



## **CONSTITUTIONAL PROVISIONS, POLICIES AND PROGRAMMES FOR THE AMELIORATION OF TRIBAL WOMEN: A POLICY OVERVIEW**

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**Abstract:** The Government of India has continuously been formulating strategies and initiating processes, to bring women into the mainstream. Women constitute half of the country's population and it is abundantly clear that there can be no development unless their needs and interests are fully taken into account. In addition, the Government of India has brought about specific legislation to protect and safeguard the rights of women. Although there have been various shifts in policy approaches in the last sixty years from the concept of 'welfare' till the '70's to 'development' in the '80's and now to 'empowerment' since the '90's.<sup>1</sup> This abstract delves into the specific legislation and constitutional provisions that have been enacted to safeguard the rights of women, especially those belonging to tribal communities. It explores the constitutional mechanisms and policies devised by the Government of India, highlighting the frameworks aim to address the unique challenges faced by tribal women.

Keywords: Women, Government, Legislation, Tribal, Constitutional

### **1.1 Rights and Privileges of Women**

#### **1.1.1 Constitutional Provisions**

The Constitution of India not only gives equality to women but also empowers the state to adopt measures in favour of women for neutralizing the socio-economic, educational and political disadvantages faced by them. Fundamental rights, among others, ensure equality before law, equal protection of law and prohibits discrimination against any citizen on grounds of sex. India does not discriminate women on the basis of religion, race, caste and place of birth

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1 Kalpana Roy, 2000. *Women and Child Development*. New Delhi: Commonwealth Publishers, p. 8.

and guarantees equal opportunity to all citizens in matters relating to employment. A few important articles of Constitution granting special privileges to women are as below:<sup>2</sup>

- (i) **Article 14**, equality before law for women
- (ii) **Article 15**, the state not to discriminate against any citizen on ground only of religion, race, caste, sex, place of birth or any of them.
- (iii) **Article 15 (3)**, the state to make special provision in favour of women and children.<sup>3</sup>
- (iv) **Article 16**, equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state.<sup>4</sup>
- (v) **Article 39 (a)** state policies towards securing for men and women equally the right to an adequate means of livelihood.
- (vi) **Article 39 (d)**, equal pay for both men and women
- (vii) **Article 42**, the state to make provision for securing just and human conditions of work and for maternity relief.
- (viii) **Article 15 (a) (e)**, to promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to dignity of women.
- (ix) **Article 243 D (3)**, Not less than one-third (including the number of seats reserved for women belonging to schedule castes and schedule tribes) of the total number of seats to be filled by direct election in every panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat.
- (x) **Article 243 D (4)**, not less than one third the total number of offices of chairperson in the Panchayats at each level to be reserved for women.
- (xi) **Article 243 T (3)** not less than one third (including the number of seats reserved for scheduled caste and scheduled tribes) of the total number of seats to be filled up by direct election in every municipality to be reserved for women and such seats to be allotted to different constituencies in a municipality.

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2 Gender Statistics, 2011-2012. Department of Economics and Statistics, Government of Himachal Pradesh: Shimla, pp.1-2.

3 Aruna Goel, 2004. *Organisation and Structure of Women Development and Empowerment*, New Delhi: Deep & Deep Publications Pvt. Ltd., p. 9.

4 A. Kumar, 2006. *Women and Family Welfare*. New Delhi: Anmol Publications Pvt. Ltd., p. 331.

(xii) **Article 243 T (4)** reservation of offices of chairpersons in municipalities for the schedule castes and scheduled tribes and manner as the legislative of a state made by law provide.<sup>5</sup>

**1.1.2 Legislative Provisions :** Various legislative measures intended to ensure equal rights, counter social discrimination and various forms of violence and atrocities and to provide support services especially to working women have been enacted by the government to uphold constitutional mandate. Women may be the victims of crimes such as ‘murder’ ‘robbery, cheating etc, the crimes which are directed specifically against women, are characterized as ‘Crime against Women’ which are classified under two categories viz.,

The crime identified under the Indian Penal Code (IPC)

The Crimes Identified under the Special Law (SLL)

**1.1.2.1 The crime identified under the Indian Penal Code (IPC):** Rape, Kidnapping or abduction for different purposes, Homicide for Dowry, Dowry Deaths or their Attempts, Mental and Physical Torture, Molestation, Sexual Harassment and Importation of Girls etc.<sup>6</sup>

**1.1.2.2 The Crimes Identified under the Special Law (SLL):** Employees State Insurance Act, 1948, The Plantation Labour Act, 1951, Family Courts Act, 1954, The Special Marriage Act, 1954, The Hindu Marriage Act, 1955, The Hindu Succession Act, 1956, The Maternity Benefit Act, 1961, Dowry Prohibition Act 1961, Medical Termination, of Pregnancy Act, 1971, The Contract Labour Act, 1976, The Equal Remuneration Act, 1976, The Child Marriage Restraint Act, 1979, Criminal Law (Amendment) Act, 1983, The Factories (Amendment) Act, 1986, Indecent Representation of Women (Prohibition) Act, 1986, And Commission Of Sati (Prevention) Act, 1987.<sup>7</sup> Infant Milk Substitutes, Feeding Bottles and Infant Food (Regulation of Production, Supply and Distribution)Act, 1992 (41 of 1992), Commission for Child Protection Rights Act 2005, Juvenile Justice (Care and Protection of Children)Act 2000,<sup>8</sup> The Protection of Women from Domestic Violence Act, 2005.<sup>9</sup>

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5 Gender Statistics, 2011-2012. Department of Economics and Statistics, Government of Himachal Pradesh: Shimla, pp. 1-2.

6 Aruna Goel, Manvinder Kaur and Ameer Sultana (ed.), 2006. *Violence Against Women: Issues and Perspectives*. New Delhi: Deep & Deep Publications Pvt. Ltd., p. 12.

7 S.L. Goel, 2010. *Social Welfare Administration, Vol. 2, Social Justice & Empowerment*, New Delhi: Deep & Deep Publications Pvt. Ltd., p. 146.

8 India 2013, A Reference Annual: Ministry of Information & Broadcasting, Government of India, pp. 1013-1014.

9 Gender Statistics, 2012-13. Department of Economics and Statistics, Government of Himachal Pradesh: Shimla.

### **1.1.2.3 For Protection of Women from Domestic Violence**

“Domestic Violence (Prevention), Act 2005” has come into force in the State w.e.f. 26th day of October, 2006 and assented to by the President on 13 September 2005.<sup>10</sup> This is an Act to provide more effective protection to the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family and for matter connected therewith or incidental thereto.<sup>11</sup> The Protection of Women from Domestic Violence Act 2005 differs from the earlier law, Section 498A of the Indian Penal Code, in that it explicitly defines domestic violence in addition to dowry-related cruelty. Primarily meant to provide protection to the wife or female live-in partner from domestic violence at the hands of the husband or male live-in partner or his relatives, the law also extends its protection to women living in a household such as sisters, widows or mothers. Domestic violence under the act includes actual abuse or the threat of abuse whether physical, sexual, verbal, emotional or economic. Harassment by way of unlawful dowry demands to the woman or her relatives would also be covered under this act.<sup>12</sup>

Under Section 8(1) of the Act, all ICDS Supervisors have been declared Protection Officers within their respective area of jurisdiction for the implementation of this Act. Proper orientation through Himachal Pradesh Judicial Academy has been given to all the Protection Officers. Nari Sewa Sadan Mashobra in Shimla District has been declared as Shelter Home under Section 6 of the Act. The Government of Himachal Pradesh has declared all District Hospitals/ Referral Hospitals/CHCs/PHC and Dispensaries (both Ayurvedic and Allopathic) as Appropriate Health Institutions for providing health related facilities under Section 7 of the Act. Besides, 15 NGOs have been declared as Service Providers in the State under Section 10 of the Act.

### **1.1.2.4 The Dowry Prohibition Act, 1961**

This act has also been enacted by the Central Government to prevent giving and taking of Dowry in the country. The Government of Himachal Pradesh is implementing this Act

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10 Dewan, Anjali. “*Proceeding of Strategising Gender Mainstreaming Workshop*” held on 6<sup>th</sup> March, 2013 at H.P. Institute of Public Administration (HIPA), Fairlawn (Shimla), p. 5.

11 S.L.Goel, 2010., p. 171.

12 Datta, Damayanti (4 December 2006). “The New Laws of Marriage”, *India Today*.

through Police Department. Under the Act, Dowry Prohibition Rules-2000 have been notified by the State Government. To prevent dowry, all Child Development Project Officers (appointed under ICDS) have been designated as Dowry Prohibition Officers and to assist them Advisory Boards have been constituted in all the Districts of the State.

#### **1.1.2.5 Hindu Succession (Amendment) Act, 2005**

The Hindu Succession (Amendment) Act is to remove gender discriminatory provisions in the Hindu Succession Act, 1956 and gives the following rights to daughters under Section 6 :

- a) The daughter of coparcener shall by birth become a coparcener in her own right in the same manner as the son;
- b) The daughter has the same rights in the coparcenary property as she would have had if she had been a son.
- c) The daughter shall be subject to the same liability in the said coparcenary property as that of son; and any reference to a Hindu Mitakshara coparceners shall be deemed to include a reference to a daughter of a coparcener;
- d) The daughter is allotted the same share as is allotted to a son;
- e) The share of the pre-deceased son or a pre-deceased daughter shall be allotted to the surviving child of such pre-deceased son or of such pre-deceased daughter;
- f) The share of the pre-deceased child of a pre-deceased son or of a pre-deceased daughter shall be allotted to the child of such pre-deceased child of the pre-deceased son or a pre-deceased daughter.

## **1.2. FIVE YEAR PLANS ON EMPOWERMENT OF WOMEN**

**Table 1.1**

<b>Sr. No.</b>	<b>Five Year Plans</b>	<b>Views on Women</b>

1	First Plan (1951-56)	Sets up the central social board in 1953 to promote women welfare work through voluntary organizations, charitable trusts etc.
2	Second Plan (1956-61)	Supported the development of mahila mandals to work at the grassroots.
3-4	Third, Fourth & Interim Plan (1961-74)	Had provisions for women's education, pre-natal and child health services, supplementary feeding children, nursing and expectant
5	Fifth Plan (1974-78)	A major shift in the approach towards women from welfare to development
6	Sixth Plan (1980-1985)	Accepted women's development as a separate Economic agenda. Took a multidisciplinary approach with a three-pronged thrust on health education and employment
7	Seventh Plan (1985-90)	Had the objective of bringing women into the mainstream of National development
8	Eight Plan (1992-97)	Saw a paradigm shift development to empowerment and benefits to women in the core sector of education, health and employment. Outlay for women rose from Rs. 4 crore in the First Plan to Rs. 2,000 crore in the Eight Plan.
9	Ninth Plan (1997-02)	Had Empowerment of women as its strategic objective. Accepted the concept of a women's component plan to assure that at least 30% of funds/benefits from all development sector flow to women.
10	Tenth Plan (2002-07)	Suggests specific strategies, politics and programs for the empowerment of women.
11	Eleventh Plan (2007-12)	Special measures for gender empowerment and equity was an essential component of the 11 <sup>th</sup> Plan. The Plan specially focused on four aspects-violence against women (VAW),

		economic empowerment, political participation and women's health <sup>13</sup>
12	Twelfth Plan(2012-17)	Focused on inclusive growth in development process, emphasized on single women by providing quota in jobs. The plan will have special focus on four aspects for the development of women-health, education, urbanisation & governance <sup>14</sup>

Source: "Women's Empowerment Dimensions and Directions" Social Welfare, March 2009.

### **1.3 Initiatives for Women<sup>15</sup>**

Some special initiatives have been taken in recent years in this regards viz.,

#### **1.3.1 National Commission for Women**

In January 1992, this statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary was set up.

#### **1.3.2 Reservation of Women in Local Self Government**

The 73<sup>rd</sup> and 74<sup>th</sup> constitutional Amendment Acts passed in 1992 by Parliament ensure one-third of the total seats for women in all elected offices in all rural and Urban Local Bodies.

#### **1.3.3 The National Plan of Action for the Girl Child (1991-2000**

**AD)**

The Action Plan is to ensure survival, protection and development of Girl Child with the ultimate objective of building a better future for the girl child.

#### **1.3.4 National Policy for Empowerment of Women 2001**

The department of women and child development in the Ministry of Human Resources Development has prepared a 'National Policy for Empowerment of Women' in the year 2001. The goal of this policy is to bring about the advancement, development and empowerment of women.<sup>16</sup>

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13 Women's Empowerment Dimensions and Directions", *Social Welfare*, March 2009

14 Satarupa Pal (July 2013): "Women In Twelfth Five Year Plan In India: An Analysis", *The Echo*, Vol. II, Issue 1, pp. 121-127.

15 Gender Statistics, 2009-10. Department of Economics and Statistics, Government of Himachal Pradesh: Shimla.

16. Gender Statistics, 2011-12. Department of Economics and Statistics, Himachal Pradesh: Shimla.



**1.3.5** The document **Gender Budget** Initiative shows that allocation on women as percentage of total budget in Himachal Pradesh is six percent, while allocation on women in social sector budget is 19.5 percent of total budget.<sup>17</sup> One of the major strategy for securing gender equality for decision making in allocation of public resources and budget distribution, all departments of the State Government have been asked to ensure that atleast 30% of the funds are earmarked for women related sectors in such a manner that these benefit and empower the women. State Level Gender Budgeting Cell has been established under the Chairmanship of Director, Social Justice & Empowerment, HP to monitor and coordinate the activities of all Departments. Representation in this Cell has been given to the Planning and Finance Departments. This Cell will also compile and analyze the data received from various departments and will suggest policy interventions.

**1.3.6** The **Sexual Harassment** of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is a legislative act in India that seeks to protect women from sexual harassment at their place of work.<sup>18</sup> It was passed by the Lok Sabha on 3 September 2012. It was passed by the Rajya Sabha on 26 February 2013. The Bill got the assent of the President on 23 April 2013. The Act came into force on 9 December 2013 and was published in the Gazette of India, Extraordinary, Part-II, Section-1, dated the 23rd April 2013 as Act No. 14 of 2013.<sup>19</sup> Act seeks top priority for every woman irrespective of her age or employment status, a safe and secure environment, free from sexual harassment. The bill covers all work places, both in public and private sector, whether organised or unorganised.<sup>20</sup>

Every employer is required to constitute an Internal Complaints Committee at each office or branch with 10 or more employees. The District Officer is required to constitute a Local Complaints Committee at each district, and if required at the block level. The Complaints Committees have the powers of civil courts for gathering evidence. The Complaints Committees are required to provide for conciliation before initiating an inquiry, if requested by the complainant. The Committee is required to complete the inquiry within a time period of 90 days. On completion of the inquiry, the report will be sent to the employer or the District Officer, as the case may be, they are mandated to take action on the report within 60 days.

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17 Annual Administrative Report, 2003-04, H.P. State Commission For Women, p.21.

18 "Law against sexual harassment at workplace comes into effect", *Times of India*.

19 "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Published in The Gazette of India. Press Information Bureau.

20 India 2013, A Reference Annual: Ministry of Information & Broadcasting, Government of India, p.1014.



Penalties have been prescribed for employers. Non-compliance with the provisions of the Act shall be punishable with a fine of up to ₹50,000. Repeated violations may lead to higher penalties and cancellation of licence or registration to conduct business in **Himachal Pradesh**.<sup>21</sup> In order to prevent the sexual exploitation of women at work place, Complaint Committees have been constituted in all the Departments/ Boards/ corporations and Universities of the State. Particulars of the Chairpersons of all Complaints Committees have also been put on the website of Department of Social Justice and Empowerment.

#### **1.4 Empowerment of Women**

**1.4.1** Women are the most deprived amongst the marginalized communities. In 1994, the Beijing Declaration of platform for action stressed upon the need for empowerment of women. Subsequently, platform for Action of the Fourth World Conference on Women, 2000 stated, “Women should be empowered by enhancing their skills, knowledge and access to information and technology”. This would strengthen their ability to combat negative portrayals of women internationally and challenge instance of abuse of power. As a follow up of national commitments made during these conferences, India has formulated the “Women Empowerment Policy, 2001” for the upliftment of women socially, politically and economically. This would require creation of an environment, through positive economic and social policies, for the development of women to enable them to realize their full potential.

**1.4.2** Empowerment as a concept was first brought at the International Women’s Conference in 1985 at Nairobi. The conference concluded that empowerment is a distribution of power and control of resources in favour of women through positive intervention.<sup>22</sup>

Empowerment of women is the much publicized cliché concept of the 21st Century. Everybody right from local politician to national leaders, NGOs, International Community and Policy Makers talk about it. Women are not yet full and equal participants in public policy and choices that affect their lives. In fact, women lag behind on vital aspects of life, be it in terms of access to education, employment opportunities or even crucial decisions about their families.

**1.4.3** In order to **check the decline in sex ratio** a massive awareness campaign has been launched to highlight that protection of female child is vital to maintain the every fabric of society. State Government is implementing schemes of cash incentives to improve sex ratio

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21 “The Protection of Women Against Sexual Harassment at Work Place Bill, 2010”, PRS Legislative Research.

22 S.L. Goel, 2010, Social Welfare Administration, Volume 2, Social Justice & Empowerment, New Delhi: Deep & Deep Publications Pvt. Ltd., p. 104.

and protection of the female child. A scheme for awarding the Panchayats upto Rs. 5.00 lakh for recording favourable sex ratio at birth has been started. Incentive is given to anybody who gives information in person or on telephone/fax/in writing about violation of provisions of PC & PNDT Act to the appropriate authority of the District i.e. the CMO of the concerned district. Identity of the informer is not disclosed. The incentive money i.e. Rs. 10,000/- is given in cash. The payment of cash award is subject to nailing down of the culprit and to the satisfaction of the appropriate authority.<sup>23</sup>

**1.4.4** Another scheme called “**Indira Gandhi Balika Suraksha Yojana**” to raise the status of girl child and to prevent female foeticide is also under implementation in the State. Under this scheme, an incentive of Rs. 25,000/- is provided to the parents who adopt terminal family planning methods after the birth of the first girl child and the parents who adopt terminal family planning method after the birth of second girl child are provided an incentive of Rs. 20,000/-. These incentives are given as interest bearing deposit in the name of girl child to be encashed at the time of her marriage. Financial assistance under “**Matri Shakti Bima Yojana**” has been increased 4 times. In the event of death due to accident, relief money has been enhanced from Rs. 25,000/- to Rs. 1,00,000/- and in the event of loss of a part of the body, this amount has been raised from Rs. 12,500/- to Rs. 50,000/-. Jan Shri Yojana has also been started for Anganwadi Workers and Helpers in the State under which no premium is to be paid by the beneficiaries. In the event of death under different circumstances, assistance ranging from Rs. 20,000/- to Rs. 75,000/- is provided under the scheme.

**1.4.5** Under **Janani Suraksh Yojana** all women aged 19 years or above belonging to BPL, SC & ST families are given Rs. 600 (to those belonging to urban areas) and Rs. 700 (to those belonging to rural areas) for deliveries in a Government health institution or in an accredited private health institution. All pregnant women belonging to BPL families are also given Rs. 500 for home deliveries. These cash benefits are linked up to 2 live births. To reduce IMR and MMR, Government of India has launched Janani Shishu Suraksha Karyakram under which following entitlements are given to expectant mothers and infants:-

- Free delivery.
- Free Caesarean section.
- Free Drugs and consumables.

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23 12th Plan 2012-17 & Budget Linked Annual Plan 2013-14 Planning Department Government of Himachal Pradesh Shimla, pp. 106-143.

- Free diagnostics (blood, urine tests and USG).
- Free diet during stay in health institution (upto 3 days for normal delivery and 7 days for C-Section).

**1.4.6** On the political front, women MLAs constitute 4.41% in the present Vidhan Sabha. To increase the participation of women in decision-making and developmental activities, the State Government has raised the reservation for women in the PRIs and ULBs from 33% to minimum 50%. The percentage of women, elected in the Panchayat Elections held in December 2010 and January, 2011 is as under:<sup>24</sup>

**Table 1.2**  
**Representation of Women in Panchayati Raj Institutions**

1.	Ward Members	58.33 %
2.	Members of Panchayat Samitis	51.55 %
3.	Members of Zila Paishad	51.00 %
4.	Gram Panchayat Pradhans	50.54 %
5.	Chairpersons of Panchayat Samitis	54.55 %
6.	Chairpersons of Zila Parishads	50.00 %

*Source:* Deptt. of Panchayati Raj, Himachal Pradesh

**1.4.7** Female prisoners in the Jails of the State are kept in separate blocks/ barracks. The female prisoner is allowed to keep child with her till the age of 6 years. Pre-natal and post-natal care for both the mother and child are provided in the Zonal/Regional Government Hospitals. The pregnant prisoner is released on parole to enable delivery outside the jail. To provide medical check-up facilities to the women prisoners, regular/ permanent medical officers have been appointed in 4 Jails viz. Kanda, Nahan, Dharamshala and Bilaspur. Number of female prisoners in rest of the jails/ sub-jails generally remains quite low, therefore, permanent medical officers have not been appointed in those jails. However, Dispensers have been appointed in all the jails of the State. With a view to provide better facilities, women who are found victims in any case, are shifted to Kanda Jail.

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24 *Ibid.*, p.116.

## **1.5 Schemes for Welfare and Development of Women in Himachal Pradesh<sup>25</sup>**

There are a number of other programmes/ schemes under implementation in Himachal Pradesh which are aimed at socio-economic upliftment of women and their general well-being. Scheme-wise description of such programmes being run are given below:

### **1.5.1 Mukhya Mantri Kanyadan Yojana**

Under this scheme, a grant of Rs. 21,000/- per beneficiary is given to the parents/guardians of the girl or the girl herself for her marriage, provided their annual income does not exceed Rs. 15000/-.

### **1.5.2 Widow /Destitute/Single Woman Pension Scheme**

- (i) Widows;
- (ii) Destitute women (legally separated from husband);
- (iii) Single women above 45 years of age i.e. women (above 45 years of age) whose husbands are missing for the last 7 years or are living separately from their husbands or are living with their parents/elsewhere or are unmarried.

Widow pension @ Rs. 330/- per month is provided to widows/deserted women irrespective of their age whose annual income does not exceed Rs. 9,000/- per annum. The income of earning sons should not exceed Rs. 15,000/- per annum.<sup>26</sup>

### **1.5.3 Widow Re-Marriage Scheme**

From the year 2004-05 the State Govt. has started Widow Re-Marriage Scheme. Main objective of the scheme is to help in re-habilitation of widows by encouraging male persons to enter into wedlock with widows, by providing some monetary incentive for the same. Under this scheme, Rs. 25000/- are provided as a grant to the couple.

### **1.5.4 Mother Teresa Asahaya Matri Sambal Yojana**

For the bringing up of children upto the age of 18 years, the destitute, widow, deserted and divorced women belonging to BPL families whose annual income is below Rs 18,000/- are provided annual assistance of Rs 3000/- per child (for two children).<sup>27</sup>

### **1.5.5 Self Employment Scheme for Women**

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25 Gender Statistics, 2011-12. Department of Economics and Statistics, Himachal Pradesh: Shimla. pp. 14-18.

26 Economic Survey, 2012-13. Economics and Statistics Department, Himachal Pradesh: Shimla. pp.167-168.

27 Annual Administrative Report, 2011-12, Dept. of Social Justice & Empowerment, Directorate of Women & Child Development, p.25.

Under this scheme, Rs.2500/- are provided to the women whose annual income is less than Rs.7500/- for carrying income generating activities.

### **1.5.6 State Home**

For destitute women and wayward girls/women, State Home is being run at Mashobra (Shimla) by the department. The inmates of this Home are provided free boarding and lodging facilities and training in craft, tailoring and embroidery etc. For rehabilitation of such women, after leaving State Home, financial Assistance upto Rs. 10,000/- per woman is also provided.

### **1.5.7 Awareness Campaign**

To mobilize public opinion and strengthen social efforts against social evils like dowry, child marriage, and female foeticide and to make women aware of the departmental schemes and their legal rights, awareness camps are being organized by the department for representatives of PRIs and women including SHG/ Mahila Mandal members<sup>28</sup>.

### **1.5.8 Beti Hai Anmol**

In order to change the negative attitude of community towards girl child and mother at the time of birth, Beti Hai Anmol scheme has been started w.e.f. 05.07.2010. Under the scheme a post birth grant of Rs.10,000/- is deposited in bank/ post office in the name of the girl child, taking birth in a BPL family which can be drawn by her after attaining the age of 18 years. Annual scholarship ranging between Rs.300/- to Rs.1,500/- is also provided to these girls when they start going to school from 1st to 10+2 standard. <sup>29</sup>

### **1.5.9 Kishori Shakti Yojana**

Objectives of Kishori Shakti Yojana are: To improve the nutritional and health status of adolescent girls; To train and equip the adolescent girls to improve/ upgrade home-based and vocational skills. To promote awareness of health, hygiene, nutrition and family welfare, home management and child care and to take all measure as to facilitate their marrying only after attaining the age of 18 years and if possible, even later.

This is a centrally sponsored scheme and was being implemented throughout the State. From the financial year 2010-11, Kishori Shakti Yojana has been replaced by Rajiv Gandhi Scheme for Empowerment of Adolescent Girls-SABLA” in 32 ICDS Projects of Solan, Chamba, Kullu and Kangra Districts. In 46 ICDS Projects of remaining District, Kishori Shakti

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28 Saar Sangrah of Schemes run by Department of Social Justice and Empowerment, Govt. of Himachal Pradesh.

29 Economic Survey, 2012-13, Economics and Statics Department, Himachal Pradesh: Shimla. p. 170..

Yojana will continue to be implemented as before. As per schematic norms, every year, Govt. of India has to release funds at the rate of Rs1.10 lac per project to the State.

#### **1.5.10 Rajiv Gandhi Scheme for Empowerment of Adolescent Girls-SABLA**

This scheme has been started from the financial year 2010-11 on pilot basis in Solan, Chamba, Kangra and Kullu Districts by replacing Kishori Shakti Yojana and also Nutritional Programme for Adolescent Girls (NPAG) in Kangra District. Objectives of the scheme are almost same as that of Kishroi Shakti Yojna. Under the scheme grant to be provided by the GOI has been increased from Rs1.10 lac per project to Rs 3.80 lac per project for IEC activities, Nutritional and Health Education, Life Skill/ Vocational Trainings, Iron Folic Acids tablets etc. In addition to this, Supplementary Nutrition will be provided to the school going girls in the age groups of 15-18 years and all out of school adolescent girls at the rate of Rs5.00 per day per adolescent girl. Under this component, GOI will bear 50% cost. Remaining 50% expenditure will be borne by the State Government.

#### **1.5.11 Indira Gandhi Matritva Sahyog Yojana**

Indira Gandhi Matritva Sahyog Yojana has been started during 2010-11 in Hamirpur District with the objective to improve the health and nutrition status of pregnant & lactating women and infants by promoting appropriate practices, care and service utilization during pregnancy, delivery and lactation period. Under the scheme, there is a provision of providing cash incentive of Rs. 4000/- in a phased manner to pregnant and lactating women (excluding State/ Central Govt. employees) of 19 years of age and above for first two live births.

#### **1.5.12 Mata Shabri Mahila Sashaktikaran Yojana**

With a view to relieve poor women belonging to Scheduled Castes BPL Families from drudgery of collecting fuel-wood, “Mata Shabri Mahila Sashaktikaran Yojana” has been started. Under the scheme, 50% subsidy subject to a maximum of Rs.1300, is given to eligible women for purchase of Gas connection. There is a provision of benefiting 75 women belonging to SC BPL families in each Vidhan Sabha Constituency.

#### **1.5.13 Vishesh Mahila Utthan Yojana**

From the financial year 2012-13, State Government has started “Vishesh Mahila Utthan Yojana” as 100% State Plan Scheme for training and rehabilitation of women in moral danger in the State. Under this scheme, a provision to provide stipend @ Rs. 3000/- per month per trainee and test fee of Rs. 800/- per trainee through the Department of Women and Child Development has been made. Further, for those women who intend to start their own self

employment projects, a back ended subsidy is provided @ 20 % of the Project Cost subject to maximum of Rs.10,000/- per beneficiary, on loan arranged through HP Mahila Vikas Nigam.<sup>30</sup>

#### **1.5.14 Financial Assistance and Support Services to Victims of Rape Scheme 2012**

This scheme has been notified on 22.09.2012 as 100% State Plan Scheme to be implemented with immediate effect. The scheme aims to provide financial assistance and support services such as counseling, medical aid, legal assistance, education and vocational training; depending upon the needs of rape victims. Affected woman shall be entitled to financial assistance and restorative support / services adding upto a maximum amount of Rs. 75,000/-. Additional assistance of Rs. 25,000/- can also be given in special cases.<sup>31</sup>

#### **1.5.15 Working Women Hostels**

A centrally sponsored scheme, 'Working Women Hostel' is under implementation in the State from the year 1983-84. The objectives of this scheme are as under:

- (a) To provide accommodation for single working women, unmarried widows, divorced, separate and married when husband is out of station.
- (b) To provide accommodation to women/girls who are trained for employment provided the training period does not exceed one year.

Voluntary organizations, public trusts working in the field of women's welfare/social welfare/women's education are eligible for the assistance. Under this scheme, 14 Working Women Hostels have been constructed in the State.

#### **1.5.16 Vocational Rehabilitation Centre/Vocational Training to Women in distress**

Training in stenography and typing is given by the State Social Welfare Board.

#### **1.5.17 Self Help Groups**

To promote economic empowerment among women, Self Help Group(SHG) have been formed. Through the network of Anganwadi Workers(ICDS), so far 29,282 SHGs have been formed by the Social Justice & Empowerment Department alone. Out of total 29,282 groups, 12614 SHGs have been linked with banks.

#### **1.5.18 Honorarium to Anganwari Workers and Helpers**

As fixed by the Government of India, monthly honorarium @ RS.3000/- and Rs.1500/- is being paid to the Anganwadi Workers and Helpers/ Mini AWWs w.e.f. 01.04.2011. In

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30 12th Plan 2012-17 & Budget Linked Annual Plan 2013-14, Planning Department Government of Himachal Pradesh Shimla, pp. 106-143.

31 Economic Survey, 2012-13. Economics and Statistics Department, Himachal Pradesh, p. 169.



addition to this, the State Government is providing additional monthly honorarium @ Rs.300/- to AWWs, Rs.250/- to Mini AWWs and Rs.200/- to Helpers from the State fund. ICDS is being implemented on 90:10 (Centre: State) basis w.e.f. 01.04.2009. Therefore, financial year 2009-10 onwards, the State Government is bearing additional expenditure @ Rs. 150/- (10 % of Rs. 1500/-) and Rs. 75/-(10 % of Rs. 750/-) respectively per month per Anganwadi Worker and Helper.<sup>32</sup>

#### **1.5.19 Prohibition of Child Marriage Act, 2006**

The Prohibition of Child Marriage Act, 2006 is being implemented in the State with the objective of prohibiting child / minor marriages. Child marriage/ minor marriage means a marriage taking place between a male who has not completed 21 years of age and a female who has not completed 18 years of age. The Child Development Project Officers have been declared as the Child Marriage Prohibition Officers within their respective areas of jurisdiction.<sup>33</sup>

#### **1.5.20 Bal Balika Suraksha Yojana**

The State Government has started a new scheme titled “Bal Balika Suraksha Yojana” (sponsorship and foster care) to ensure holistic development of destitute children. This scheme is providing financial assistance to the families which look after destitute children so that the children instead of being sent to the institutional care are brought up in a family environment. An assistance of Rs. 500 per child (upto 18 years) per month is being provided under the Scheme.<sup>34</sup>

#### **1.5.21 Balwadis**

The Department is providing grant to HP Council for Child Welfare and State Social Welfare Board for running 110 Balwadis throughout the State. Under this Scheme, pre-school education to the children below the age of 6 years is being provided in these balwadis.<sup>35</sup>

### **1.6 Other Schemes Implemented in the state in which women are beneficiaries**

**A) Schemes for Construction of Hostels for Girls:** Construction of hostels 50:50 (Centre & State Govt grant basis). Under this scheme for state universities 45:45:10(Centre: University: State govt. grant basis).

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32 *Ibid.*

33 12th Plan 2012-17 & Budget Linked Annual Plan 2013-14, Planning Department Government of Himachal Pradesh, Shimla, p. 128.

34 Economic Survey, 2012-13, Economics and Statics Department, Himachal Pradesh, p. 166.

35 Draft Annual Plan 20013-14, Planning Department of Himachal Pradesh, Shimla, pp. 130-131.

- B) Free Coaching Scheme:** 100 per cent grant to universities/ institutions. Provision of Monthly Scholarship: Rs. 750/- to 1500/-.

#### **Social Security Pension Schemes**

- a) **Old Age Pension Scheme by the state:** To unable old persons, more than 60 years of age, having no proper source of income : Monthly pension of Rs. 330/-.
- b) **Indira Gandhi National Old Age Pension Scheme by the centre:** To provide social security to old persons, belonging to BPL family, age more than 65 years: Monthly pension Rs.330/- (Rs.200/- centre contribution and Rs.130/-State Contribution).
- c) **Indira Gandhi National Widow Pension Scheme by the centre:** To Widow from BPL family, age 40-60 years : Monthly pension Rs.330/- (Rs.200/- centre contribution and Rs.130/-State Contribution).<sup>36</sup>

#### **1.7 Mahila Mandal Protsahan Yojana**

With the objective of encouraging Mahila Mandals towards involvement in Development programmes, the department has introduced a scheme titled “Mahila Mandal Protsahan Yojana” from the year 1998-99 which aims at creating awareness of various developmental programmes among the people through the Mahila Mandals and encouraging their involvement in development programmes.<sup>37</sup>

Besides, it aims at generating awareness among the rural woman in family planning and child care, promotion of small savings, participation in literacy/post literacy campaigns and educates them about the social evils like drinking, dowry and crimes against women. The funds under this scheme are being provided to only register Mahila Mandals on the basis of their performance in various developmental activities. The incentive money sanctioned under this scheme is utilised for creation of community assets, purchase of utensils, dairies, furniture, musical instruments, and organization of cultural activities/awareness camps and conducting of study tours within the State.<sup>38</sup>

In order to encourage the Mahila Mandals in sanitation activities, Mahila Mandal Protsahan Yojana of department has been fully integrated with the Total Sanitation in the State. As per the latest guidelines, those Mahila Mandals are being awarded under this scheme which

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36 Saar Sangrah of Schemes run by Department of Social Justice and Empowerment, Govt. of Himachal Pradesh.

37 12th Plan 2012-2017 & Budget Linked Annual Plan 2013-14 Planning Department, Government of Himachal Pradesh Shimla, pp. 236-242.

38 Sunil Gupta, 2007. *Rural Development Schemes: A Study of Tribal Areas in Himachal Pradesh*. New Delhi: Indus Publishing Company, p. 43.

have substantially contributed in achieving & sustaining Open Defecation Free (ODF) status in their village, ward and gram panchayat. The proposed criteria is as under:

The first 6 Mahila Mandals will be selected and the reward money will be distributed on the following basis:

1st position	:	30,000/-
2nd position	:	25,000/-
3rd position	:	20,000/-
4th position	:	15,000/-
5th position	:	12,000/-
6th position	:	10,000/-

In addition to first, four selected mahila mandals, the government is of the view that other mahila mandals which have contributed for creating awareness among the villagers regarding Sanitation Campaign will also be given some incentive to boost them for maintaining sustainable activities under TSC. Each Block will select mahila mandals on the basis of criteria and an amount of Rs. 8,000/- will be given to each mahila mandals.

### **1.8 The Mahatma Gandhi National Rural Employment Guarantee Scheme**

Though there is no specific provision for women in this Act, but employment opportunity is offered equally to men and women, hence, women do get benefit of this Act. Another provision beneficial to women under this Act is that in case the number of children (below the age of 6 years) accompanying the women working at any site is 5 or more, one of such women workers will be deputed to look after these children.

### **1.9 Special Organisational Initiatives for Women**

1. State Level Council for Empowerment of Women
2. Women Development Corporation
3. State Commission for Women
4. HP State Resource Centre for Women

#### **1.9.1 State Women Council**

To review and monitor the effective implementation of national policy for the empowerment of women 2001(NPEW) and to advise on policy matters, from time to time on issues like advancement, development and empowerment of women, a State Women Council has been constituted in the State under the Chairmanship of Hon'ble Chief Minister. On holding the meetings of the council, expenditure is incurred on TA/DA, hospitality and OE heads.

#### **1.9.2 H.P. State Women Commission**

Himachal Pradesh State Commission for Women has been constituted under H.P. State Commission for Women Act, 1996 for redressal of grievances of women and to make them aware about their legal rights. This commission is providing counselling services and legal aid to women. The Commission also looks into the complaints of violence and atrocities against women.<sup>39</sup> With the aim of furthering the fundamental rights guaranteed by Article 14, 15 & 16 of the Constitution of India with respect to women and to give effect to the Directive Principles of State Policy and in particular those enshrined in Articles 38, 39, 39A and 42 of the Constitution. The Commission strives to improve the status and dignity of women in society, to investigate into and take or suggest suitable remedial measures against practices derogatory to women, to effectively monitor and implement laws affecting women and to advise the Government in all matters related to the improvement and upliftment of status and dignity of women in society.<sup>40</sup>

### **1.9.3 H.P. Women Development Corporation**

The Himachal Pradesh Women Development Corporation is assisting the women entrepreneurs in the rural as well as urban areas in securing cheap loans from commercial and co-operative banks for their self-employment oriented projects. The annual income of the women entrepreneurs should not exceed Rs. 50,000/- .To make the loans cheaper, interest subsidy is also provided on all bank loans so that the beneficiary does not have to bear the burden on interest beyond the rates fixed by the corporation. In addition to the above programme, the corporation initiates new projects with the financial assistance from State as well as Central Government under STEP, RMK. The corporation has been appointed as nodal agency for Rashtriya Mahila Kosh. For the year 2013-14, a budget provision of 100.00 lakh is proposed.

**1.9.4 HP State Resource Centre for Women** has been set up for implementation of National Mission for Empowerment of Women in the State. Purpose of the Mission is to secure convergence of schemes / programmes of both central as well as the State Government. State

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39 Gender Statistics, 2011-2012. Department of Economics and Statistics, Government of Himachal Pradesh, Shimla, p.16.

40 Annual Administrative Report,2013-2014. State Women Commission, Himachal Pradesh.

Resource Centre for Women has been registered as Society under HP Societies Registration Act, 2006 on 02.04.2012.<sup>41</sup>

The Mission will also review the legislations affecting women and their implementation, apart from giving a fillip to gender mainstreaming of policies and programmes. Under the Mission, State Mission Authority (SMA) has been constituted under the Chairmanship of Hon'ble Chief Minister Himachal Pradesh. Hon'ble Minister of Education, Revenue, IPH, Housing, Rural Development and Panchayati Raj, Health, Industries/ Labour & Employment and Chairperson, State Commission for Women are members of the SMA. Hon'ble Social Justice & Empowerment Minister is the Member-Convener.

### **1.10 Constitutional Provisions for the Scheduled Tribes (STs)**

The provisions in the Constitution make it incumbent on the State to "take care" of STs.<sup>42</sup>

#### **(i) Social: Equality before Law (Article 14)**

The State to make special provisions for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes [Article 15(4)]

Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (Article 16)

The State to take provisions in matters of promotion to any class or classes of posts in the services in favour of the Scheduled Castes and the Scheduled Tribes (Article 16 (4A)).

A National Commission for Scheduled Caste and Scheduled Tribes to investigate, monitor and evaluate all matters relating to the Constitutional safeguards provided for the Scheduled Castes and the Scheduled Tribes (Article 338).<sup>43</sup>

Appointment of a Commission to report on the administration of the Scheduled Areas and the welfare of the Scheduled Tribes in the States (Article 339).

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41 *Ibid.*

42 Niranjana Pani and Jitendra Sahoo, 2008. *Tribal Development*. New Delhi: Mahamaya Publishing House, pp. 15-48.

43 Renu Jatana and Sweta Waldia, 2009. *Tribal Development Programmes*. New Delhi: Mahamaya Publishing House.

Appointment of Commission to investigate the conditions of socially and educationally backward classes and the difficulties under which they labour and to make recommendations to remove such difficulties and to improve their conditions (**Article 340**).

To specify the Tribes or Tribal communities to be Scheduled Tribes (**Article 342**).

**(ii) ECONOMIC:** The State to promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes and protect them from social injustice and all forms of exploitation (**Article 46**).

Grant-in-aid from the Consolidated Fund of India each year for promoting the welfare of the Scheduled Tribes and administration of Scheduled Areas [**Article 275(1)**].

The claims of the members of the Scheduled Tribes in the appointments to services and posts in connection with the affairs of the Union or of a State to be taken into consideration consistent with the maintenance of efficiency of administration [**Article 335**].

**(iii) POLITICAL:** Through the Fifth Schedule, the administration and control of Scheduled Areas and the Scheduled Tribes in any State, other than the States of Assam, Meghalaya, Tripura and Mizoram by ensuring submission of Annual Report by the Governors to the President of India regarding the Administration of the Scheduled Areas and setting up of a Tribal Advisory Council to advise on such matters pertaining to the welfare and advancement of the Scheduled Tribes [**Article 244 (1)**].

Special provisions through the Sixth Schedule for the administration of Tribal Areas in the States of Assam, Meghalaya, Tripura and Mizoram by designating certain tribal areas as Autonomous Districts and Autonomous Regions and also by constituting District Councils, Autonomous Councils and Regional Councils [**Article 244 (21)**].

Reservation of seats for the Scheduled Castes and the Scheduled Tribes in the House of the People [**Article 330**].<sup>44</sup>

Reservation of seats for the Scheduled Castes and the Scheduled Tribes in the Legislative Assemblies of the States [**Article 332**].

Reservation of seats for the Scheduled Castes and the Scheduled Tribes in every Panchayat [**Article 243D**].

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44 Niranjana Pani and Jitendra Sahoo, 2008. *Tribal Development*, New Delhi: Mahamaya Publishing House, pp. 48-90.

Extension of the **73rd and 74th Amendments** of the Constitution to the Scheduled Areas through the Panchayats [**Extension to the Scheduled Areas**] Act. 1996 to ensure effective participation of the tribals in the process of planning and decision-making.”<sup>45</sup>

### **1.11 The advantages of Scheduled Areas are:**

The criteria for declaring any area as a “Scheduled Area” under the Fifth Schedule are: (a) Preponderance of tribal population, (b) Compactness and reasonable size of the area, (c) A viable administrative entity such as a district, block or taluk, and (d) Economic backwardness of the area as compared to neighbouring areas.<sup>46</sup> The specification of “Scheduled Areas” in relation to a State is by a notified order of the President, after consultation with the State Governments concerned. The same applies for altering, increasing, decreasing incorporating new areas, or rescinding any orders relating to “Scheduled Areas”.<sup>47</sup>

The Governor of a state, which has Scheduled Areas, is empowered to make regulations in respect of the following:<sup>48</sup>

1. Prohibit or restrict transfer of land from tribal people.
2. Regulate the business of money-lending to the members of Scheduled Tribes.
  - (a) In making any such regulation, the Governor may repeal or amend any Act of Parliament or of the Legislature of the State, which is applicable to the area in question.
  - (b) The Governor may by public notification direct that any particular Act of Parliament or of the Legislature of the State, shall not apply to a Scheduled Area or any part there of in the State or shall apply to such area subject to such exceptions and modifications as he may specify.<sup>49</sup>
  - (c) The Governor of a State having Scheduled Area therein, shall annually, or whenever so required by the President of India, make a report to the President regarding the administration of the Schedule Area in that State and the executive power of the Union shall extend to the giving of directions of the State as to the administration of the said area. (d) Tribes Advisory Council (TAC) shall be established in States having Scheduled Areas. The role of TAC is to advise the

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45 Constitutional Provisions are also referred from Constitution of India.

46 Annual Report, 2011-12. Ministry of Tribal Affairs, Government of India.

47 <http://tribal.nic.in/writereaddata/mainlinkFile/File723.pdf>

48 <http://www.commonlii.org/in/legis/const/2004/14.html> (retrieved on 10/05/ 2012)

49 Anupam Hazara, *Status of Tribals In India: An Anaalysis, Kurukshetra*, Vol. 59, No. 1, November 2010, p. 12.



State Government on matters pertaining to the welfare and advancement of the Scheduled Tribes in the State as may be referred to it by the Governor. The TAC will consists of not more than twenty members of whom about  $\frac{3}{4}$  are from STMLAs. (The TAC may also be established in any State having Scheduled Tribes but not Scheduled Areas on the direction of the President of India. (e) The Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA), vide which the provisions of Panchayats, contained in Part IX of the Constitution, were extended to Scheduled Areas, also contain special provisions for the benefit of Scheduled Tribes.<sup>50</sup>

With the formation of the Ministry of Tribal Affairs in 1999, tribal development has been given a special focus and a number of programmes and policy initiatives are currently in operation, with a view to ensure economic development of the STs.<sup>51</sup>

## **1.12 Schemes for Tribal Development**

### **An Overview of Schemes/Programmes for Scheduled Tribes<sup>52</sup>**

**Table 1.3**

<b>S. No.</b>	<b>Name of Schemes/ Programmes</b>	<b>Objectives</b>
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50 India 2013, Ministry of Information and Broadcasting, Government of India, pp. 1001-1006.

51 P.K. Padhy. 2004. "Economic Empowerment of Scheduled Tribes" in Bansi Ram (et al.). *Himalayan Culture, Education and Tribal Development*. Delhi: p.130.

52 Schemes for Tribal Development Handbook.2013-14.Ministry of Tribal Affairs Government of India.

1.	Grant-in-aid NGOs for ST Coaching & allied scheme and award service exemplary	To provide coaching to ST candidates through pre-examination training Centers for preparing them to compete in civil service and competitive examinations
2.	Vocational Training Centers in Tribal Areas	To provide skill upgradation training to tribal youths for better employment avenue
3.	Educational Complex in low literacy pockets	To impart both formal and vocational education to tribal girls in rural areas where the literacy rate is very low
4.	Investments/Price support to TRIFED	To provide remunerative price to Minor Forest Produce (MFP) and Surplus Agricultural Produce (SAP) of STs
5.	Grant-in-Aid to STDs for MFPs	Financial support for STDC to increase the quantum of MFPs and for setting up of Warehousing facilities
6.	Village Grain Banks	Establishment of storage of food grains as safety net against starvation deaths of STs living in remote belts
7.	Development of Primitive Tribal Groups (PTGs)	Protection, survival and development of PTGs spread over in 15 State/Uts
8.	Support National/Stat ST Finance Development Corporations	To accelerate economic and income generation development activities amongst STs whose annual income is below double the poverty line.
9.	Promotion of Tribal Culture	Promotion/preservation of Tribal art and Culture
10.	Rajiv Gandhi National Fellowship for ST students	To provide financial assistance for ST students for pursuing higher studies leading to M. Phil Ph. D.

11	Scheme of Post-Matric, Book banks & Upgradation of Merit of ST students	To provide text books to students pursuing higher education and to provide special and remedial coaching to ST students study in classes XI & XII
12	Girl Hostel & Boys Hostel for STs	To provide facilities to ensure more enrolments of tribal students in educational institutions
13	Ashram Schools in Tribal sub-Plan Areas	To promote education among STs living in remote areas
14	Research, Information & Mass Education, Tribal Festivals and other	To conduct action research, evaluation studies holding seminars/workshops, tribal museum, exhibition of artifacts on socio-economic development of tribals
15	Special Central Assistance (SCA) to TSP	To provide financial support to states/UTs for implementing family oriented income-generating activities STs living in below poverty line.
16.	G.I.A. under Article 275(1) of the Constitution	To meet the cost of development schemes/projects for promoting welfare of STs
17	Establishment of LAMPS	For providing integrated services such as credit, marketing, storage, distribution of consumer goods, etc. to the members.
18.	Job opportunity	Reservation of posts in Govt. Services.
19	Training-cum-production Centers & Subsidies	Development of Cottage & Small Scale Industries to provide employment.
20.	Concessions	Concessions were offered by Forest, Revenue, Excise Departments, etc.

*Source:* Handbook of Ministry of Tribal Affairs, Govt. of India.

**1.13.1 Central Sector Schemes under which 100% Assistance is given to States/UTs and Govt. of India Undertakings**

- i) Special Central Assistance (SCA) for Tribal Sub-Plan
- ii) Grants under First Provision to Article 275(1) of the Constitution

- iii) Grant-in-Aid to State Tribal Development Cooperative Corporations (STDCs)
- iv) Price Support Operations to TRIFED
- v) Investment in Share Capital of Tribal Cooperative Marketing Development Federation of India Limited (TRIFED)
- vi) Establishment of Grain Banks in Tribal Villages

**1.13.2 Centrally Sponsored Schemes under which matching (50:50) assistance is given to the States/UTs.**

- i) Construction of Girls Hostels for Scheduled Tribes
- ii) Construction of Boys Hostels for Scheduled Tribes
- iii) Establishment of Ashram Schools in Tribal Sub-Plan Area
- iv) Research and Training

**1.13.3 Central Sector Schemes under which 100% Assistance given to States /UTs and NGOs.**

- i) Vocational Training in Tribal Areas
- ii) Educational Complex in Low Literacy Pockets for Development of Women Literacy in Tribal Areas
- iii) Development of Primitive Tribal Groups (PTGs)

**1.14.4 Central Scheme under which 90 to 100 Percent assistance is given to voluntary organisations**

- i) Grant-in-aid to Voluntary Organisations working for the welfare of Scheduled Tribes

**1.15.5. Central Sector /Centrally Sponsored Schemes bifurcated from Ministry of Social Justice & Empowerment from 2000-2001.**

- i) Post Matric Scholarships to the Students belonging to Scheduled Tribes for studies in India
- ii) National Overseas Scholarship for ST candidates
- iii) Book Bank for Scheduled Tribe Students
- iv) Coaching and Allied Schemes for Scheduled Tribes
- v) Assistance to State Scheduled Tribe Development Corporations (STDCs)
- vi) Central Sector schemes of upgradation of merits of Scheduled Tribes students<sup>53</sup>

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53 Schemes for Tribal Development –Handbook, 2011.Ministry of Tribal Affairs Govt. of India.

### **1.16.1 Special Central Assistance to Tribal Sub Plan**

For accelerating the pace of economic development and to bridge the gap between the tribal and non-tribal areas as early as possible the Special Central Assistance to Tribal Sub-Plan has been extended by the Union Ministry of Home now Union Ministry of Tribal Affairs to the Govt. of India since 1977-78 as an additive to State Plan efforts of Tribal Development and thus constitutes part of the overall strategy of the tribal sub-plan. The objective and scope of SCA to TSP which was originally meant for filling up of the critical gaps in the family based income generation activities of the Tribal Sub-Plan, is now expanded to cover the employment-cum-income generation activities and the infrastructure incidental thereto not only family based but also run by self-help groups/communities. However not more than 30% Special Central Assistance is to be permitted for the purpose of development infrastructure.<sup>54</sup>

#### **The GOI guidelines broadly lay down the following norms**

SCA is primarily meant for income generating family oriented schemes and infrastructure incidental thereto (not more than 30% of the total outlay) wherever a scheme is provided for any Central Sector/Centrally Sponsored Schemes (CSS), SCA should not be utilised for the same. Rather, the allocations available under specific schemes can be availed of. Major infrastructure development should be supplemented from the TSP flow, rather than being catered out of SCA like roads, electrification etc. Schemes for funding demonstration units should not be financed out of SCA. Rather, the follow-up of demonstrations should be catered to looking to the Special disadvantages that the tribals fund themselves with. Tribal population below poverty line should alone be supported with SCA financed activities. In any specific schematic projects financed by outside agencies, both national and international, normally a part of the outlay is proposed as State Government contribution. Such contribution should flow from normally State Plan and not out of SCA.

Wherever State Government Organizations like Tribal Development Cooperative Corporations (TDCCs) or Forest Development Corporations (FDCs) are dealing with schemes related to tribal welfare and development, the equity based should not be financed out of SCA, without prior approval of the GOI. This will lead to better monitoring of the concerned activities.

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54 Draft Annual Plan 20013-14, Planning Department of Himachal Pradesh, Shimla, pp. 180-186.

Specific sectors related to the Tribal need to be given a fillip by special schemes in the areas like sericulture, horticulture, etc out of SCA.

Wherever conjunctional flow of funds can be ensured from other ongoing development programmes, this must be dovetailed so as to have a better spatial and demographic coverage.

### **1.16.2. SCA is released for the economic development of the following**

Integrated Tribal Development Project (ITDP) area contiguous large area in which ST population is 50% or more out of a total population. Modified Area Development Approach (MADA) pockets identification of pockets containing 50% or more of ST population out of a total population of 10000 and above Clusters-identified pockets containing 50% or more ST Population out of a total population of 5000; Primitive; Tribes-identified isolated communities among the STs characterised by the low rate of population, pre-agricultural level of technology and extremely low levels of literacy (so far 75 Primitive Tribal Groups (PTGs) have been identified. Displaced tribal population outside (a),(b),(c) and (d) above. Assistance for Margin Money Loan Programme (MMLP) for Tribal Finance and Development Corporations in the States to implement MMLP. Special Projects-Specific Project proposals are also received and sanctioned.

### **1.16.3. So far as the procedural aspect is concerned, the guidelines are as follows:**

SCA should be allocated by the State Governments/UT Administrations to the ITDPs and no part of SCA should be released to any department at the State level. Transfer of funds to implementing departments/agencies if required should be done by the ITDP to the corresponding officer of the implementing agency/line. ITDP should prepare five year/Annual Plans depending upon the local parameters. Activities of non-plan nature should not be catered to from SCA. To fulfil the constitutional provisions, the schemes on which SCA is proposed to be utilized, should be specified in the annual TSPs of the States/UTs and administrative approval of the Government of India be obtained Financial sanctions however need not be obtained on a case by case basis.

SCA is released to the States normally in three instalments and the entire amount is expected to be made available by the end of third quarter. The releases would be subject to the performance by the State Governments and the utilization of previously released funds.<sup>55</sup>

## **1.17 SCHEME OF GRANT-IN-AID TO VOLUNTARY ORGANISATIONS WORKING FOR THE WELFARE OF SCHEDULED TRIBES**

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55 <http://tribal.nic.in/index2.asp?sublinkid=691&langid=1> retrieved on May, 2013.

(with effect from 1<sup>st</sup> April 2008) The prime objective of the scheme is to enhance the reach of welfare schemes of Government and fill the gaps in service deficient tribal areas, in the sectors such as education, health, drinking water, agro-horticultural productivity, social security etc. through the efforts of voluntary organizations, and to provide an environment for socio-economic upliftment and overall development of the Scheduled Tribes (STs). Any other innovative activity having direct impact on the socio-economic development or livelihood generation of STs may also be considered through voluntary efforts.

**Indicative categories of projects for which grants-in-aid may be considered under the scheme** (There is no upper limit of the beneficiaries in each category of project and it will depend on the demand duly recommended by the State Committee subject to availability of funds. The number of beneficiaries shown in financial norms is only for the calculation purpose.<sup>56</sup>

**Table 1.4**

**Indicative categories of projects for which grants-in-aid may be considered under the scheme**

S.No.	Sectors	Name of Projects
I	Education	1. Running/maintenance of Hostels in rented/owned buildings
		2. Running/maintenance of Non-residential School in rented/owned buildings
		3. Running/maintenance of Residential school(only where regular schools are not available) including schools for orphans in rented/owned buildings
		4. Sponsoring of 15 Tribal Girls from each of the North Eastern States viz. Assam, Meghalaya, Mizoram, Manipur, Nagaland, Tripura, Arunachal Pradesh, Sikkim, and from Andaman & Nicobar Islands and Lakshadweep in Banasthali Vidyapeeth, Banasthali, Rajasthan or any such reputed organization
		5. Running/maintenance of rural night school for tribal adult education in rented/owned buildings

56 <http://tribal.nic.in/writereaddata/mainlinkFile/File753.pdf>



		6. Training in agriculture and allied subjects
		7. Running/maintenance of Library in rented/owned buildings
II	Health, sanitation and malnutrition	8. Running/maintenance of Ten or more bedded hospitals(in multiple of ten)/dispensaries in rented/owned buildings
		9. Mobile Dispensary; Multi-service mobile units
		10. Preventive health and sanitation programme
		11. Drinking water programme
III	Employment and Livelihood related projects	12. Running/maintenance of Computer Training Centre (30 Trainees) as far as possible to be accredited by DOEACC of Ministry of Information & Technology or any other organization that may be indicated by the Ministry from time to time.
		13. Running/maintenance of training centres for employable skills (40-80 trainees) in rented/owned buildings
IV	Other projects	14. Running/maintenance of balwadi/creche centres (25 children at each centre) in rented/owned buildings
		15. Running/maintenance of old-age homes for tribals in rented/owned buildings
		16. Mobile Library-cum-Audio Visual Unit for awareness towards education, genetic diseases and AIDs etc.
		17. Involving school children in spreading awareness of entitlements under Government programmes in low literacy pockets; promoting preventive health & sanitation; agro-horticultural productivity, soil and water conservation etc.
		18. Any other innovative project for development of education, health, livelihood, income generation etc. which is not covered under any scheme of this Ministry.

*Source:* Ministry of Tribal Affairs, Govt. of India.

### **1.18. Schematic Planning Process for Tribes of Himachal Pradesh**

Himachal Pradesh has tribal population living in Scheduled Areas as well as in the other areas. Districts of Lahaul-Spiti and Kinnaur and the two sub-divisions of Chamba District viz.

Pangi and Bharmour have been declared SCHEDULED AREAS under the Fifth Schedule to the Constitution. The Tribal areas are very remote and inaccessible having tough, mountainous terrain and inhospitable climatic conditions, thus involving high cost of infrastructural development and harsh living conditions. The entire population in the tribal belt is rural but the Headquarters of Integrated Tribal Development Project namely Reckongpeo (Kinnaur), Keylong (Lahaul), Kaza (Spiti), Killar (Pangi) and Bharmour (Bharmour) are taking shape of townships which have also been notified as Special Area Development Authority under the Town and Country Planning Act conferring on them quasi-urban status, without disturbing their rural character. A sizeable tribal population is also residing outside scheduled areas and they are largely concentrated in Chamba and Kangra Districts (mainly Gaddis) and also State borders in Chamba, Kangra, Una and Solan (Gujjars).

### **1.18.1 Tribal Area Sub-Plan in Himachal Pradesh**

The concept of tribal sub plan was adopted in the state, as elsewhere, from the beginning of the 5th Five Year Plan, i.e. 1974-75. As per State planning policy of the Government, 9% of the total State Plan outlay is earmarked for Tribal Sub Plan every year. The State Planning Department communicates 9% ceiling of State Plan outlays to the Tribal Development Department who in turn allocates outlays to each ITDP viz. Kinnaur, Lahaul, Spiti, Pangi and Bharmour on the basis of pre-determined formula based on 20% area, 40% population and 40% relative backwardness of area which works out as under:

**Table 1.5**  
**Allocation of Outlays to each ITDP**

1.	Kinnaur	30%
2.	Lahaul	18%
3.	Spiti	16%
4.	Pangi	17%
5.	Bharmour	19%
	<b>Total</b>	<b>100%</b>

*Source:* Annual Plan 2013-14, Himachal Pradesh.

Each ITDP has its own priorities and allocates funds only to those schemes/works which are relevant to the area. On the basis of above allocations each ITDP prepares its own Plan in consultation with the concerned Project Advisory Committee headed by the respective

Hon'ble MLA of the area. The Tribal-Sub Plan prepared on the recommendation of Project Advisory Committee is compiled by the Tribal Development Department at Headquarters and is finally dovetailed the same in the main tribal sub-plan in consultation with the Heads of concerned departments. The practice of planning process from top to bottom exercise has been reversed and the decentralized planning process Integrated Tribal Development Project as a planning unit has been started. As such the formulation and implementation of Tribal Sub-Plan has been made need-based, more practical and result oriented.<sup>57</sup>

### **1.18.2 Modified Area Development Approach:**

The ambit of Tribal Sub-Plan was widened in the SIXTH FIVE YEAR PLAN and Modified Area Development Approach (MADA) was adopted to cover smaller areas of tribal concentration having 10000 population of which 50% or more were tribals. The two pockets in Chamba and Bhatiyat Blocks of the District Chamba were identified in the State in 1981-82 and separate funds are being earmarked by the Govt. of India for these tribal pockets under Special Central Assistance.

### **1.18.3 Cluster and Dispersed Tribes {Other than Tribal Areas(OTA)}**

After removing the geographical restrictions for Gaddi and Gujjar communities in 2003, the population of tribals in non-tribal areas has almost doubled. Till February, 1987 Tribal Sub-Plan strategy was applicable to the Scheduled Areas and Modified Area Development Approach. During the seventh Five Year Plan, the Tribal Sub-Plan Strategy was further extended to cover all tribals living outside the Scheduled Area and MADA for beneficiary oriented programmes. The funds for benefits of these dispersed tribes are being separately earmarked by the Govt. of India out of Special Central Assistance.<sup>58</sup>

### **1.18.4 Creation of Sub- Cadre for Remote and Tribal Areas**

One of the major constraints for effective implementation of various programmes/schemes and also accelerating the pace of development particularly in the tribal areas of the state have been large number of vacancies in the various departments. Due efforts have been made from time to time including special financial and administrative incentives, formulation of transfer policy for posting and transfer of employees in these areas but despite all these efforts the situation has not improved. Keeping these impediments in view, the State

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57 Annual Tribal Sub-Plan, 2011-12, Tribal Development Department, Himachal Pradesh, pp. 7-8.

58 12th Plan 2012-17 and Budget Linked Annual Plan 2013-14, Planning Department Government of Himachal Pradesh, p. 180.

Government has created a Difficult Area Sub-Cadre of all the posts/services of various departments. In order to ensure the filling up of all vacant post, special direct recruitment and DPC against the vacant State Cadre posts and the District Cadre post in the tribal areas are being made under Difficult Area Sub-Cadre scheme.<sup>59</sup>

### **1.19 TRIBAL COOPERATIVE MARKETING DEVELOPMENT FEDERATION OF INDIA LIMITED**

The Tribal Cooperative Marketing Development Federation of India Limited (TRIFED) was set up by the Government of India in 1987, with the prime objective of providing marketing assistance and remunerative prices to ST communities for their minor forest produce and surplus agricultural produce and to wean them away from exploitative private traders and middlemen. The federation is a National level Cooperative apex body functioning under the Multi-State Cooperative Societies Act, 1984.<sup>60</sup> The authorized share capital of TRIFED is Rs. 100 crore and the paid up capital is Rs. 99.98 The Government of India's contribution is Rs. 99.75 crore and the balance of Rs. 0.23 crore has been contributed by other shareholders.<sup>61</sup>

### **1.20 Schemes for Scheduled Tribes/Scheduled Castes/Other Backward Classes and Minorities by Government Himachal Pradesh**

- i) **Subsidy for the Construction of Houses:** Construction of new house- Rs.48,500/-.
- ii) **Follow- up-Programme:** To provide tools for earning livelihood- Rs.11,000/-.
- iii) **Training and Proficiency in Computer Applications & Allied activities to the candidates belonging to Scheduled Castes/ Scheduled Castes/Other Backward Classes and Minorities:** To make them capable to get job in Government & Private Sector by training and proficiency in Computer Applications & Allied activities- Training Fee-Rs.1200/- Per Month, Scholarship During Training –Rs.1000/-Per Month, After Training for Proficiency Scholarship-Rs. 1500/-Per Month.
- iv) **Award for Intercaste Marriage** –To abolish untouchability and to encourage inter caste marriages: Rs. 25000/-.

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59 *Ibid.*, p. 184.

60 12th Plan 2012-17 and Budget Linked Annual Plan 2013-14, Planning Department Government of Himachal Pradesh, pp. 180-186.

61 India 2013, Ministry of Information and Broadcasting, Government of India, pp. 1004-1005.

- v) **Minor Works Scheme:** To reform the environmental condition of Scheduled Castes and Tribes locality of about 25 persons or 5-10 houses of the same – Construction of Metalled Roads/Streets/Naliyan/Sewerage/Pure Drinking Water provision/ construction of Wells/Bawadi- Rs 1,00,000/-.
- vi) **Gujjar Ashram School:** Provision for gujjar Children from age of 6-18 years: Free Hostel, Education and Food .
- vii) **Compensation to victims of atrocities belonging to SCs/STs:** Under Act 1989 Schedule 3 if FIR is lodged with the police : Upto Rs 25,000/- to 2,00,000/-.<sup>62</sup>

## **1.21 SCHEMES OF H.P. SCHEDULED CASTES AND SCHEDULED TRIBES DEVELOPMENT CORPORATION**

The Scheduled Caste/Scheduled Tribes Development Corporation was set up on 14.11.1979 for economic upliftment of SCs/STs with emphasis on those families who are living below poverty line. The Share Capital of the Corporation is contributed by the State and the Centre Governments in the ratio of 49:51.

### **Objective & Functions**

In the HP Scheduled Castes & Scheduled Tribes Development Corporation Act, functions of the Corporation have been laid down as ‘to undertake the tasks of economic upliftment of the members of the SCs and STs in the State’. The Corporation is discharging this function through various schemes which are mainly related to easy finance for income generating activities, training and assistance for higher education.

### **1.21.1 SCHEMES OF THE CORPORATION**

#### **(i) Swarojgar Yojna (Self-Employment Scheme)**

Under the Swarojgar Yojna i.e. Self Employment Scheme, the Corporation provides loan to the poor Scheduled Tribes families whose income is below the poverty line for setting up their income generating avocations. Under this scheme, the Corporation provides loans upto Rs. 50,000/- through commercial banks. The Corporation provides 25% of the project cost as Margin Money Loan/Deposit. Besides the Margin Money Loan/Deposit, the Corporation also provides 50% of the project cost maximum upto Rs. 10,000/- per family as 93 Capital Subsidy. The whole of the loan, whether from the Corporation or from the commercial banks is made available @ 4% rate of interest. The margin between the normal rate charged by the Bank on

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62 Saar Sangrah of Schemes run by Department of Social Justice and Empowerment, Govt. of Himachal Pradesh.

bank loan portion of the project cost and 4% rate of interest is subsidized by the corporation by way of interest subsidy the funds for Capital Subsidy and Interest Subsidy are drawn from the Special Central Assistance (SCA), 25% of the project cost is provided as Margin Money Loan/Deposit out of the Share Capital of the Corporation.

**(ii) Himswablamban Yojna (NSTFDC Schemes)**

For higher cost schemes, the cost of which exceeds Rs. 50,000/- the corporation provides loan to the Scheduled Tribes families in collaboration with the **National Scheduled Tribes Finance & Development Corporation (NSTFDC)**. These loans are provided for purchase of various types of transport vehicles, agriculture implements, dairy farming, hotel-dhaba, Guest House and Cottage and Small Scale Industries. The loan for the project cost of which does not exceed Rs. 5.00 lacs is provided at the rate of 6% and the loan for the project cost of which exceeds Rs. 5.00 lacs, is made available @ 8% rate of interest. The National Scheduled Tribes Finance and Development Corporation provides upto 85% of the project cost as loan depending upon the nature of the project. This Corporation provides advance upto 10% of the project cost as Margin Money Loan and the loanee has to contribute only upto 5% of the cost as his margin.

**(iii) Interest Free Study Loan**

The Interest Free Study Loan scheme was started in the year 1992-93. The Interest Free Study Loan is provided for post matric studies in approved technical/professional courses. The students whose family income is below Rs. 50,000/- per annum are eligible to avail loan under the scheme of "Interest Free Study Loan" from the Corporation. The maximum loan limit is Rs. 75,000/- for whole of the course and Rs. 15,000/- per year.

**(iv) Hast Shilp Vikas Yojna (Working Capital Assistance to artisans)**

The Hast Shilp Vikas Yojna was started in the year 1997-98. Under this scheme the Corporation provides working capital assistance to artisans. The artisans are required to form a group/society or association for availing working capital assistance from the Corporation. The Corporation provides working capital loan upto Rs. 5,000/- per artisan at 2% rate of interest per annum. The working capital assistance/loan is made available for two years and it is free of interest.

**(v) Laghu Vikray Kendra Yojna(Shop Shed Scheme)**

Under this scheme, the Corporation provides loan to the Municipal Committees/Notified Area Committees/Block Samities and Gram Panchayats in tribal areas for construction of shop/sheds at 4% rate of interest. Such shops/sheds constructed with the

help of financial assistance from the Corporation are only rented out to the scheduled tribes families at concessional rate of rent. There is a binding on the Local Body concerned that the rental charges from the SCs and STs allottees would not be more than 60% of the prevailing market rent. Maximum loan is Rs. 50,000/- per shop/shed in difficult areas and under special circumstances, it is Rs. 60,000/-.<sup>63</sup>

- a) **Small Business Yojana (NSTFDC):** To meet the small Financial needs of the poor Scheduled Castes families to start small and petty business individually, the term loans assistance up to Rs 50,000/- is provided by the Corporation directly in collaboration with NSFDC
- b) **Small Business Yojana( NSTFDC) :** To meet the small Financial need of poor Scheduled Tribes families to start small and petty business individually, the term loans assistance up to Rs 50,000/- is provided by the Corporation directly in collaboration with NSTFDC.
- c) **Micro Credit Finance (MCF) :** Provide Loans up to Rs.25,000/- under Small Loan Scheme (In collaboration with National Corporation).

The paper deals with rights and privileges of women, constitutional provisions, legislative provisions and various other women protection acts. Mention of planned development for women in five-year plans along with various initiatives for women like National Commission for Women, reservation of women in local self-government, National Plan of Action for the girl child, National policy for the Empowerment of Women, Gender Budgeting is also made in the paper. The paper gives detailed description of various schemes for development of women i.e. mukhya mantri kanyadan yojana, pension schemes, self-employment schemes, vishesh mahila utthan yojana, self-help groups, state homes, and mahila mandal protsahan yojana. Review of various constitutional provisions for scheduled tribes, advantages of scheduled areas, schemes for tribal development along with various centre and state govt. schemes is detailed. Special central assistance to tribal sub-plan, scheme of grant in aid to voluntary organisations working for the welfare of scheduled Tribes, schematic planning process for tribes of H.P., Tribal Area sub-plan is explained .Mention of Tribal Cooperative marketing development federation of India limited and schemes of Himachal Pradesh Scheduled Castes and Scheduled Tribes Development Corporation is given.

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63 Tribal Sub-Plan 2011-12, pp. 92-94.



Summing up it is concluded that, in every country, whether it is new or long established, whether it is underdeveloped or highly developed, any programme of economic or fiscal development, of improvement in education, health, labour and social conditions and of reform and reconstruction in any of the public services can ameliorate the status of its people. A woman is the mother of the race. It is the woman who has sustained the growth of society. Women play a vital role in the development of an economy; in Himachal Pradesh their role is very significant. As perceived from development point of view the tribal economies are undeveloped, agrarian and rural. Since women in general and tribal women in particular are under privileged in all social, economic and political fronts. Women constitute merely 50 percent in the total population of India. Various schemes and initiatives which are taken by the central and state governments are running in Himachal Pradesh for the amelioration of tribal women.