Gender gap in enrolment at the elementary level impressively declined from 17 to 7 percentage points. Gender Parity Index has appreciably improved.

39. Further, for increased access to quality secondary education with equity, Rashtriya Madhyamik Shiksha Abhiyan (RMSA) was launched in March 2009.

### **Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MGNREGA)**

40. In India, where labour power is the only economic asset for millions of people, gainful employment becomes the channel for the fulfilment of the other basic rights. The right to work was included in the Directive Principles of State Policy as an aspirational goal but the MGNREGA has made this a legal guarantee.

41. The NREGA Scheme is one of the largest in the world in terms of finances and outreach. It is demand driven and people-centered and implemented through a decentralised, bottom-up and participatory process. This model of rural growth is revolutionary because of its basic principles of inclusive growth, the right to work and a rational centre-state relationship.

42. Under MGNREGA, which was enacted in 2005, at least one adult member of every household in rural India has a right to at least 100 days of

guaranteed employment every year. The statutory minimum wage is paid for casual manual labour and it shall be paid within 7 days of the week during which work was done. It pays particular attention to marginalised groups and women.

43. Since April 2008, this scheme has been extended to all the districts of the country. More than 54 million households were provided employment in 2010-11, marking a significant jump in coverage. Out of the 2.57 billion person-days created under the scheme during this period, 31 and 21 per cent were in favour of the Scheduled Castes (SC) and Scheduled Tribes (ST) population respectively, while 48 per cent of the total person days created went in favour of women. An allocation of Rs 400 billion has been made for MGNREGA in the Budget for 2011-12.

44. It is worth mentioning that states have reported that social audit has been conducted in more than 90% of the Gram Panchayats. 244,000 reports on Social Audit have been uploaded on the MGNREGA website. A new scheme of monitoring by eminent citizens has also been introduced. MGNREGA has also made excellent use of ICT-enabled Management Information System, where data is made available in the public domain. India is conscious of the difficulties in implementation of this ambitious scheme across India and is constantly reviewing it to address shortfalls.

### **Food Security and Strengthening of Public Distribution System**

45. To make a paradigm shift from welfare to rights approach and provide food security to ensure the right to live with dignity, the government introduced the National Food Security Bill, 2011 in the Parliament in December 2011. The landmark Bill confers a legal right to cheaper food grains to 63.5 per cent of the country's population. Under this legislation, people eligible would be entitled to 7 kg of food grains comprising rice, wheat and coarse grains per person per month at very low rates. The law seeks to significantly extend the reach of India's existing public food distribution system that sells food items to low-income families much below market prices and, inter alia, give nutritional support to women and children. In a unique feature, the Bill provides that only woman can be treated as head of household for issue of ration cards.

46. The Public Distribution System (PDS) is the world's largest food programme and a crucial part of Government's policy for management of food economy. Given the joint responsibility of the Central and the State Governments, it is a dual purpose vehicle - on the one hand, for giving farmers assured and remunerative prices for their produce through Minimum Support Price (MSP), and on the other, to provide food security to the most vulnerable sections. Government also makes allocation of food grains for other welfare schemes at subsidized below-poverty-line (BPL) prices. In addition, the 11<sup>th</sup> Five Year Plan schemes also give added fillip keeping in mind the requirements of small and marginal farmers.

## **Social Security and Labour**

47. The Government has enacted the Unorganised Workers' Social Security Act, 2008 for providing social security to unorganised workers. The National Social Security Board was constituted in 2009 for formulation of social security schemes, namely: i) health and maternity benefits ii) death and disability and iii) old age protection. The Government has also set up National Social Security Fund for unorganised sector workers to benefit 433 million workers in the unorganised sector, including weavers, toddy tappers, rickshaw pullers, beedi workers and women workers.

48. The Rashtriya Swasthya Bima Yojana providing for smart card based cashless health insurance cover of Rs. 30,000 to BPL families in the unorganised sector has been launched. More than 21.8 million BPL families have been covered as on 30.11.2010.

49. To provide a life of dignity, eradication of the practice of manual scavenging is an area of priority for the Government and a three-pronged strategy has been adopted through legislation, development and rehabilitation. Out of the 770,000 manual scavengers and dependents to be rehabilitated by the National Scheme for Liberation and Rehabilitation of Scavengers and their dependents (NSLRS), 428,000 have been rehabilitated into alternative occupations. For the remaining 342,000, the Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) was launched in January, 2007. The Scheme is being implemented at the national level through the four National Finance and Development Corporations. All states have confirmed that eligible and willing beneficiaries identified under SRMS have been given financial assistance for alternative occupations.

50. India is also constantly striving to enhance protection to its workers from exploitation during the process of recruitment and during their employment overseas, through bilateral agreements and a range of policies and schemes.

## **Health**

51. Under Article 47 of the Constitution pertaining to the Directive Principles of State Policy, the State has a duty to raise the level of nutrition and improve public health. Recognising this, the Government has launched the National Rural Health Mission. The Mission adopts a synergistic approach by relating health to determinants of good health viz. segments of nutrition, sanitation, hygiene and safe drinking water.

52. Massive investment in this sector has led to drop in infant mortality rate from 58 per 1000 live birth in 2005 to 47 in 2010; Maternal Mortality Ratio from 254 per 100,000 live births for 2004-06 to 212 for 2007-09 and total fertility rate to 2.6 (2009) from 3.2 (2000). India has not reported a single polio case since 12 January 2011. The number of newly detected HIV positive cases has dropped by over 50% in the last decade.

53. However, there are inequities based on rural-urban divide, gender imbalance and child nutrition. The Government's Strategy Note to 'Address India's Nutrition Challenges' was discussed with various stakeholders and presented to Prime Minister's National Council for India's Nutrition Challenges. A multisectoral programme for addressing nutrition in 200 high burden districts is being finalised. To bring pregnant women into the institutional fold, Janani Suraksha Yojana has seen phenomenal growth in the last 6 years and the beneficiaries have increased from 644,000 in 2005-06 to 10.6 million in 2010-11. The Janani Shishu Suraksha Karyakaram started from June, 2011 entitles pregnant women to a range of services in public health institutions including free delivery, free medicines, free diet and treatment of sick newborns.

### **Housing and Rehabilitation**

54. Housing shortage remains an area of concern and Government has enhanced its focus on this issue. The Indira Awaas Yojana (IAY) is a flagship scheme of the Ministry of Rural Development to provide houses to the Below Poverty Line (BPL) families in the rural areas. It has been in operation since 1985-86. Since inception, 27.3 million houses have been constructed at an expenditure of Rs. 795 billion (until January 2012). There is high degree of satisfaction with this scheme since beneficiaries participate in the construction of their own houses. The role of the State Government is limited to the release of funds and facilitating use of appropriate technology.

55. Jawaharlal Nehru National Urban Renewal Mission (JNNURM), 2005 provides focused attention to integrated development of urban infrastructure and services in select 65 cities with emphasis on urban poor, slum improvement, community toilets/ baths, etc. Under JNNURM, a total of 1.58 million dwelling units have been approved for construction. Out of these 533,000 dwelling units have been completed and 369,000 is under progress. The total Central share approved under JNNURM is Rs 231 billion and Rs. 124 billion has been released to the states. Apart from regular state and regional reviews, Government has empanelled agencies to play the role of Third Party Inspection and Monitoring Agency (TPIMA) for monitoring the progress and quality of projects under JNNURM and instalments are sanctioned only after the quality is certified by the TPIMA.

56. Further, to create a slum-free environment, a new scheme 'Rajiv Awas Yojana' (RAY) has been launched in June, 2011. This scheme provides financial assistance to states willing to assign property rights to slum dwellers and to avail of the same level of basic amenities as the rest of the town. The scheme is expected to finally cover about 250 cities by 2017 and funds have been released to 157 cities for preparatory work. The Affordable Housing in Partnership scheme has been dovetailed into this new scheme.

57. In a recent ruling in January 2012, the Supreme Court directed compliance with Article 21 by providing night shelters for the homeless since

people sleeping on pavements in the night was a breach of their right to live with dignity. The Delhi High Court also ordered reopening of temporary night shelters.

58. Conscious of the need to address the issue of rehabilitation of displaced persons, the new National Mineral Policy of 2008 states that "... all measures proposed to be taken will be formulated with the active participation of the affected persons, rather than externally imposed."

### **Sanitation and Drinking Water**

59. Total Sanitation Campaign (TSC) is a comprehensive programme to ensure sanitation facilities in rural areas. TSC has been able to accelerate the sanitation coverage from a mere 22% as per 2001 census to approximately 68% in December 2010.

60. The National Rural Drinking Water Programme is a flagship scheme to ensure that all households in rural areas have access to safe and sustainable drinking water facilities. More than 1.23 million rural habitations have been provided with this facility under this scheme. It is estimated that during the 11<sup>th</sup> Five Year Plan, an amount of nearly Rs.900 billion has been spent for this purpose. The latest NSSO survey of 2008-09 reveals that about 90% of the rural households obtain their drinking water from improved sources.

61. In a significant development, all schools in all States of India will have toilet facilities by April 2012, as directed by the Supreme Court of India under Article 21A. Similar directions by the Supreme Court have also ensured drinking water facilities to all schools in the country.

### **Poverty Eradication**

62. While, as per the Lakdawala Committee constituted by the Planning Commission, poverty declined from 36% in 1993-94 to 27.5% in 2004-05, as per the Tendulkar Committee, also constituted by the Planning Commission, poverty declined from 45.3% in 1993-94 to 37.2% in 2004-05. Significantly, in both the Committees' methodologies, the extent of poverty reduction in appreciable and in comparable percentage point is broadly the same.

## **VI. GROUPS IN NEED OF SPECIAL ATTENTION**

### **CHILDREN**

63. A combination of law and robust policy initiatives has given a strong thrust to the protection and welfare of children in India. Children have received considerable attention in the 11<sup>th</sup> Five Year Plan. It takes forward the agenda of child rights by further strengthening legislations and expanding the delivery systems. Some of the initiatives include universalization of services for nutrition and development of children in the age group of 0-6 years; adoption of free and compulsory education for the age group of 6-14

years; amendment of existing legislations; and launch of comprehensive schemes for protection of children in difficult circumstances, working children, victims of trafficking and other vulnerable children.

### **National Commission for Protection of Child Rights**

64. The National Commission for Protection of Child Rights (NCPCR) was set up on March 5, 2007 under the Commissions for Protection of Child Rights (CPCR) Act, 2005. It is one of the few commissions of its kind in Asia. The Commission ensures that all laws, policies, programmes, and administrative mechanism are in consonance with the child rights perspectives enshrined in the Constitution and Convention on the Rights of the Child. In addition, it takes *suo motu* cognizance of violation of rights and analyses data on children. During the year 2010-2011 (up to February 28, 2011), NCPCR has dealt with 675 complaints of violations/deprivations of child rights. The Commission constituted an Expert Group in 2009 with eminent persons for advice NCPCR's role in monitoring children's right to education. NCPCR has also involved civil society in the Social Audit of the RTE to strengthen the process of performance and delivery.

65. The impressive developments through the Sarva Shiksha Abhiyan have been dealt with earlier in the report.

66. The Juvenile Justice (Care and Protection of Children) Act, 2000, (JJ Act) is the principal legislation for the protection of children. The JJ Act was amended in 2006 and The Juvenile Justice (Care and Protection of Children) Rules, 2007, (JJ Rules, 2007) were also framed for effective implementation of the Act. In 2006, the scope of the Act was expanded, inter alia, by including child beggars and working children in the category of children in need of care and protection. In November, 2010, the Government introduced the Juvenile Justice (Care and Protection of Children) Amendment Bill, 2010, with the aim of removing discriminatory references against children affected by diseases such as leprosy, Hepatitis B, sexually transmitted diseases and tuberculosis. It has since been passed by the Parliament.

67. In 2006, the Prohibition of Child Marriage Act (PCMA) was enacted repealing the Child Marriage Restraint Act of 1929 making child marriage an offence.

### **Integrated Child Protection Scheme (ICPS)**

68. The Integrated Child Protection Scheme (ICPS) for children in difficult circumstances was launched in 2009-10 and aims to reduce their vulnerability to situations and actions that could lead to abuse, neglect, exploitation, abandonment and separation. The Scheme subsumes three central schemes, namely: (i) Programme for Juvenile Justice, (ii) Integrated Programme for Street Children, and (iii) Scheme of 'Assistance to Homes (*Shishu Greh*) for Children. More than 90,000 children are benefiting under the Scheme. Initiatives include:

- Establishing Statutory Bodies in every district and service delivery structures for child protection at State and District levels
- Upgrading and establishing standard institutional services and putting dedicated child protection personnel in place
- Expansion of Emergency Outreach services (Childline services, 1098)
- Promotion of non-institutional care
- Initiation of Child Protection Division in the National Institute for Public Cooperation and Child Development (NIPCCD)
- Child Tracking System

### **Integrated Child Development Services (ICDS)**

69. The period from birth to six years of age, especially those below two years of age is considered the most important period for any intervention on malnutrition. The ICDS, launched in 1975, is a comprehensive programme addressing the health, nutrition and pre-school needs of children under six. It provides a package of services comprising of supplementary nutrition, pre-school non-formal education, nutrition & health education, immunization, health check-up and referral services. The Scheme, inter alia, aims to improve the nutritional and health status of pregnant and lactating mothers and children below 6 years of age. The Central Government contributes 90% of all costs and 50% of the cost of supplementary nutrition and the remaining is funded by the state governments. The budgetary allocation for ICDS has been greatly increased from Rs.103 billion in Tenth Plan to Rs.444 billion in the Eleventh Plan. Additionally, Rs. 90 billion has been allocated for maternity entitlements scheme. Recognising the need to cover children under two years of age, the 11<sup>th</sup> plan focused on 'restructuring' the ICDS, so that the programme is universalised, supplementary nutrition is of better quality, fund transfer is made on time and maternity and child care services are provided. Beneficiaries of the ICDS are 97.5 million, including 79.5 million children (6 months to 6 years) and 18 million pregnant and lactating mothers. The Prime Minister's National Council on Nutritional Challenges decided in November 2010 to strengthen the ICDS scheme.

70. The Pre-School Education (PSE) component of the ICDS Scheme is being strengthened to ensure universalisation of early childhood education and preparation of children, particularly those belonging to socially disadvantaged groups, for formal schooling. The beneficiaries under PSE have increased from 21.4 million in 2004-05 to 33 million in 2007-08 and further to 35 million by December 2010.

### **Exploitation of Children**

71. The Information and Technology Act was amended in 2008 to address exploitation of children through the internet. Section 67 (b) of the Act provides for punishment for publishing or transmitting material depicting children in sexually explicit acts, etc. in electronic form.

72. Since sexual offences against children are not fully addressed by existing legislation, the Government introduced a Bill in Parliament on Protection of Children from Sexual Offences in March, 2011, which is currently under consideration of the Rajya Sabha. The Bill, inter alia, defines the offences, provides for special courts for such offences and stringent punishment to offenders.

### **Adoption and Alternative Care**

73. Adoption procedures in the country are governed by specific guidelines notified by the Government and clearly define the roles and responsibilities of those involved. In order to incorporate the amended JJ Act, 2006 and Model Rules, 2007, wherein surrendered children could be rehabilitated through adoption in accordance with guidelines of Central Adoption Resource Agency (CARA), and keeping in mind the various directions from different courts and stipulations for inter-country adoptions laid down by the Special Commission of the Hague Convention held in 2010, it became imperative to revise the guidelines in June 2011 to reflect these changes. A web-based Child Adoption Resource Information and Guidance System (CARINGS) has been launched making the process of adoption more transparent.

### **Child Labour**

74. Given the socio-economic conditions in the country, a multi-pronged strategy for elimination of child labour has been adopted, which emphasises on legislative measures; general development programmes for the benefit of families of child labour and project-based action in areas of high concentration of child labour.

75. As per Child Labour (Prohibition & Regulation) Act, 1986, children below the age of 14 years are prohibited for employment in hazardous occupations/processes specified in the Act. India has not ratified ILO Conventions No. 138 and 182 since they fix minimum age of employment as 18 years. The Government is working on the modalities of ratifying these ILO Conventions, particularly No. 182. Consultations are taking place. However, it is pertinent to point out that the Government issued three notifications in the last five years, expanding the list of banned and hazardous processes and occupations in Schedule II of the *Child Labour (Prohibition and Regulation) Act, 1986*. The number of occupations listed in Part A now is 18 and the number of processes listed in Part B is 65. Further, the worst forms of child labour are already prohibited under various Acts such as Bonded Labour System (Abolition) Act, 1976, Immoral Traffic Prevention Act 1956, the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 and Child Labour (Prohibition and Regulation) Act, 1986. Consequently there is no dearth of inclination to progressively eliminate child labour from India.

76. The Government is implementing National Child Labour Project (NCLP) for the rehabilitation of child labour. The NCLP is operational in 266 Districts, with about 7300 special schools. These special schools are mainly run by

NGOs and impart non-formal/ formal education, vocational training, etc. to children withdrawn from employment, so as to prepare them to join mainstream education system. 852,000 children have been mainstreamed under NCLP. There has been a 45% reduction in child labour over the last 5 years (2009-10).

### **Mid-Day Meals Scheme for Children in schools**

77. The coverage of this immensely popular and effective Mid-Day Meals Scheme for children in schools, which satisfies both 'hunger' and 'education,' has been extended even further in August 2009 and now covers all children studying in Classes I-VIII in Government, Government-aided and Local Body schools and Education Guarantee Scheme (EGS) and Alternative and Innovative Education centres supported under SSA, including Madarasas and Maqtabas as well as children under National Child Labour Projects.

### **WOMEN**

78. The Constitution of India guarantees equality of status of women and has laid the foundation for such advancement. It also permits reverse discrimination in favour of women and many important programmes have been designed specifically to benefit girls and women. A number of laws have been enacted by the Indian Parliament, which has brought forth a perceptible improvement in the status of women. Some of these are: Prohibition of Child Marriage Act, 2006, Hindu Succession Act, 1956; Indecent Representation of Women (Prohibition) Act, 1986; Dowry Prohibition Act, 1961; Maternity Benefit Act, 1961; the Equal Remuneration Act, 1976; The Immoral Traffic (Prevention) Act, 1956; Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994; and Protection of Women from Domestic Violence Act, 2005.

79. The Planning Commission of India, through its Five Year Plans is committed to enable women to be "equal partners and participants in development". The Eleventh Five Year plan has recognized women as agents of sustained socio-economic growth and change and funding is being provided to a large number of gender specific schemes.

80. The amendment of the Hindu Succession Act in 2005 was an important legal reform which will contribute towards economic empowerment of women, giving daughters equal rights in the ancestral property.

81. Domestic violence against women is integrally linked to women's economic dependence and lack of support systems. Recognising this, the Protection of Women from Domestic Violence Act, 2005 has been envisaged as a civil law, which not only defines for the first time 'domestic violence' and entitles women to get a Protection Order, but also contemplates various forms of reliefs such as maintenance, compensation, residence and custody.

82. Declining Child Sex Ratio is a matter of concern. To deal with this, the Government has in place, inter alia, the Pre-Conception and Pre-Natal Diagnostic Technique (Prohibition of Sex Selection) Act 1994 which prohibits sex selection and regulates prenatal diagnostic techniques to prevent their misuse leading to sex-selective abortion. Recent steps include amendment of Rules to provide for confiscation of unregistered machines, further punishment for unregistered ultrasound clinics and reconstitution and strengthening of the National Inspection and Monitoring Committee.

83. The Government launched the National Mission for Empowerment of Women (2010-15) in March 2010 to, inter alia, secure convergence of schemes of different Ministries of Central and State Governments, review gender budgeting and various social laws concerning women.

84. In several milestone decisions, the Supreme Court of India has established jurisprudence reinforcing women's rights and the provision of a safe and healthy environment at home and work.

85. Many women have also joined the Armed Forces. The Delhi High Court in a landmark verdict on March 12, 2010 has directed the Indian Air Force (IAF) to allow its lady officers to be eligible for the Permanent Commission (PC) status. Prior to this, women officers were restricted to Short Service Commission (SSC) status, which entitles a maximum service period of 14 years as against a PC officer who is eligible to serve till the age of 60 and are also eligible to various other benefits.

86. The National Commission for Women is a statutory body with the mandate to safeguard the constitutional and legal rights of women, redress deprivation of women's rights and promote gender justice and equality.

87. Mandatory registration of the wife in all property owned or acquired by the husband is another progressive step taken by many State Governments. Further, government financed asset ownership schemes have women's ownership of assets. Accordingly, in housing schemes like the Indira Awaas Yojana (IAY) or the Rajiv Gandhi Gramin LPG Vitruk (RGGLPGV) Scheme, the allotment is done in the name of the female member of the households or in the joint names of husband and wife.

88. Recognising that increased female literacy is a force multiplier for social development programmes, the Government has launched a National Mission for Female Literacy in 2009 to make every woman literate in five years.

89. The significant advance made by women today is evident from various socio-economic indicators relating to health, literacy and education, workforce participation rate etc. In the field of education, girls constitute approximately 48.46% of the total enrolment of the primary level and 41.12% at the upper primary level (2009-10). The 2011 Census has shown improvements in the literacy rate of women, from 53.67% in 2001 to 65.46%

in 2011, and in the total sex ratio, from 933 females in 2001 to 940 females per 1000 males in 2011.

90. The Janani Suraksha Yojana (JSY) has been covered above under 'Health.' Several schemes are being implemented to address infant and child mortality. Notable among these are Universal Immunisation Programme for immunisation of children against six vaccine preventable diseases; Integrated Management of Neonatal Childhood Illnesses (IMNCI), which focuses on the preventive, promotive and curative aspects among newborns and children; and the Reproductive and Child Health (RCH) Programme, which has entered its second phase (2005-2010).

91. In order to incentivise the birth of a girl child and encourage families to place a premium on her education and development, a number of States are implementing Conditional Cash Transfer schemes. Government is also implementing a similar scheme – 'Dhanalakshmi', launched in March, 2008, on a pilot basis. For nutrition and skill development of adolescent girls, a pilot scheme 'Sabla' has been launched in 200 districts.

92. Recognising the problem of "missing" girls as a result of sex-selective abortions, infanticide or neglect, the ICPS envisages setting up Cradle Baby Reception Centres in each district.

93. Recognising the compulsions faced by many women who continue to work till the last stage of pregnancy and resume work soon after childbirth, a new initiative has been launched recently in 2010-11 by the Ministry of Women and Child Development (MWCD). 'Indira Gandhi Matritva Sahyog Yojana (IGMSY)' is a Conditional Maternity Benefit (CMB) Scheme that has been launched on a pilot basis in 52 districts, with the two-fold objective of providing cash assistance to pregnant and lactating women to overcome loss of working days and providing better nutrition. The Scheme uses the ICDS platform and covers approximately 1.4 million women in the initial years.

94. Government has a unique provision where a 2-year child care leave can be availed of by its women employees anytime during the childhood years.

### **Mainstreaming Gender**

95. One of the key initiatives undertaken by the Government to promote gender equality has been the adoption in 2005 of Gender Budgeting as a tool for mainstreaming gender in all government policies and programmes. Through Gender Budgeting, the Government aims to ensure the translation of Government's policy on gender equity into budgetary allocations. To institutionalise this process, the Government had initiated the formation of Gender Budget Cells (GBCs) within all Central Ministries/ Departments. So far 56 Ministries/Departments have set up GBCs. One of the focus of the National Mission for Empowerment of Women 2010 is to review gender budgeting.

96. The Government has also been focusing on interventions in the sphere of economic empowerment through generating employment opportunities for poor and women, capacity-building especially through the Self-Help Groups (SHGs) movement. There are around six million SHGs of which 80% are women's groups.

### **Registration of Marriages**

97. In spite of the socio-economic challenges, India is working towards making registration of all marriages compulsory. This direction comes from the Supreme Court which in *Seema v. Ashwini Kumar* (2006 (2) SCC 578), directed that registration of marriages of all persons, irrespective of their religion, who are citizens of India should be made compulsory in their respective states. In this context, 19 States have already taken necessary legislative measures.

### **PERSONS WITH DISABILITY**

98. According to Census 2001, there are 2.19 million persons with disabilities in India who constitute 2.13 percent of the total population. Seventy-five (75) per cent of persons with disabilities live in rural areas, 49 per cent of them literate and only 34 per cent are employed.

99. The emphasis is now on social rehabilitation and mainstreaming them in the society. The Government has enacted three legislations for persons with disabilities, namely, (i) Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, which provides for education, employment, creation of barrier free environment, social security, etc. (ii) National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability Act, 1999 has provisions for legal guardianship of the four categories and creation of enabling environment for as much independent living as possible (iii) Rehabilitation Council of India Act, 1992 deals with the development of manpower for providing rehabilitation services.

100. India became a party to the United Nations Convention on Rights of Persons with Disabilities (UNCRPD) in 2008. The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (PWD Act) requires to be modified to incorporate areas recognized in the UNCRPD. The Chief Commissioner and Commissioner respectively in the Centre and States function as Ombudsmen for Persons with Disabilities under the 1995 Act. The Government is in the process of drawing up legislation in place of PWD Act, 1995, in a consultative manner involving all stakeholders and keeping in view all developments in this sector. The courts have been active as well. For e.g. in *Suchita Srivastava v. Chandigarh Administration* (AIR 2010 SC 235), where a mentally challenged woman refused to give her consent for the termination of pregnancy, the Supreme Court held that a women's right to personal liberty includes the right to make reproductive choices and that the state must respect her choice.

## **OLDER PERSONS**

101. As our society is witnessing a withering away of the joint family system, a large number of parents and senior citizens are being neglected. The Maintenance and Welfare of Parents and Senior Citizens Act of 2007 was enacted in December, 2007 to ensure their need-based maintenance and welfare. The Act has already been notified by 23 States and all UTs. In pursuance of the National Policy on Older Persons, a National Council for Older Persons was constituted as the highest body to advise the Government and oversee the implementation of the policies. Due to uneven implementation, review is being carried out to strengthen implementation. The Ministry of Rural Development launched the Annapurna scheme in 2000-01 for indigent senior citizens of 65 years of age or above who are not getting pension under the National Old Age Pension Scheme, where 10 kilograms of food grains per person per month are supplied free of cost.

## **SCHEDULED CASTES AND SCHEDULED TRIBES AND MINORITIES**

### **Scheduled Castes (SC) and Scheduled Tribes (ST)**

102. India's programme of affirmative action is without parallel in scale and dimension in human history. Apart from the Fundamental Rights to prohibit discrimination in any form, the Constitution also provides for advancement of Scheduled Castes (SC), Scheduled Tribes (ST) and other backward classes (OBC). Legislative measures and guaranteed political representation provides for strong and robust protection for SCs and STs. A programme of 'compensatory discrimination' reserves 15% for SCs and 7.5% for STs in employment, education and a range of areas. Quota for the OBCs has also been earmarked. Their socio-economic backwardness has been specifically addressed in the Eleventh Plan through the approach of 'faster and inclusive growth' and a three-pronged strategy has been adopted namely: (i) social empowerment; (ii) economic empowerment; and (iii) social justice, to ensure removal of disparities and elimination of exploitation.

103. In upholding the constitutional commitment, specific legislations and programmes are being implemented specifically for SCs and STs:

- i) Central assistance is being provided for the effective implementation of the Protection of Civil Rights (PCR) Act, 1955, and the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities [PoA]) Act, 1989, mainly for:
  - a. State level SC and ST Protection Cell and Special Police Stations;
  - b. Special Courts;
  - c. Awareness generation;
  - d. Inter-caste marriages; and
  - e. Relief to atrocity victims.

- ii) In order to ensure speedy trial of cases under the SC/ST (Prevention of Atrocities) Act, 1989, special courts and special police stations for offences against SCs and STs have been set up in a number of States. 177 special courts and 77 special police stations have been set up.
- iii) Constitution provides for several special provisions for protecting interests of Scheduled Tribes. A separate Ministry for Tribal Affairs was set-up in 1999.

104. There is a National Commission for Scheduled Castes, a Constitutional Ombudsman body, set up under Article 338 having wide powers to protect and promote the interests of SCs, and a National Commission for Scheduled Tribes as well.

105. Improving the educational status of SCs, especially of women and girl children in this category is one of the main priorities. The Centrally Sponsored Scheme (CSS) of post-matric Scholarships to SC students, involving 100 per cent Central assistance, has been accorded high priority in the Eleventh Plan. This scheme benefits about 4 million SC students annually and has been revised in 2010. Rajiv Gandhi National Fellowship (RGNF) scheme for SC students was launched in 2006 for providing financial assistance to SC students pursuing MPhil and PhD. Under this scheme, 2000 fellowships are provided annually to SC beneficiaries. There are parallel educational development schemes for ST candidates and students also.

106. The National Scheduled Castes Finance and Development Corporation (NSCFDC) was set up in 1989 to provide soft loans to SCs living below the poverty line for taking up income generating self-employment ventures. Rs 3250 million have been released towards equity of NSCFDC in the Eleventh Five-Year Plan. Beneficiaries covered under the scheme since its inception is 762,000 of which 410,000 (53.34%) are women. The National Scheduled Tribe Finance and Development Corporation is the counterpart organisation for the Scheduled Tribes.

107. India's sensitivity to the interests of the tribal population is equally unparalleled. The STs and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 rests forest rights and occupation in forest dwelling STs and other forest dwellers to address their insecurity of tenurial and access rights.

108. The revised CSS Strengthening Education among ST Girls in Low Literacy Districts scheme is being implemented in 54 identified low literacy districts where the ST population is 25 per cent or more and ST female literacy rate is below 35 per cent. Besides formal education, the scheme also takes care of skill upgradation.

109. The Planning Commission set up a Task Force to review guidelines on Scheduled Castes Sub-Plan (SCSP) and Tribal Sub-Plan (TSP) in June 2010.

Pursuant to its recommendations, implementation of SCSP is being streamlined.

### **Minorities**

110. The Ministry of Minority Affairs was created in 2006 in order to ensure a more focussed approach towards issues relating to the minorities. The National Commission for Minorities is a statutory body under the National Commission for Minorities Act of 1992. Other organisations like the Maulana Azad Education Foundation and National Minorities Development and Finance Corporation function under the Ministry.

111. The Government is actively pursuing minority related programmes under the Prime Minister's New 15-Point Programme for the Welfare of Minorities announced in 2006. It, inter alia, provides for earmarking 15% of the outlays for minorities in the flagship programmes of other Ministries, enhancing education opportunities, equitable share in economic activities and employment and equitable flow of benefits in development. Further, under this programme, 11.7 million scholarships have been given for minority students. Certain proportion of development projects is also to be earmarked for the minority concentration areas. Public Sector banks have been directed to open branches in districts having substantial minority population and 15,204 such branches have been opened till March 2011. Active consultation with the civil society is integral to the formulation of plans.

112. To monitor minority welfare schemes, a system of National Level Monitors was launched. Government has approved a sub-quota of 4.5% reservation for minorities within 27% OBC quota. In order to amend the Waqf Act 1995, the Waqf Amendment Bill 2010 was passed by the Lok Sabha and now is with the Rajya Sabha. Consequent to the recommendation of the High-level Committee, Government is implementing Multi-sectoral Development Programme since 2008 aimed at 90 Minority Concentration Districts with an allocation of Rs. 37 billion under the Eleventh Plan.

### **VII. ENVIRONMENT AND NATIONAL GREEN TRIBUNAL**

113. Fully conscious of India's role in environmental protection, in an unprecedented development, the National Green Tribunal has been established in October 2010 under the National Green Tribunal Act 2010 for, inter alia, effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right and giving relief and compensation for damages to persons and property. It is a specialized body equipped to handle environmental disputes involving multi-disciplinary issues. The Tribunal's dedicated jurisdiction in environmental matters shall provide speedy environmental justice and help reduce the burden of litigation in the higher courts.

### **VIII. HUMAN RIGHTS EDUCATION**

114. The National curriculum for school education of National Council of Educational Research and Training (NCERT) has included the human rights education component in social science subjects. In order to create human rights education sensitivity and skills amongst the teachers in schools, a module for teacher training programme has also been prepared by the taskforce of the NHRC for this purpose. NHRC has continued to play an active role in raising all round human rights literacy and awareness including month-long internship programmes for University students and programmes focussed on public servants especially police in collaboration with the Administrative Training Institutes and Police Training Institutions. In addition, the Central Board of Secondary Education (CBSE) has also evolved a syllabus for human rights education at lower level, which has come into force in 2008.

### **IX. INDIA AND THE UNITED NATIONS**

115. India continues to play an active and constructive role in all human rights related issues in the UN, including the UN Human Rights Council. India has extended a standing invitation to Special Procedures Mandate Holders during the 18<sup>th</sup> Session of HRC in September 2011, in keeping with our Voluntary Pledges and Commitments made to the HRC in May 2011. India's contribution to the Voluntary Fund for technical Cooperation has been doubled to US\$ 100,000. We have also started contributing to the Voluntary Trust Fund on Contemporary Forms of Slavery of US\$ 25,000 per year and Voluntary Fund for Victims of Torture of US\$ 25,000 per year. These were also part of our Voluntary Pledges to HRC. We also contributed US\$ 1 million to UN Women.

116. In conclusion, India has a robust legislative and institutional framework to address the twin tasks of protection and promotion of human rights. In spite of a number of serious challenges, India remains deeply committed to human rights and has taken significant strides towards these goals.