



**Application for inviting online
proposals for grant of Financial
Assistance for undertaking Research
Studies for the year
2020 –2021**

**National Commission for Women
Plot No. 21, Jasola Institutional Area,
New Delhi – 110025**

**File No. 13(2)/2020-21/NCW/PMR
National Commission for Women
New Delhi**

**Subject: Issues/Topics/Thrust areas for undertaking Research Study for the
Financial Year 2020-21.**

The National Commission for Women has identified the Issues/Topics/Thrust Areas, listed below, for undertaking Research Study for the F.Y. 2020-21.

Themes for Research Studies:

1. Women Mental Health
2. Cyber Security- Challenges under cyber Space specially for women users
3. Domestic violence – Legal frame work for enforcing women’s rights
4. Women Migrant Workers

The proposals are invited from Central/State Universities and Colleges affiliated with such Universities and Institutions of national importance that conduct Post Graduate level Study and have been accredited “A++, A+, A, B++, B+ and B” Grade by *National Assessment and Accreditation Council (NAAC)* <http://www.naac.gov.in/> valid up to the year 2019-20.

2. The Terms of Reference are as under:-

- A.** At least three Social Sciences departments or faculty members from these departments (Economics, Sociology, Psychology, Law, Business School, Management School, History, Gender Studies etc must be involved in conduct of the Research Study.
- B.** These departments should form a Committee and appoint a Nodal Officer for communication with the Commission.
- C.** The study will be Empirical study based on the data collected according to the problem statements for above-mentioned themes as per the concept notes attached at Annexures.
- D.** The Field Investigators must be provided basic training before conducting the Field Survey.
- E.** The study should cover data at least from the jurisdiction of the University, preferably from the geographical region of one state.

- F. It is expected that data will be collected within the first 9 months. The first 9 months includes 3 months for preparation, recruitment and training. The next 6 months is for data collection. The last three months is for report writing. Total time period for the project would be 1 year. Extensions can be considered provided there is sufficient justification.
- G. The ownership of original data will rest with National Commission for Women after completion of the study. The data may be utilized by the concerned researcher with prior permission of the National Commission for Women every time.
- H. For release of second installment or final installment, soft copies of data collected/questionnaires should be provided.
- I. For citing the data by the researchers at any point in future, NCW must be acknowledged.
- J. Soft copy of filled in questionnaire must be provided by the University/College to the National Commission for Women.
- K. Funds will be disbursed in two installments of 50% each of the sanctioned amount.

3. The Research Proposal must contain the following sections:

- 1) Introduction and Statement of the Problem
- 2) Review of Literature
- 3) Objectives of the Study
- 4) Research Design & Methodology
 - a) Sampling Method, Sample Size, Sample frame, Rationale etc.
 - b) Tools for data collection
 - c) Category of respondents
- 5) Research Partners/ Agencies/Institutions/Training Partners; if any (in such cases, the grant will be released only in the favour of applicant organization)
- 6) Suggested training design for Surveyors/ Research Assistants
- 7) CVs of Principal Investigator/ Co- Principal Investigator (if any) and Main Research Staff. CVs should indicate the skill sets of the persons, previous research experience, papers published in peer-reviewed journals and books if any.
Summary Report of any 2 best published Research Studies must be attached.
- 8) Questionnaire

4. Indicative Budget for Research Study:

The Research studies may be categories in three categories on the basis of study universe or on the population volume of the state selected for the study. These are:

1. Large State category- (Population of the State is more than 6 Crore)
2. Medium State category- (Population of the State is between 3 and 6 Crore)
3. Small State category - (Population of the State is less than 3 Crore)

The indicative budget for Research Study for each category is as under:

1 Large State category

S. No.	Criteria	Description may be given by the College/ University	Maximum Duration (in months)	Maximum Allowed Value (in Rs.)	Justification
1.	Principal Investigator		NA	30,000/-	
2.	Project Co-ordinator/ Research Officer/ Statistician		12 months from the date I installment is released.	1,80,000/-	
3.	Field Survey/ Data Collection		6 months	9,00,000/-	
4.	Expenditure on TA		6 months	4,00,000/-	
5	Expenditure on data processing, rapporteur and other miscellaneous expenditures		NA	2,00,000/-	
Sub-Total					
6.	Overhead Contingency or institutional charges	Not exceeding 10% of the total estimated charges/expenditure (i.e. Sub Total)			
Total (not exceeding Rs. 19.00 Lakh)					

2 Medium State category

S. No.	Criteria	Description may be given by the College/ University	Maximum Duration (in months)	Maximum Allowed Value (in Rs.)	Justification
1.	Principal Investigator		NA	30,000/-	
2.	Project Co-ordinator/ Research Officer/ Statistician		12 months from the date I installment is released.	1,80,000/-	
3.	Field Survey/ Data Collection		6 months	5,00,000/-	
4.	Expenditure on TA		6 months	4,00,000/-	
5	Expenditure on data processing, rapporteur and other miscellaneous expenditures		NA	2,00,000/-	
Sub-Total					
6.	Overhead Contingency or institutional charges	Not exceeding 10% of the total estimated charges/expenditure (i.e. Sub Total)	-		
Total (not exceeding Rs. 15.00 Lakh)					

3 Small State category

S. No.	Criteria	Description may be given by the College/ University	Maximum Duration (in months)	Maximum Allowed Value (in Rs.)	Justification
1.	Principal Investigator		NA	30,000/-	
2.	Project Co-ordinator/ Research Officer/ Statistician		12 months from the date I installment is released.	1,80,000/-	
3.	Field Survey/ Data Collection		6 months	3,00,000/-	

S. No.	Criteria	Description may be given by the College/ University	Maximum Duration (in months)	Maximum Allowed Value (in Rs.)	Justification
4.	Expenditure on TA		6 months	4,00,000/-	
5	Expenditure on data processing, rapporteur and other miscellaneous expenditures		NA	2,00,000/-	
Sub-Total					
6.	Overhead Contingency or institutional charges	Not exceeding 10% of the total estimated charges/expenditure (i.e. Sub Total)			
Total (not exceeding Rs. 13.00 Lakh)					

5. The proposal may be uploaded through online mode at NCW website www.ncw.nic.in or <http://ncwapps.nic.in/eproposalv2> within two months from the date of the notice being placed on the Website of the Commission **or latest by 30th August, 2020**. The clarifications and queries regarding Research Guidelines may be sent to the Senior Research Officer, National Commission for Women latest by **21st July, 2020** through email only at sro-ncw@nic.in.

6. **Incomplete/insufficient proposals or proposals received after the last date will not be entertained.** The Commission reserves the right to select the organization based on their eligibility, capability, area of work, expertise, etc. **No correspondence on reasons for non-selection of the proposal will be entertained by the Commission. No proposal received by e- mail or by any other mode will be entertained.**

7. Organizations / Institutions are advised to go through the guidelines relating to Research Studies available on the website of the Commission, attached as **Annexure-A**.

8. **The concept notes and indicative questionnaires have been attached as Annexure B, C, D and E.**

Sd/-

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Guidelines for grant of Financial Assistance for Research Studies for the financial Year 2020-21

1. Introduction:

1.1 The National Commission for Women, in pursuance of its mandate contained in Section (10) of the National Commission for Women Act, 1990 sponsors special studies and undertakes promotional and educational research either on its own or through other agencies / organizations/ institutions, etc. in furtherance of its mandate. The specific provisions from the National Commission for Women Act, 1990, are reproduced below for ready reference.

Clause (g)

Call for special studies or investigations into specific problems or situations arising out of discrimination and atrocities against women and identify the constraints so as to recommend strategies for their removal.

Clause (h)

Undertake promotional and educational research so as to suggest ways of ensuring due representation of women in all spheres and identify factors responsible for impeding their advancement, such as, lack of access to housing and basic services, inadequate support services and technologies for reducing drudgery and occupational health hazards and for increasing their productivity.

1.2 The Commission funds selected research studies in accordance with the procedure laid down by the Commission from time to time. The Commission has, with a view to simplify the procedure to be followed in such cases, and to ensure improved outcomes of such studies, revised the guidelines for conducting research studies. The revised procedure is detailed in subsequent paragraphs.

2. Time Schedule for different activities:

2.1 In the ordinary course, the subjects, for special/research studies will be

identified by the Commission every year and these will be disseminated through the Website of the Commission to all concerned. The Commission may, in its discretion, issue abbreviated advertisements in appropriate journals/news papers, etc. to disseminate information regarding such studies.

2.2 The proposals for undertaking studies will be required to be submitted through the online portal of the Commission within **60** days from the date of the notice being placed on the Website of the Commission.

2.3 The proposals received through the on-line portal after stipulated date will not be entertained.

2.4 The Commission will process and finalize the list of proposals to be funded by the Commission within three months or such other time as may be specified after the last date for submission of proposals.

2.5 In cases, where proposals are approved by the Commission, the first installment of the approved amount is to be drawn within the same financial year. The research study will be required to be completed as per time-frame approved.

2.6 Empirical Data is to be collected within 9 months of release of funds. The first 9 months includes 3 months for preparation, recruitment and training. The next 6 months is for data collection. The last three months is for Report writing.

2.7 Ordinarily, the time-frame approved for completion of a study will not be extended. However, the Commission may, in extreme cases, at its discretion, extend the tenure for completion of a research study, if in its opinion there are justified and valid reasons for granting such extension.

2.8 The University/College undertaking research will, where so required, be responsible to seek extension of time at least two months prior to the approved tenure coming to an end and provide detailed justification for seeking extension.

3. Time limit for its completion:

3.1 The studies will be required to be completed within the time limit approved by the Commission to be reckoned from the date of drawl of first installment. Broadly, Impact Assessment Studies/ Awareness Studies and other similar studies where, survey is required, is mandated to cover at least from the jurisdiction of the University preferably from the geographical region of one state.

3.2 Component-wise permissibility of funds has been programmed in the format

required to be filled up on the onlineportal.

4. Eligibility for financial assistance to conductresearch/studies

4.1 The proposals for Research Study can be submitted only by Central/State Universities and Colleges affiliated with such Universities and Institutes of national importance which conducts Post Graduate level Study and have been accredited “A++, A+, A, B++, B+ and B”Grade by *National Assessment and Accreditation Council (NAAC)*<http://www.naac.gov.in/valid> uptothe year 2019-20.

4.2 Research proposals on behalf of Central/State Universities and Colleges affiliated with such Universitiescan be submitted with the approval of the authority designated by such College/University. The College/Universitywill, in such cases, be responsible for timely completion of study as well as its quality.

4.3 Multi institutional Research proposals will also be entertained on the condition that the applicant institution/ organization take the responsibility of appointing Nodal Officer and other internal administrative approvals for the research study. In such cases, the grant will be released only in the favour of applicant organization.NCW would correspond only with the applicant organization.

4.4 The eligibility conditions for submitting proposal for undertaking research will be as under.

- Principal Investigator intending to undertake research should hold at-least a post graduate degree and should have published at-least 5 research papers in Peer Reviewjournal listed on UGC website within the last 10 years

Or

- Published Book/Book Chapter by reputed publisher and/or at least 2 papersin Peer Reviewjournal listed on UGC website within the last 10 years.

4.5 One organization will be provided financial assistance for one Research Study only.

5. Process for funding by the National Commission forWomen:

5.1 Proposals seeking financial assistance for research studies from the National Commission for Women are to be submitted only through online portal at<http://new.nic.in>,<http://newapps.nic.in/eproposalv2>and would, *inter alia*, include

information as detailed in subsequent sub-paragraphs.

5.2 Copies of two best papers of Principal Investigator and Co-Principal Investigators associated with the study must be uploaded with the proposal.

5.3 Organizations which have been blacklisted by any Ministry / Department of the government, or by any Commission or Authority or statutory body of the Central and State Government shall not be eligible to submit proposals to the National Commission for women. Accordingly, every organisation submitting a proposal for undertaking research will be required to certify that it has not been blacklisted during last seven financial years.

6. Procedure for selection of Research Studies.

6.1 The proposals received through the online portal shall be evaluated either by the Commission on its own or through expert panel(s)/committee(s) selected by the Commission for the purpose. The expert panel/committee shall, where so constituted, make suitable recommendations to the Commission for acceptance or revision or rejection of proposals.

6.2 The expert panel/committee, referred to above, shall while making recommendations, *inter alia* take into account i) the relevance of the topic of the study to the area identified by the Commission; ii) originality of the proposal; iii) capability of the persons/organization to undertake quality research as evidenced by the qualification, experience and quality of earlier studies undertaken by the resource persons to be associated with the study; iv) past record of the person(s) undertaking research particularly in cases of research/studies undertaken in collaboration with the National Commission for Women; and v) the quality of the proposal particularly for improvement in policy or legislative frame-work.

6.3 In cases, where in the opinion of the Commission, the research study proposal can be improved, the Commission may suggest changes in the scope of the study, research methodology or any other parameter. In such cases, the College/University who had applied for approval of the research study shall be given the opportunity to modify the proposal in such time-frame as may be specified by the Commission in

individual cases. The proposals where suggested changes are not made shall not be considered.

6.4 The Commission shall, keeping in view all relevant facts, upload the details of research studies approved by it on its website.

7. Release of Funds and submission of study/research report:

7.1 The funds for undertaking research study approved by the Commission shall be released in two equal installments of 50% each of the sanctioned amount.

7.2 The first installment equivalent to 50% of the sanctioned amount of the study shall be released for the approved study on receipt of undertaking and other required documents as referred to above.

7.3 On completion of data collection, the College/University undertaking the research study, shall submit an interim report in prescribed Report format to the Commission specifying the work done till that time, along with the status of utilization of funds and any other relevant details. By this time, the researcher will be expected to have completed the work relating to collection of data both from the primary and secondary sources in accordance with the approved methodology and reflect it in the study report. Furthermore, the interim report in prescribed format received from the grantee organization will be examined by the Commission and Experts may also be consulted regarding the quality of the report.

7.4 The Commission may, in a few cases, depute its representative for on the spot verification of the correctness of the status report submitted by the College/University before release of the final installment.

7.5 On completion of two-third of the tenure of the study, the College/University undertaking the research study shall submit a fresh draft report to the Commission specifying the work done including collection of data, its analysis/other relevant details and the status of utilization of funds.

7.6 The College/University shall submit a draft (final) report along with a soft copy at least one month before the end of the scheduled tenure of the study to the Commission.

7.7 The Commission may, where considered appropriate, advise improvement in the report and also request the College/University to make a presentation before the Commission and the, commission may, after scrutiny/examination or presentation, suggest improvements /changes.

7.8 On completion of the tenure of the research/study or, in exceptional cases, such extended period as may have been approved by the Commission, the College/University undertaking the research study shall submit ten copies of a neatly typed and bound Report in book form to the Commission along with soft copy of the final approved report and utilization certificate in GFR-12A from the Chartered Accountant laid down in the General Financial Rules, 2017. After receiving the abovementioned requisite documents, the due balance amount of final installment may be released.

8. Standards of Study and Intellectual Property Rights:

8.1 With a view to ensure that the research study undertaken can be gainfully utilized and collaborative and multi-disciplinary research and studies help in improving the schemes, programmes of the Government or legislations or conditions of women and their standards of living, etc., these shall be required to conform to the standards specified in these guidelines. The study should be an original work and appropriately acknowledge/refer wherever it borrows from any other work/ publication. Plagiarism in any form will lead to summary rejection of the report/proposal and other legal consequences.

8.2 The authorized researcher / representative of the College/University shall make a declaration that the study is original and the College/University shall be responsible for any infringement of the copy right law or any other relevant law and the National Commission for Women shall not be responsible for any such lapse on its / their part.

9. Other requirements

9.1 The primary data, if collected as part of the research/study, should be collected in the manner stated in the proposal for undertaking the study and evidence of its collection including evidence relating to the places/persons from which the data has been collected online along with particulars such as mobile/landline number or other

contact details of persons from whom data has been collected, should be retained till the report is accepted by the Commission. Soft copies of the questionnaire/ data must be provided to NCW for report acceptance. The Commission may, in a few cases, carry out sample checks to verify collection of data.

9.2 Analysis and interpretation of data should be based on standard techniques of data analysis and interpretation and raw sheets showing tabulation and calculation should be retained till the report is accepted by the Commission.

9.3 Findings should logically flow from the analysis of information contained in the report and the rationale for the recommendations made should be clearly specified. The level at which recommendations are implementable should be specified clearly.

9.4 If the study/data is used by the researcher in any subsequent publication/ paper, with prior permission of the NCW and the role of NCW must be clearly acknowledged.

9.5 The decision of the Commission in all cases relating to the standard of study shall be final. All disputes relating to any study / grant will be subject to the jurisdiction of courts located in Delhi.

9.6 The grantee organization will maintain separate accounts in respect of this grant. The accounts will remain open to inspection to the representatives of the National Commission for Women including the CAG of India.

9.7 Any unspent balance out of this grant will be refunded by the organization within 60 days from the date of completion of the project failing which such unspent balance will attract penal interest @ 12% per annum for the period from date of completion of the project to the date of refund of unspent balance.

Note: The Commission may, while sanctioning the grant, stipulate further conditions, as considered appropriate.

OUTLINE OF CONCEPT NOTE FOR RESEARCH STUDY IN MENTAL HEALTH OF WOMEN IN INDIA

Background

Gender is a critical determinant of mental health. World statistics show that more than 41% women suffer from neuro-psychiatric disorders as compared to 29% for men. In India, the best source of recent data from the general population (National Mental Health Survey, 2015-16) shows that, although the overall prevalence of mental morbidity was higher among males (13.9%) than among females (7.5%), this was because of the much higher prevalence of substance use disorders in males. However, specific mental disorders like mood disorders (depression), neurotic disorders (phobic anxiety disorders, agoraphobia, generalised anxiety disorders and obsessive-compulsive disorders) were higher in females. Moreover, depression and anxiety were higher in females as compared to males based on data from multiple sources of all states of India as part of Global Burden of Disease study (GBD-India study, 2020). This is important because depression and anxiety are the most common mental disorders worldwide.

Data from the Indian National Crime Records Bureau on suicide shows consistently that the largest single social group among those committing suicide is that of housewives. The reasons for such levels of anxiety among women could be many—either abuse, violence, abandonment, inequity etc. The current Covid-19 pandemic has increased all these stresses considerably which is a matter of great concern.

It is the mandate of NCW to sponsor research studies on gender themes with a view to fine-tuning existing policy on women with a view to addressing problems and creating a more gender-friendly society. This year mental health of women in India is a key theme that has been taken up for sponsoring research.

Past studies by NCW have shown that mental health disorders are much more than a mere medical problem. Sources of stress are found in the socio-economic environment in which women exist. What could these sources be; how do women handle stresses; how are institutions equipped to respond to mental health disorders faced by women, the perception of the mental health care providers about their professional challenges, strengths, are some of the questions faced by policymakers. WHO states that mental health is “more than just the absence of mental disorders or disabilities.” Peak mental health is about not only avoiding active conditions but also looking after ongoing wellness and happiness. Thus, it becomes pertinent here to gain comprehensive insights into the issue of women mental health for boosting efforts towards fostering flourishing mental health and well-being in Indian women.

The proposed research studies would focus on such questions.

Specific Research Problem

This study intends to focus on the following specific questions:

- 1. What are the kinds of stresses faced by women in India? Are these related to their family circumstances, in any way? If so, how?**
- 2. How do the mental health care providers perceive their strengths, weaknesses, challenges and opportunities in providing mental health care to women in varied settings (urban/ rural, private/ government)?**

METHODOLOGY: All Women of age 18 and above, presenting at any primary health care setting for any health issue spanning over a period of 2-3 days per center, will be contacted for the purpose of data collection at the site of the primary care center. A random sample of primary health care centers would be taken. All women who agree to participate in the survey, would be administered the following questionnaires:

PHASE I

- 1. Demographics and Life Circumstances Information Questionnaire (Attached as Annexure):** This questionnaire has been designed to solicit the respondents' demographic

details about significant information about current/ recent life circumstances/issues that often pose a threat to the mental health and well-being of women.

2. **Modified Kuppuswamy Socio-economic Scale (Saleem,2020)**-Socio-economic status would be assessed by this measure.The scale classifies families into 5 groups-Upper class, upper middle class, lower middle class, upper lower, and lower on the basis of three criteria: occupation of the head of the family, education of the head of the family, and total monthly income of the family.
3. **Following two measures will be used to assess depression and anxiety in women.**There is a high degree of multi-morbidity between mental disorders such as depression or anxiety and other noncommunicable conditions, including cardiovascular disease, diabetes, cancer and alcohol use disorders.
 - 3.1. **Patient Health Questionnaire (PHQ-9)**¹:The PHQ-9 is a multipurpose instrument for screening, diagnosing, monitoring and measuring the severity of depression. This easy to use patient questionnaire is a self-administered version of the PRIME-MD diagnostic instrument for common mental disorders. The PHQ-9 is the depression module, which scores each of the nine DSM-IV criteria as "0" (not at all) to "3" (nearly every day). It has been validated for use in primary care.
 - 3.2. **The Generalized Anxiety Disorder Scale-7 (GAD-7)**²: It is a 7-item, self-rated scale developed by [Spitzer and colleagues \(2006\)](#) as a screening tool and severity indicator for GAD. It is easily scored and initially was created to increase recognition of GAD in primary care settings. This self-report anxiety questionnaire is designed to assess the patient's health status during the previous 2 weeks. The items enquire about the degree to which the patient has been bothered by feeling nervous, anxious or on edge, not being able to stop or control worrying, worrying too much about different things,

¹**Note about credits:** The copyright for the PHQ-9 was formerly held with Pfizer, who provided the educational grant for Drs Spitzer, Williams and Kroenke who originally designed it. This is no longer the case and no permission is required to reproduce, translate, display or distribute the PHQ-9. Items of the scale can be viewed through the link below:

<https://www.hiv.uw.edu/page/mental-health-screening/phq-9>

²**Usage:** The copyright is held by Pfizer Inc. but the questionnaire is free to use. The questionnaire has been validated for use as a screening tool and severity measure , in primary care and in general populations . Items of the scale can be viewed through the link below:<https://www.hiv.uw.edu/page/mental-health-screening/gad-7>

having trouble relaxing, being so restless that it is hard to sit still, becoming easily annoyed or irritable and feeling afraid as if something might happen.

PHASE II

For the purposes of this study, data relating to all women interviewed in Phase-I is considered relevant. Even women who do not show a high level of stress, their data will be retained and will be used for comparison.

However, the above two questionnaires can be used to select cases for further follow-up. Those scoring moderately high (cut-off will be provided) on either of the two will be further probed to know more about the multiple facets of their psychological well-being (autonomy, environmental mastery, personal growth, positive relations with others, purpose in life, and self-acceptance), sources of life-stressors, understand their perception and appraisal of life situations as stressful, barriers in seeking mental health services, available social support, and availability of institutional resources to cater to the mental health needs of the Indian women.

Focus group discussions will be conducted through a discussion guide prepared in consultation with the subject experts. Homogeneous focus groups of participants would be made keeping in mind the important demographic variables like house-wives/ working women, rural/ urban, and socio-economic status. 6-10 women participants would be included in each group.

QUESTIONS FOR THE DISCUSSION GUIDE

1. What are the greatest things that bother and trouble you?
2. Do you share your negative feelings/ thoughts/ changes in mood/ sadness/worries etc. with others in your life? If not, why?
3. If you share your mental/ emotional needs/status with others around you, are they able to help you in that situation?
4. Is it easy for you to access resources for your mental health needs and issues? If not, why?
5. If you ever utilized mental health services, were you satisfied with the quality of services provided?

6. If you ever experienced any mental health problems in the past? What was the reaction/ response of your family/ community/ colleagues/ employer?
7. If you have availed mental health services in the past, did you follow-up the course of the treatment till full recovery? If not, what were the barriers?
8. How far were the mental health services provided to you successful in helping you in your mental health needs?
9. If you ever availed mental health services, were you referred for any further evaluation or treatment?

The information sought from the Focus group discussions will be supplemented with the following two measures:

1. Assessment of current levels of experienced stress through Perceived Stress Scale: **PERCEIVED STRESS SCALE (Sheldon Cohen)** ³

The Perceived Stress Scale (PSS) is the most widely used psychological instrument for measuring the perception of stress. It is a measure of the degree to which situations in one's life are appraised as stressful. Items were designed to assess how unpredictable, uncontrollable, and overloaded respondents find their lives to be. The scale also includes a number of direct queries about current levels of experienced stress. Moreover, the questions are of a general nature and hence are relatively free of content specific to any sub-population group. The questions in the PSS ask about feelings and thoughts during the last month. In each case, respondents are asked how often they felt a certain way.

2. ASPECTS OF PSYCHOLOGICAL WELL-BEING: **PSYCHOLOGICAL WELL-BEING SCALE**(Ryff et al., 2007)⁴

³PERMISSION FOR USAGE: Anybody without a profit motive is free to use the scale as declared by the author. **LINK TO THE SCALE**

<https://www.mindgarden.com/documents/PerceivedStressScale.pdf>

Developed by psychologist Carol D. Ryff, the 42-item Psychological Wellbeing (PWB) Scale measures six aspects of wellbeing and happiness: which are: Autonomy - independence and self-determination; Environmental mastery - the ability to manage one's life; Personal growth - being open to new experiences; Positive relations with others - having satisfying, high quality relationships; Purpose in life - believing that one's life is meaningful; Self-acceptance - a positive attitude towards oneself and one's past life(Ryff et al., 2007; adapted from Ryff, 1989).

Focus group discussions would also be conducted with mental health care professionals to understand the perceptions of their strengths, weaknesses, challenges and opportunities in providing care to women having mental health needs. 6-10 participants (mental health professionals viz clinicians/ psychologists/ therapists/ psychiatrists/ counsellors/ mental health nurses/ psychiatric social workers etc) from varied settings (urban/ rural/ government/ private)would be included in each group .

Questions for the discussion guide (for Mental Health Care Professionals)

1. To what extent are mental health services integrated into primary care?
2. How far is mental health care accessible and available to marginalized/ disadvantaged women?
3. Do you refer a patient/ client to another professional if the specific type of treatment needed is outside the scope of your practice?

⁴Copyright Information:Not a copyrighted scale
Institutions or organizations interested in using the Ryff Scales of Psychological Well-Being should send a request and description of how the instrument will be used to Dr.CarolRyff; University of Wisconsin; Institute on Aging; 2245 Medical Sciences Center; 1300 University Avenue; Madison, WI 53706; Phone: (608) 262-1818; Fax: (608) 263-6211; email: cryff@wisc.edu. Dr.Ryff requests that institutions or organizations provide her with the results of their study and any subsequent journal article citations.Link to the scale is given below:
<https://docs.google.com/document/d/1pn2oZi3NiSuEJjtxl0hfaFpEa4Ea0v6YtrlWTAkVUIY/edit>

4. Are the patients who are undergoing treatment through psychiatric medication provided psychotherapy as well?
5. What are the major challenges of working with women clients/ patients with mental health needs?
6. What are the various community-based mental health interventions available for the women ?
7. How far are you satisfied with the mental health care/ services provided by you to the women clients/ patients? How far are you able to reach your recovery goals?
8. Do you feel there are adequate resources available to provide for all the mental health needs of the women clients/ patients?
9. What are the various innovative practices being followed by you?
10. Are there any locally acceptable solutions that have shown positive results in case of mental health needs of women?

ETHICS APPROVAL

All PI's will have to seek an ethics clearance certificate from the Institutional Ethics Committee before proceeding with the data collection. It might be worthwhile to add that "any woman found to be in significant distress or there are issues about her own or others' safety, as emerging from the interviews, will be referred and encouraged to attend the nearest healthcare facility as appropriate"

DEMOGRAPHICS AND LIFE CIRCUMSTANCES INFORMATION

Respondent Details

1. Name (optional):

2. Age:

3. Highest level of education:

4. Locality of Residence

a. Urban

b. Rural

5. Where do you live:

a. Village

b. Small Town (population upto 5 lacs)

c. Large Town (population between 5-20 lacs)

d. Mega City

6. Type of Residence

a. Independent Housing

b. Apartment

c. Hostel accommodation

7. Who lives in your family:

a. Husband

b. Mother/Father

c. Mother-in-law/Father-in-law

d. Brother/Sister

e. Brother-in-law/Sister-in-law

f. Children

g. All of the above

h. None

8. Type of family:

a. Joint

b. Nuclear

c. Extended

9. Marital Status –

a. Married

b. Unmarried

c. Separated

d. Widowed

e. Divorced

10. Whether employed?

a. Yes b. No

11. Employment features of the working respondent:

(i) Place of work

(a) Working from Home

(b) Working Outside home:

(ii) Tenure/ Type of Contract of Employment

(a) Permanent

(b) Temporary

(c) Ad-hoc

(d) Part time

(e) Contractual basis

(f) Consultancy services

(iii) Nature of Employment:

(a) Government

(b) Semi-Government

(c) Private

(d) Any other

(iv) Working hours per day:

(a) Less than 4 hrs. (b) 4 to 6 hrs. (c) 6 to 8 hrs. (d) 8 to 10 hrs. (e) More than 10 hrs.

(v) Monthly income (Rs.) :

(a) Less than 5,000 (b) 5,000 to 10,000 (c) 10,000 to 20,000 (d) 20,000 to 30,000 (e) 30,000 to 40,000 (f) More than 40,000

12. In the past six months/ Currently, have you....?

- a. Had / having problems / quarrels / conflicts with your husband/ partner /in-laws ?
- b. Had / having problems / quarrels / conflicts with your parents/ parental family?
- c. Had / having problems / quarrels / conflicts with your friend/ friends?
- d. Had/ having problems / quarrels / conflicts with your colleagues/ employer/ clients?
- e. Had/ having problems / quarrels / conflicts with your neighbours?
- f. Facing / Been a victim of a physical/ verbal / emotional / sexual abuse ?

13. Please tick the problem/s you are currently facing or experienced in the last six months:

- (i) Working outside and supplementing family income is not duly recognized by the family members
- (ii) Fail to adopt the required standards of house keeping
- (iii) Have to live with double standard of living, i.e., different at home and at workplace
- (iv) Insufficient help from family members while doing household work

- (v) Unable to attend the emotional and psychological needs of the husband & children
- (vi) Unable to attend family members properly (husband and in-laws) due to time constraint
- (vii) Not allowed to plan out family spending but have to consult other family members
- (viii) Unable to attend social gatherings
- (ix) Lack of rest and sleep
- (x) Lack of time for personal care
- (xi) Deprived of an entertainment due to time constraint
- (xii) Facing health problems due to overwork
- (xiii) Marital maladjustment due to outside work
- (xiv) Marital maladjustment due to reasons associated with parental family
- (xv) Worried over situations/events in the parental family
- (xvi) Any other.....

14. Would you be willing to be contacted for the purpose of further research on women mental health?

- (i) YES (ii) NO

If yes, Address and phone number

Annexure-C

Concept Note on Cyber Security: ‘Challenges in Cyberspace specially for Women’

Background of the Study:

The National Commission for Women, in pursuance of its mandate contained in Section (10) of the National Commission for Women Act, 1990, sponsors special studies and undertakes promotional and educational research either on its own or through other agencies/organizations/institutions, etc., so as to suggest ways of ensuring due representation of women in all spheres and identify factors responsible for impeding their advancement and empowerment.

Every year, the Commission collaborates with Government, Semi Government organisations, Universities, Academic and Research Organisations, etc. to undertake Research Studies and implement the mandate on identified specific issues of concern. This year the Commission has identified, **Cyber Security: ‘Challenges in Cyberspace specially for Women’** as one of the topics/themes for inviting online Research Proposals.

With the fast-growing reach of the internet, speedy spread of mobile information and the escalated use of social media, we increasingly see crimes committed in cyberspace. Women being a vulnerable group, often do fall victim to cyber bullying, uploading of objectionable content and threats. The advent of technology has led to the emergence of cyber violence against females of all age groups which is posing a problem at the global level.

Cyber-crime and privacy breach in India has been growing exponentially. According to ‘Crime in India- 2018¹’, report published by National Crime Records Bureau Report, 1244 total number of cases were reported across India, under Cyber Crime/Information Technology Act, 2000 (Women Centric Crimes only). Whereas, cases reported under the same category during the year 2017² were only 600. There is every possibility that this is only the tip of the iceberg and that there is substantial under reporting of cybercrimes. Reasons for low reporting could be lack of awareness of legal provisions

¹ <https://ncrb.gov.in/sites/default/files/Crime%20in%20India%202018%20-%20Volume%201.pdf>

² https://ncrb.gov.in/sites/default/files/Crime%20in%20India%202017%20-%20Volume%201_0.pdf

for re-dressal on the part of women users; reluctance to report cyber-threats on account of fear; fear of social stigma, lengthy court processes, etc.

To add to the problem, lack of user awareness about Internet, cyber laws and risks means that often users do not take very basic precautions on social media and in internet use.

It is observed that categories of online crimes targeting women, has expanded. A few more new generation crimes that are worth a mention here, are: cyber flames, cyber eve-teasing, and cyber flirting and cheating.

Two main issues identified are:

1. Women are fearful of lodging reports when they face objectionable behavior:

Women in India by and large shy away from reporting matters, fearing potential negative media publicity, which may irreparably impact their reputations in society as well as in their families.

2. Lack of awareness of threats in cyber-space: Many women are un-aware of the pitfalls of the internet. Given the prolific use of social media and internet, the more time women spend online, without being completely aware of threats in cyber-space, the more vulnerable they become.

Legal Provisions:

Coming to the legal framework in India to combat cybercrimes, there are majorly two statutes that address cybercrimes against females, namely, the Indian Penal Code, 1860 (hereinafter referred as IPC) and The Information Technology Act, 2000 (hereinafter referred as the IT Act, 2000). Also, The Indecent Representation of Women (Prohibition) Act, enacted in 1986 was brought into action to mainly deal with obscene representation of women and to combat it through advertisements or in publications, writings, paintings or figures.

Section 66E, 67 and 67A deal with the crimes which are primarily against women³.

Section 66E provides for punishment for violation of privacy, i.e., the publication of

³ Information Technology Act, 2000.

any picture of any private area of the victim without the consent of the victim is a punishable offence. Talking in context of females, it has been specifically mentioned “buttock or female breast”. Further, **Section 67** prescribes for punishment for the publication or transmission of any type of **obscene** material in electronic form. **Section 67A** provides for punishment for publication or transmission of any substance which consists of sexually explicit activity in an electronic form. Mostly, the complaints of cyber violence are registered under the **Section 67 and 67A** of the IT Act. The IPC which also governs cybercrimes to some extent has **Section 354** which gives punishment for the offences of voyeurism, stalking and sexual harassment.

Efforts by Government of India:

- National Cyber Crime Reporting Portal, www.cybercrime.gov.in has been launched to enable people to report complaints pertaining to all types of cybercrimes with special focus on cybercrimes against women and children. Law Enforcement Agencies of concerned State/UT take requisite action as per law, including those received from the above-mentioned portal.
- Ministry of Home Affairs (MHA) is implementing a comprehensive central sector scheme, namely “Centre for Cyber Crime Prevention against Women and Children (CCPWC)” to handle all issues related to check all cyber-crime against women and children. The scheme has a total estimated outlay of Rs. 223.198 crores and main features of the scheme are given below:
 - Online cybercrime reporting platform
 - One national level cyber forensic laboratory.
 - Training of Police officers, judges & prosecutors.
 - Cybercrime awareness activities.
 - Research & Development.
- MHA has set up Indian Cyber Crime Coordination Centre in New Delhi to provide a framework and eco- system for Law Enforcement Authorities (LEAs) to deal with cyber crimes in coordinated and comprehensive manner.
- Amendments are made to Code of Criminal Procedure (Cr.PC) to ensure that F.I.R is registered for a cognizable offence irrespective of the jurisdiction of the

police stations. The Police should register “Zero FIR” and ensure that the FIR is transferred to the concerned police station u/s 170 Cr.P.C⁴

Statement of the Problem:

In spite of so many efforts taken by the Government to combat the issue of Cybercrime and provide safety to users, crime rates are high and pose a major threat to the dignity and safety of women. The cyber space provides unique opportunity for the perpetrator to abuse the victim without physical presence from anywhere. Adding to this is the anonymity feature that makes the perpetrator unknown to the victim.

In this scenario, it is important for every women user to understand the risks associated with transactions in cyber space; implications of data leaks and privacy breaches through social media or email transactions and its remedies.

Some of the threats faced by the women are:

- Hate speech
- Hacking- to gain unauthorized access to systems/resources
- Identity theft
- Impersonation- using victim account send out obscene/objectionablecommunications
- Revenge Porn
- Online stalking
- Cheating women through online matrimonial websites
- Cyber bullying
- Sexist Trolling

This study proposes to focus upon the following problems:

1. To what extent are women aware of threats in cyber-space and precautions to be taken?
2. To what extent are women users of internet aware of the legal protection available to them?

⁴https://www.mha.gov.in/sites/default/files/HSDOCrimeonWomen_07122019.pdf

3. What are the main obstacles faced by Officers in investigating Cyber Crime? What is the role of complainant and Internet Service, in the investigation? Any other relevant factor?

In order to find answers to above questions, data must be collected from different stakeholders including victims, vulnerable women (such as those who work in IT-enabled service firms and university students) government representatives, civil society organizations, police officers, officers from cyber cell, service providers, cyber cafe operators. Victims would also be asked if they had approached Content Providers for redressal.

Methodology:

Considering the wide strata of users, from tech-savvy to new users, as well as different socio-economic conditions, demographics, culture and age it is suggested that both qualitative and quantitative methods may be used. Data may be collected from primary and secondary sources. Following tools and techniques may also be used: semi-structured interviews, survey, focused group discussions etc.

Universe:

At-least one State of India

Sample:

- (1) Females who have reported crime (females- 18 and +). Details will be collected from FIRs registered in Police Stations.
Vulnerable females- University student and Females working in IT enabled service
- (2) Government representatives,
- (3) Representatives of civil society organizations,
- (4) Police Officers

Note: Data shall be collected from (1) Women, across the Country, who have registered their case with the Police. (2) Women working in ITES firms and university students (3) Investigating Officers in charge of Cyber Crime at Police

stations. The Researcher shall also study and include, in the Report, at-least 10 cases of acquittal and 10 cases of conviction of the accused in cases of Cybercrime.

QUESTIONNAIRE (For Victims/University Students/IT/ITes Employees)

1. Personal Information:

- i. Name:
- ii. Age:
- iii. Marital Status:
 - a. Single
 - b. Married
 - c. Divorcee
 - d. Separated
- iv. Occupation:
 - a. Student
 - b. Home maker
 - c. Service Sector
 - d. Self Employed Professional
- v. Where do you live:
 - a. Village
 - b. Small Town (population upto 5 lacs)
 - c. Large Town (population between 5-20 lacs)
 - d. Mega City
- vi. Educational Qualification:
 - a. Primary
 - b. Secondary
 - c. Under-Graduate
 - d. Post-Graduate
- vii. Family Monthly Income:
 - a. 0-10,000
 - b. 10,000-20,000
 - c. 20,000-30,000
 - d. 30,000-40,000
 - e. more than 40,000
- viii. Own Monthly Income:
 - a. 0-10,000
 - b. 10,000-20,000
 - c. 20,000-30,000
 - d. 30,000-40,000
 - e. more than 40,000

2. What means do you use for accessing internet:

- i. Mobile Phone
- ii. Laptop
- iii. PC
- iv. Tablet

- v Cyber Cafe
- vi All of the above
- vii None of the above

3. For what purpose do you use internet (tick all options relevant):

- i Social Media
- ii Banking
- iii Entertainment
- iv Education
- v Email
- vi Online Shopping
- vii Professional works
- viii Any other
- ix All of the above

4. No. of hours spent on Social Media:

- i. 0-2hours
- ii. 2-4 hours
- iii. 4-6 hours
- iv. more than 6 hours

5. Do you use any antivirus?

- i. Yes
- ii. No

6. Are there any social media websites/Apps where you got harassed?

- i. Facebook
- ii. Whatsapp
- iii. TikTok
- iv. Instagram
- v. Tinder
- vi. Twitter
- vii. Youtube
- viii. If other, please specify _____

7. Have you ever been a victim of Cyber Bullying/Cyber Stalking/Obscene Messages/Videos being sent or shared with you?

- i. Yes
- ii. No

8. Were the persons harassing, known to you?

- i. Yes

ii. No

9. Has any photo or video of yours been used without your permission?

i. Yes

ii. No

10. What type of content (it might be original or morphed) was misused by criminal /hacker /intruder against you?

i. Image /Photo

ii. Video

iii. Audio

iv. Call

v. SMS Message /Chat Message

vi. Comment

vii. Gaming

viii. Music

ix. Personal Details

x. Financial Details

11. When your private content was misused, did you report it?

i. If Yes, to whom?

ii. No

12. Did you reach out to the Content Provider?

i. If Yes, what was the response?

ii. No

13. How did you approach the Police?

i. FIR at Police Station

ii. Reported Online

14. Had you taken any cyber awareness or counselling or session before the incident?

i. Yes

ii. No

15. Had you taken any cyber awareness or counselling or session after the incident?

i. Yes

ii. No

	Questions	Never	Rarely	Sometimes	Often	Always
16.	Do you read the privacy policy and terms of					

	Questions	Never	Rarely	Sometimes	Often	Always
	usage that these apps show before giving permission					
17.	Do you share personal information like, photos, family photos and videos within and outside your group					
18.	Has this information been used to trouble you?					
19.	Do you share details of your Bank A/c Credit Card with a stranger or on website?					
20.	Has this information been used to harm you?					
21.	When selling your mobile phone or getting it repaired, do you reset it to factory settings?					
22.	Have you ever reported to the police/any law enforcement agency/website on which you are working, about any incident of uploading of objectionable content on the internet or social media?					

Questions	Not at all aware	Slightly aware	moderately aware	Aware	Fully aware
23. Are you aware about security features available on social networking sites and the process of reporting?					

Questions		Not at all aware	Slightly aware	moderately aware	Aware	Fully aware
24.	Are you aware that Privacy is a Fundamental Right?					
25.	Are you aware of Information Technology (IT) Act, 2000?					
26.	Are you aware about cyber crime reporting website launched by Ministry of Home affairs, Govt. of India?					

		Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
27.	Personnel in the nearest Cyber Crime Police Station are competent and adequately equipped to investigate and detect cyber crime?					
28.	Banning Pornography would help in controlling Crime against Women?					

29. What information is mandatorily shared with your Employer/University?

- i. Mobile No.
- ii. Marital Status
- iii. E-mail ID
- iv. Date of Birth
- v. Residential Address
- vi. Blood Group
- vii. All of the above
- viii. Any other (please specify)

30. Have you ever used emergency response system on Mobiles?

- i. If Yes, was it effective?
- ii. No

31. Are you aware of any personal safety apps and alerting systems?

- i. Yes
- ii. No
- iii. If Yes. Please mention _____

32. Do you think that cyber security should be introduced in school & colleges curriculum ?

- i. Yes
- ii. No

33. How many days did it take for the Police to register the case?

34. How many days did it take to file the charge-sheet?

35. How many days did it take for decision in the court?

36. Did you take any help from Legal Service Authority?

- i. Yes
- ii. No

37. What difficulties were faced by you?

(To be answered by IT/ITes employees and university students)

38. Do you work in IT / ITES? If yes, has that helped you in becoming more Cyber Secure?

- i. Yes
- ii. No

39. General Job Hours

- i. Day Shift
- ii. Night Shift
- iii. Both
- iv. Work from Home

40. Do you have a functional VISHAKHA Committee in your organization?

- i) Yes or No
- ii) Does it serve the purpose it is meant for? Yes / No

41. Is there any complaint procedure in your organization?

- ii. Yes
- iii. No

42. Are app-based cab services safe?

- i. Safe
- ii. Moderately safe
- iii. Not safe

QUESTIONNAIRE (I.Os / Supervisory Police Officers)

1. Personal Information
 - i. Name
 - ii. Age
 - iii. Educational Qualification
 - iv. Designation
 - v. Experience of Dealing with Cyber Crime Offences (in years)
 - vi. Any special training undergone to handle cybercrimes

2. Which of these cyber crimes are most frequently encountered by you?
 - i. Obscene E-mail
 - ii. Cyber Stalking
 - iii. Cyber Pornography
 - iv. Cyber Bullying
 - v. Morphing
 - vi. Identity Theft
 - vii. Matrimonial fraud on websites
 - viii. Defamatory
 - ix. Cyber Fraud
 - x. Others

3. What steps are taken by you or your agency to bring confidence in a woman to report a cybercrime against her?
 - a. Identity of the victim is protected
 - b. Women staff will handle
 - c. Wide publicity given to encourage reporting
 - d. Others, specify

4. Which is the most common loss due to cyber crime?
 - i. Money
 - ii. Service Quality.
 - iii. Credibility and reputation.
 - iv. Competitive Edge
 - v. All of the above.

5. What type of challenges are faced by you, while investigating the cyber crime related cases?
 - i. Lack of Technical Experts or Skilled Manpower
 - ii. Lack of Tools and Technologies.
 - iii. Lack of Training
 - iv. Frequent Transfers

- v. Lack of SOP documents to handle cybercrimes
 - vi. Lack of cooperation from the victim
 - vii. Lack of cooperation from intermediaries in sharing information
 - viii. Origin of the sender traced outside jurisdiction
 - ix. Above All
 - x. Any other (please specify)
6. Do the Content Providers/intermediaries help you when you seek assistance from them?
7. As per I.T Act, 2000, offences committed against a woman is non-compoundable
- a. Yes
 - b. No
8. Are you able to convince the prosecuting officers about methods adopted in investigating a cybercrimes especially the collection of digital evidence?
- a. Yes
 - b. No, Any comments
9. Are Nodal Officers/Intermediaries/OTTs (Telecom, ISP, Website Providers or OTTs) responding to given legal notices, served by you?
- i. Yes
 - ii. No
 - iii. Procedural Delay
10. Do you use conventional 91 Cr. PC notices or use online platforms provided by Nodal Officers /Intermediaries /Bankers /OTTs?
- i. Yes
 - ii. No
11. Do you face difficulties in presenting the digital evidence admissible in the court? If yes, what are the common reasons for inadmissibility?
12. Are you facing any trouble while bringing the cyber criminals from Inter State /Inter National or trans-boundary or Intra /Inter Jurisdiction locations? If yes mention remedial expected procedures
- a. Yes
 - b. No
 - c. If Yes, Remedial expected procedure _____

13. In case of any technical assistance required during investigation of cybercrime case against women, how do you get it?
- a. Seek assistance from Cybercrime division of the state
 - b. Consult officer who is good in cybercrimes investigation
 - c. Others.....
14. Are you expecting dedicated technical investigative helpline /center for providing technical support?
- d. Yes
 - e. No
 - f. If Yes, please mention expected procedure_____
15. Do the intermediaries comply to your take-down notices of abusive profiles/information?
- a. Yes
 - b. No
16. Do you face any challenges while sending the digital evidence seized in Cybercrimes against women to the State FSL for seeking opinion under Indian Evidence Act, 1872 /IT Act, 2000?
- a. Yes, specify reasons
 - b. No
17. Are you able to get technical help from the cyber forensics laboratory setup by your state under the central government's CCPWC Scheme ?
- a. Yes
 - b. No, reasons
18. Central Government arranged 3 day / 5 day training programs exclusively about Cybercrimes against women and children under CCPWC scheme for all states & U.Ts. Did you get a chance to attend it ?
- a. Yes
 - b. No
19. Do you have dedicated digital forensic and investigative lab in your jurisdiction pertaining to cyber crime against women?
- a. Yes
 - b. No
 - c. If No, please mention digital forensic laboratory setup_____

	Questions	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
20.	Special trainings are organized by the Department/organization for making the officials familiar with latest trends in the field of Cyber Crime.					
21.	Technological support/equipment are provided by the Department/organization to counter such offences.					
22.	Changes are required in Laws, available at the present time, to deal with the offences of Cyber Crime against women.					
23.	Helpline number/portal has been developed by the department to address the issue of Cyber Crime.					
24.	Women and children are more prone to obscene Cyber Crimes.					
25.	Are you aware about blocking of content on websites under section 69A of ?					
26.	IT Act 2000 is capable of addressing cyber Crime.					
27.	Punishment provided under Sec. 67 of the IT Act for publishing or transmitting obscene material in electronic form with imprisonment up to 3 years or with fine of Rs. Five Lakhs, or with both is adequate..					

28. How much time do you generally take to trace the accused in cases of Cyber Crime?
29. How do you ensure that identity of the victim is not disclosed in some specific cases against women?
30. State three main challenges in investigation and prosecution of Cyber Crime cases against Women.
31. Brief comments on the issue.

Implementation of the
Protection of Women from Domestic Violence Act 2005- A Challenge

BACKGROUND

The National Commission for Women as per Sec 10(g) of the National Commission for Women, Act, 1990 is mandated to call for special studies or investigation into specific problems or situations arising out of discrimination and atrocities against women and identify the constraints so as to recommend strategies for their removal. To fulfill its mandate, the Commission undertake special studies, organizes Seminars / Conferences and Workshops in collaboration with Universities/Colleges/ Research Organizations. The online proposals are invited from Central/State Universities/Colleges having valid “A” grade under NAAC, for conducting Research Studies through empirical survey to study the problem and the empirical survey must be supplemented with secondary data to fulfill the aim of research.

The National Commission for Women is sponsoring a Research Study on “Effectiveness of existing legal framework under “Protection of Women from Domestic Violence Act, 2005”, in order to study the problem of domestic violence in the country despite the enactment of specific legislations “The Protection of Women from Domestic Violence Act, 2005” for the victims of domestic violence in the country. The study also aims to focus on the related penal provisions under section 498A, Indian Penal Code, 1860 (Cruelty to a married Woman by husband and relatives of the husband) and the Special Legislation enacted to curb the menace of dowry in the country, The Dowry Prohibition Act, 1961.

Protection of Women from Domestic Violence Act, 2005

The legal redress for the victims of the domestic violence has been a grave challenge for women in India, as the laws were inadequate to protect against many forms of violence against women. Domestic violence legislation in India has historically been directed toward dowry related violence, thereby excluding myriad cases involving domestic violence for reasons unrelated to dowry demands. The two laws that addressed domestic violence were the Anti-Dowry statute, “The Dowry Prohibition Act, 1961” and the Anti-Cruelty provision under Section 498A Indian Penal Code, 1860. The Dowry Prohibition Act, 1961 applies only to situations in which domestic violence is inflicted in response to dowry demands. The Anti-Cruelty provision under Section 498A IPC, targets acts of "extreme cruelty" to

women that are likely to drive a woman to commit suicide or cause "grave injury," as well as acts of cruelty in response to dowry demands. Due to these limited characterizations, perpetrators of domestic violence unrelated to dowry demands have escaped prosecution, contributing to a pervasive societal attitude tolerant of other forms of violence against women.

The specific legislation “**Protection of Women from Domestic Violence Act, 2005**”, enshrines the principles of the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), which India ratified in 1993. CEDAW’s 12th general recommendation required “the States parties to act to protect women against violence of any kind occurring within the family, at the work place or in any other area of social life”. The Act was enacted to change this attitude and to fill the gaps in legislation to protect victims of domestic violence. This also aims to reduce gender disparity and provide civil remedies along with existing criminal enactments. The Act represents a significant step toward advancing women's rights by punishing behaviour which has traditionally been both normative and legal in Indian society, thus perpetuating the cycle of violence. The Act is unique in its comprehensive categorization of domestic violence, which represents a departure from previous, narrower characterizations of domestic violence.

The Act is a mixture of civil and criminal law aiming to secure all women victims of domestic violence, including women in domestic relationship, be it wife, mother, sister, daughter, or in other kind of domestic relationship. This Act is to ensure and to provide speedy relief to all women suffering domestic violence from a single court, as opposed to having to run to various different courts and importantly without having to file criminal cases. In its approach as civil law, it is aimed at providing a multi-fold support system to women who have suffered violence at home:

- Any form of harassment, coercion, harm to health, safety, limb or well-being is covered.
- The definition of domestic violence in the Act, stretches beyond physical abuse to include verbal and emotional abuse, economic abuse and even sexual abuse.
- Relief in the form of Residence orders, custody orders, protection orders and monetary relief.
- The right to reside in a shared household, provided by the law, was considered a huge step towards empowering women, especially in a society where women often do not own property.
- Protection officer are appointed to assist the victims of domestic violence.

- An application regarding domestic violence can be presented to the magistrate seeking one or more reliefs by the aggrieved person, Protection officer on behalf of victim or any other person on behalf of victim.

Effective Implementation of the Act

Although such comprehensive legislation is a necessary first step to the realization of women's rights, many problems arise in the implementation and enforcement of legislation. There is a need to ensure that the holistic civil act, which includes all forms of physical, emotional, verbal, sexual, and economic violence and threats to do the same, is effectively implemented. According to data from the 'Crimes in India - 2018' report compiled by the National Crime Records Bureau (NCRB), domestic violence against women figures as the top category of violence against women in 2018. Though the protection under Domestic Violence Act was enacted in 2005, the NCRB only started collecting data under the law in 2014.

The effectiveness of the legislation depends on many factors including the extent to which the required support services are put in place by the State/Implementing agencies, on accessibility of the recourse by the women and the extent to which women are able to invoke the protection of law or at least internalize the view that violence in any relationship cannot be tolerated. It recognises that domestic violence impacts women on a number of fronts; it requires a coordinated multi-agency approach to provide effective remedies to survivors in the long and short-term. An important feature of this law is the way it imagines connectivity, communication and involvement of district, state and national level nodal departments, Police, Social welfare/Social defence department (responsible for recruitment and training of Protection officers; registration of service providers) and Health department (for counselling and provision of medical facilities) and the judiciary and NGOs.

STATEMENT OF THE PROBLEM

Having a law on domestic violence has the merit of putting in place a norm that any form of violence against women in a domestic relationship is not acceptable, but having a norm does not end the violence. Protection of Women from Domestic Violence Act sets up a civil mechanism to deal with the issue since the existing legal provisions in the Indian Penal Code and dowry laws were inadequate. Need for civil legislation arose from realization of not meeting justice only by focusing on violator and neglecting varied justice need of the victim. Moreover, the civil enactment against domestic violence has embraced the new form of violence and agony faced by women within four walls of the home.

There is a need to study the factors demonstrating differences in domestic violence in different circumstances, under-reporting of domestic violence, implementation of the provisions of Domestic Violence Act. The connectivity, communication and involvement of various stakeholders in the implementation of the Act and other agencies whose role are equally important in providing immediate assistance to the victims, like security, medical and counselling; also needs to be studied.

AIM OF THE RESEARCH

To find some answers to Research Questions below, so as to understand the problem and provide recommendations for fine tuning of law and administrative mechanism.

RESEARCH QUESTIONS

- I. What are the types of and reasons for domestic violence in different socio-economic strata, in different settings such as cities, small towns, villages?
- II. Whether there is still close link between dowry and domestic violence?
- III. Did victims of domestic violence seek to file complaint under ‘Protection of Women from Domestic Violence Act 2005’ or criminal provisions of IPC or both? If they did reach out for case registration, what was the institutional response?
- IV. Whether Protection Officers are easily accessible to aggrieved persons and information relating to Protection Officers is in public domain?
- V. Whether there is availability of proper infrastructure at the level of Protection Officers?
- VI. How effective are the roles of other agencies to provide immediate assistance to the victims in the form of security, medical and counselling;
 - (i) District Legal Service Authorities
 - (ii) One Stop Centres
 - (iii) Police Thanas/Women Cells

METHODOLOGY

In order to understand domestic violence from the perspective of the aggrieved and to evaluate the functioning of its relative laws, it is essential to use a mix of qualitative and quantitative methodology for analysis in the research. The research study shall use descriptive research method so as to include what, how, when questions, surveys and case studies. Study may rely on a mix of tools such as questionnaires, in-depth interviews, key informant interviews, participant observation, and review of

secondary sources along with survey formats.

The study undertaken should gather the primary data with the help of multiple questionnaires focusing on:

(1)Victims of domestic violence.

(2) Some percentage of total sample (atleast 10%) must also include females who have not come forward to make a formal complaint though they have been sufferers (for data about such cases, reference could be made to data sets of community-based organizations and NGOs).

(3) State authorities including Protection Officers, One-Stop Centers run by Women and Child Development Departments of state governments, legal authorities such as the Legal Services Authority at National, district and block level and the police.

Study should attempt to ensure inputs from victims and all the other agencies/authorities playing key role in the effective implementation of the Act and providing relief/assistance to the victims.

Research Sample: the research should be largely based on probability sampling method and lesser on non-probability sampling method so as to lower risk of sampling bias.

It should include array of stakeholders ranging from females aggrieved by domestic violence, family members of the aggrieved women; victims who have not come forward;Judicial Officers, Police Officers, Protection Officers, Advocates including Public Prosecutors, Legal Service Authorities, Officials of State Women Commissions, Counselors appointed in One Stop Centers, Health Professionals who deal with the victims of domestic violence, Family Counseling Cells, Self-Help Groups or Women Association.

LIMITATION OF THE RESEARCH:

- (i) The topic of research is very sensitive and participants may not express their views openly, as they think that their responses may damage the reputation of themselves and their families.
- (ii) Sometimes in this type of research, participants may also report the behavior that is believed to be consistent with their culture, rather than the actual. The respondents of the research may

provide data or information sought from the researcher based on their knowledge about any domestic violence case of any other family member, friend or colleagues.

(iii) Very often the researcher is limited by pre-conceived notions and cultural biases. It should be the effort of the researchers to see that such biases are minimized.

GUIDELINES FOR DATA COLLECTION:

- ✓ The identity of the aggrieved person can be anonymous.
- ✓ Diverse range of population with varied geographical, cultural, social, economic and class background to be included.
- ✓ Every effort to be made to ensure respondent's personal opinion is reflected rather than a blanket statement.
- ✓ One should not forget that people tend to answer in a way that makes them look like good people, a tendency called social desirability bias and it should be avoided.

QUESTIONNAIRE-A (For the aggrieved person from marital relationship/live-in relationship)

1) Personal Information:

- i. Name:
- ii. Age:
- iii. Marital Status:
 - a. Single
 - b. Married
 - c. Divorcee
 - d. Separated
- iv. Occupation:
 - a. Student
 - b. Home maker
 - c. Service Sector
 - d. Self Employed Professional
- v. Where do you live:
 - a. Village
 - b. Small Town (population upto 5 lacs)
 - c. Large Town (population between 5-20 lacs)
 - d. Mega City
- vi. Educational Qualification:
 - a. Primary
 - b. Secondary
 - c. Under-Graduate
 - d. Post-Graduate
- vii. Family Monthly Income:
 - a. 0-10,000
 - b. 10,000-20,000
 - c. 20,000-30,000
 - d. 30,000-40,000
 - e. more than 40,000

viii. Own Monthly Income:

- a. Nil.
- b. 0-10,000
- c. 10,000-20,000
- d. 20,000-30,000
- e. 30,000-40,000
- f. more than 40,000

ix. Who lives in your family:

- a. Husband
- b. Mother/Father
- c. Mother-in-law/Father-in-law
- d. Brother/Sister
- e. Brother-in-law/Sister-in-law
- f. Children
- g. All of the above
- h. None

2) Nature of harassment or torture inflicted:

- (i) Verbal abuse
- (ii) Physical violence
- (iii) Mental abuse
- (iv) Both mental and physical abuse
- (v) Financial harassment/Extortion of money
- (vi) Sexual Abuse

3) Perpetrators of violence/harassment:

- (i) Husband only
- (ii) Mother-in-law
- (iii) Father-in-law
- (iv) Sister-in-law
- (v) Brother-in-law

4) Frequency of harassment:

- (i) Daily
- (ii) Weekly
- (iii) Monthly/once
- (iv) Monthly twice or thrice
- (v) Occasionally

5) What is/are the reason for such harassment or torture?

- | | |
|--------------------------|--|
| (i) Demand for dowry | (ii) Alcoholism/drug abuse |
| (iii) Incompatibility | (iv) Extra marital relationship |
| (v) Ego conflict | (vi) Unsatisfied sexual relation |
| (vii) Without any reason | (viii) Any other reason (please mention) |

6) Was there any demand of dowry at the time of your marriage by your husband or in-laws?

- i. Yes
- ii. No

7) If yes, then - what was the demand?

8) Was your paternal home able to fulfil the total demand of dowry at the time of your marriage?

9) Did you share what was happening with anyone? if yes, who?

- i. Friend
- ii. Mother
- iii. Father
- iv. Brother
- v. Govt. Institution
- vi. Other

10) Did you seek help from anyone?

- i. Friend
- ii. Mother
- iii. Father
- iv. Brother
- v. Govt. Institution
- vi. Other

11) After knowing the fact that you were often being harassed by your husband/in-laws what was the reaction of your parents and how was their opinion?

- i. Favourable to you
- ii. Unfavourable to you
- iii. No opinion

12) Did you ever protest when your husband/in-laws harass you?

- i. Yes
- ii. No

13) Did you file any complaint or took recourse of any government machinery? If yes, which one?

- i. Police Station
- ii. Crime Against Women Cells
- iii. Police Officers
- iv. Protection Officers
- v. Advocates including Public Prosecutors
- vi. Legal Services Authorities
- vii. Officials of SWCs and One Stop Centres
- viii. Health Professionals who deal with the DV victims
- ix. Family Counseling Cells
- x. Self-Help Groups or Women Association
- xi. 181 Helpline/any other helpline
- xii. Any other agency (please specify)

14) Did you want to file a case or move to the Court for justice?

- i. Yes
- ii. No

15) If yes, then at whose instance you or your relatives approached the court for relief

- (i) Own initiative
- (ii) Through friends or relatives
- (iii) Voluntary organization
- (iv) Any other initiative

15. What was the reaction of the authority you approached?

- (i) Cordial and helpful
- (ii) Indifferent
- (iii) Hostile and refused to take complaint
- (iv) Asked for bribe

16. Were you able to get legal aid?

17. If compromised, reason for such compromise?

- (i) In the interest of the children
- (ii) In the interest of the natal family members
- (iii) Lack of economic support
- (iv) For my social security
- (v) Fear/Pressure
- (vi) Fear of loss of reputation

18. If no compromise reached, reason for such stand:

- (i) Self-esteem
- (ii) Economic independence and self-confidence
- (iii) Parental support available
- (iv) Women's organization's support
- (v) Irreconcilable differences

19. Has the harassment affected your children in any way?

- i. Yes
- ii. No

20. If yes; How:

- i. Personality Development
- ii. Mental Condition
- iii. Also victim of such harassment
- iv. Any other (please specify)

21. Reasons for not approaching the Court?

- (i) This is a common issue so did not feel it necessary
- (ii) In the interest of children
- (iii) Lack of economic support.

(iv) In the interest of natal family members.

(v) Social insecurity.

(vi) Ignorance of such relief

(vii) Lack of faith in the institution

22. Did your matter ever come before Panchayat or any such local institution?

(i) Yes

(ii) No

23. Do you have any knowledge about protection available under “Protection of Women from Domestic Violence Act 2005” or “Dowry Prohibition Act 1961”?

(i) Yes

(ii) No

24. (a) Do you have any idea about family counseling?

i. Yes

ii. No

(b) Did you ever visit any family counseling centre?

i. Yes

ii. No

(c) What was the response of the family counseling center?

(d) Was any other kind of counseling offered? Please explain.

23. Do you want to divorce your husband?

iii. Yes

iv. No

24. Does your husband want to divorce you?

i. Yes

ii. No

26. Do you want any maintenance from your husband after
Judicial Separation/ Divorce?

(i) Yes

(ii) No



Questionnaire-B (For the aggrieved women in Natal Family)

1) Personal Information:

- i. Name:
- ii. Age:
- iii. Marital Status:
 - e. Single
 - f. Married
 - g. Divorcee
 - h. Separated
- iv. Occupation:
 - e. Student
 - f. Home maker
 - g. Service Sector
 - h. Self Employed Professional
- v. Where do you live:
 - e. Village
 - f. Small Town (population upto 5 lacs)
 - g. Large Town (population between 5-20 lacs)
 - h. Mega City
- vi. Educational Qualification:
 - e. Primary
 - f. Secondary
 - g. Under-Graduate
 - h. Post-Graduate
- vii. Family Monthly Income:
 - f. 0-10,000
 - g. 10,000-20,000
 - h. 20,000-30,000
 - i. 30,000-40,000
 - j. more than 40,000
- viii. Own Monthly Income:
 - g. Nil.

- h. 0-10,000
- i. 10,000-20,000
- j. 20,000-30,000
- k. 30,000-40,000
- l. more than 40,000
- ix. Who lives in your family:
 - i. Husband
 - j. Mother/Father
 - k. Mother-in-law/Father-in-law
 - l. Brother/Sister
 - m. Brother-in-law/Sister-in-law
 - n. Children
 - o. All of the above
 - p. None

2) Nature of harassment or torture inflicted:

- (i) Verbal abuse
- (ii) Physical violence
- (iii) Mental abuse
- (iv) Both mental and physical abuse
- (v) Financial harassment/Extortion of money
- (vi) Sexual Abuse
- (vii) Economic abuse

3) Perpetrators of violence/harassment:

- (i) Father
- (ii) Mother
- (iii) Brother
- (iv) Sister-in-law
- (v) Any other relative

4) Frequency of harassment:

- (i) Daily
- (ii) Weekly
- (iii) Monthly/once
- (iv) Monthly twice or thrice
- (v) Occasionally

5) What is/are the reason for such harassment or torture?

- (i) Bias against girl child
- (ii) Alcoholism/drug abuse

(iii) Incompatibility

(iv) Right to choice in marriage

(v) Ego conflict

(vi) Right to choice in education

(vii) Without any reason

(viii) Orthodox Belief/Cultural reasons

(ix) Any other reason (please mention)

6) Did you ever protest against such harassment:

(i) Yes

(ii) No

7) Did you share the incident with friends/neighbours/colleagues (if working)?

(i) Yes

(ii) No

8) Did you seek help from your friends/neighbours/colleagues (if working)?

(iii) Yes

(iv) No

9) Did you file any complaint/took recourse of any government machinery? If yes, which one:

- i. Police Station
- ii. Crime Against Women Cells
- iii. Police Officers
- iv. Protection Officers
- v. Advocates including Public Prosecutors
- vi. Legal Services Authorities
- vii. Officials of SWCs and One Stop Centres
- viii. Health Professionals who deal with the DV victims
- ix. Family Counselling Cells
- x. Self-Help Groups or Women Association
- xi. 181 Helpline/any other helpline
- xii. Any other agency (please specify)

10) Did you want to file a case or move to the Court for justice?

iii. Yes

iv. No

11) If yes, then at whose instance you or your relatives approached the court for relief

- (i) Own initiative
- (ii) Through friends or relatives
- (iii) Voluntary organization
- (iv) Any other initiative

12) What was the reaction of the authority you approached?

- (i) Cordial and helpful
- (ii) Indifferent
- (iii) Hostile and refused to take complaint
- (iv) Asked for bribe

13) Were you able to get legal aid?

14) If compromised, reason for such compromise?

- (i) In the interest of the family reputation
- (ii) Lack of economic support
- (iii) For my social security
- (iv) Fear/Pressure
- (v) Fear of loss of reputation

15) If no compromise reached, reason for such stand:

- (i) Self-esteem
- (ii) Economic independence and self confidence
- (iii) Women's organizations support
- (iv) Irreconcilable differences

16) Reasons for not approaching the Court?

- (i) This is a common issue so did not feel it necessary
- (ii) In the interest of other family members
- (iii) Lack of economic support.
- (iv) Social insecurity.
- (v) Ignorance of such relief
- (vi) Lack of faith in the institution

17) Did your matter ever come before Panchayat or any such local institution?

- (i) Yes
- (ii) No

18) Do you have any knowledge about protection available under “Protection of Women from Domestic Violence Act 2005”?

(i) Yes

(ii) No

19) Did you face any difficulty in filing your case?

(i) Yes (Please specify)

(ii) No

20) Do you have any idea about family counseling?

(i) Yes

(i) No

(b) Did you ever visit any family counseling centre?

(i) Yes

(ii) No

(c) What was the response of the family counseling center?

(d) Was any other kind of counseling offered? Please explain.

21) Do you want any maintenance from your family?

(i) Yes

(ii) No

QUESTIONNAIRE-C(For the authorities)

1) Personal Information:

- i. Name:
- ii. Age:
- iii. Department:
- iv. Designation:
- v. Post held from the date:

2) What was the nature of domestic setup where cases of domestic violence are reported in a month (Please give year-wise data of last 10 years)?

- i Related by consanguinity (blood relations)–
- ii Related by marriage-
- iii Though a relationship in the nature of marriage (which would include live-in relationships)
- iv Through adoption-

3) Average number of domestic violence cases reported in amonth:

.....

4) Average number of domestic violence cases reported in last 10 years:

.....

5) What are the difficulties faced by you in handling cases of Domestic Violence?

6) Give year-wise breakup (last 10 years) of number of cases received/registered under each category:

- | | |
|----------------------------|-------------------------------------|
| (i) Verbal abuse | (ii) Physical violence |
| (iii) Mental abuse | (iv) Sexual abuse |
| (v) Financial exploitation | (vi) Both mental and physical abuse |

7) In the majority of cases reported to you, give year wise data (last 10 years) of who the perpetrators of violence was :

- | | |
|----------------------------|----------------------|
| (i) Husband only | (ii) Mother-in-law |
| (iii) Father-in-law | (iv) Sister-in-law |
| (v) Brother-in-law | (vi) Live in partner |
| (vii) Father | (viii) Mother |
| (ix) Brother | (x) Sister |
| (iii) All the above person | |

8) What is/are the reason for such harassment or torture, you can observe?

- | | |
|----------------------------------|--|
| (i) Demand for dowry | (ii) Alcoholism/drug abuse |
| (iii) Incompatibility | (iv) Extra marital relationship |
| (v) Ego conflict | (vi) Unsatisfied sexual relation |
| (vii) Without any reason | (viii) Bias against girl child by natal family |
| (ix) Right to choice in marriage | (x) Right to choice in education |
| (xi) Any other reason (mention) | |

9) How many victims actually want to go for legal recourse?

10) What are the major reasons you can see for not agreeing to approach the legal system?

11) What percentage of victims wants to resolve the issue through counseling/mediation?

12) What are the challenges faced by you while dealing with domestic violence cases?

- i. No action warranted by the aggrieved woman
- ii. Incapacity of shelter homes in the district
- iii. Lack of medical facilities
- iv. No proper counseling
- v. Overburdened with other engagements at work
- vi. Lack of funds

13) How many shelter homes operate in your district and number of cases reported there?
.....

14) How many One Stop Centres operate in your district and number of cases reported?
.....

15) Have you ever attended a gender sensitization/capacity building program?

- i. Yes
- ii. No

16) Any suggestion to improve accessibility of aggrieved person to state machinery

A Study on Interstate Women Migrant Workers in India

Introduction

The NCW Mandate

The National Commission for Women is mandated under Section 10 of the National Commission for Women Act, 1990 inter alia to participate and advise on the planning process of socio-economic development of women, to undertake promotional and educational research so as to suggest ways to promote a more equitable, gender-friendly society. In keeping with its mandate, the Commission undertakes special studies, organizes Seminars/Conferences and Workshops in collaboration with Universities/Colleges/ Research Organizations. The online proposals are invited from Central/State Universities/Colleges having valid “A+” or “A” or “B” grade under NAAC, for conducting Research Studies through empirical survey to study the problem. The empirical survey must be supplemented with secondary data to fulfill the aim of research.

Constitutional Freedoms

The Constitution of India guarantees freedom of movement for all citizens. The foundational principles of free migration are enshrined in clauses (d) and (e) of Article 19(1) of the Constitution, which guarantee all citizens the right to move freely throughout the territory of India, and reside and settle in any part of the territory of India. Article 15 prohibits discrimination on the basis of place of birth, among other grounds, while Article 16 guarantees equality of opportunity for all citizens in matters of public employment, and in particular prohibits the denial of access to public employment on the grounds of place of birth or residence.

The Constitution of India directs the State to make provision for just and human conditions for work and maternity benefit. The Interstate Migrant Worker’s (Regulation of Employment and Conditions of Service) Act, 1979 came into effect in 1980. There are various other legislations and policies related to workers namely, Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, Unorganized Workers Social Security Act, 2008. Apart from this, provisions of various labor laws like Employees Compensation Act, Payment of Wages Act, Industrial Disputes Act, Employees State Insurance Act, the Equal Remuneration Act, Trade Unions Act, 1926 and Maternity Benefit Act are applicable to migrant workers subject to qualifying provisions. Migrant labor are only one of the categories of workers in general. No doubt they are more vulnerable given that they come from other regions; but they share all the vulnerabilities and hardships suffered by other workers too.

Women migrant workers are a significant portion of the labour force. Many

policies and laws are in place but the women migrant workers face several hardships/problems such as low wages, health hazards, sexual exploitation and denial of fundamental rights. There are issues of health care, childcare and adequate arrangement of accommodation. The pandemic has merely highlighted pre-existing problems suffered by migrant labor.

Push and Pull Factors In Migration

Limited income opportunities in rural India create pressure on workers to migrate from their native places in search of employment. Other factors could be poverty, indebtedness, displacement due to natural calamities or unemployment etc. The non-availability of work in their own village either governmental or otherwise is a condition which prompts migration. There may be both push and pull factors. These could be the attraction of better employment opportunities, education, housing facilities etc. in urban areas.

Women who migrate could be— married women who migrate along with their husbands; unmarried women who migrate alone or with other unmarried girls; married women who stay back while the husbands migrate (both short term or long term). Whatever the category, women workers often remain invisible in official records. In case of married women in particular, studies say that while their husbands do figure in records, women tend to be left out perhaps because they do not originally intend to find employment and change their minds later.

Statement of Problem

Recent events show that most State Governments have limited institutional mechanisms for recording data about migrant workers. Only now are state governments waking up to the problem and many governments have said that they would take up skill mapping of the migrant labor who leave their states in search of work. They have also talked about building up databases of migrant labor, indicating that existing databases are rather incomplete and partial.

If this is the situation forty years after enactment of the Interstate Migrant Workers Law and other related laws, it may be possible that are basic issues in the design of the law itself.

Moreover, there is no national policy or scheme dealing specifically with migrant women workers. Women workers tend to remain invisible in data and hence in policy space too.

One of the constraints in framing an effective policy for migrants is lack of reliable data on migration. Census records and NSSO leave a significant impact on policy making but the lives of women migrants are generally missed out. Acts like ISMW Act, Unorganized Workers Social Security Act, Building and Other Construction Workers Act touch upon issues like crèche facilities, equal pay for equal wage, separate toilet facilities but do not address it in a

wholesome gender sensitive manner.

There is also substantial variation in labor laws between the states. Labor being a subject matter of the concurrent list, both Central and State List supplements the implementation of the laws. Governments are competent to legislate and therefore State to State practices may also be seen to be different.

The aim of the research is to understand(1) the effectiveness of the laws to meet stated objectives of the law; 2) effectiveness in implementation of these laws;(3) extent of awareness about their rights among women; and (4) special vulnerabilities faced by women workers on account of their gender.

Research Objectives: The research would test following hypotheses:

1. There are conceptual issues with the Inter-state Migrant Workers Act 1979 resulting in faulty design framework:

1.1. **No provision for women workers:** There is no specific provision pertaining to women and in particular women with special needs in the Migrant Workers' Act. This means that it becomes difficult to gather disaggregated data about men and women workers.

1.2. **Multiplicity of Agencies:** Migrant workers are spread over many sectors and different administrative mechanisms exist in each sector. In rural areas, it is the Department of Rural Development; in urban areas, it is the Department of Urban Affairs. Other agencies like the Department of Industries; urban local bodies and rural local bodies all have key interactions with migrant workers. For instance, the MGNREGA is a massive employment program that is run for nearly a decade now. Yet on the ground, only Labour department is made responsible for the entire group or class of migrant workers. Is it possible to develop an inter-departmental framework for dealing with migrant workers?

1.3. **Limited Institutional Mechanisms for Recording Data:** There is no mechanism of data maintenance regarding migrant workers and inter- state or intra state migration and data sharing across departments. Given the large numbers of departments involved, there needs to be some kind of information architecture that facilitates data sharing. We need to find out what kind of information systems exist on the ground level.

1.4. **Weak Monitoring Mechanism:** There is inadequate provision for monitoring implementation of various laws. We do not know if any state government offers self-reporting by the employers through a software application.

2. **What are the costs of Compliance with the Law:** The law does not address the cost of compliance or non-compliance for employers of migrant labor. How can this lacuna be addressed? Here we refer to the whole gamut of law dealing with migrant workers:

- I. Inter-state Migrant Worker's (Regulation of Employment and Conditions of Service) Act, 1979.
- II. Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act,
- III. Unorganized Workers Social Security Act, 2008.
- IV. Equal Remuneration Act, Trade Unions Act, 1926.
- V. Maternity Benefit Act
- VI. Employees Compensation Act,
- VII. Payment of Wages Act,
- VIII. Industrial Disputes Act,
- IX. Employees State Insurance Act

Research Questionnaire

To test these hypotheses, the study undertaken should gather the primary data with the help of multiple questionnaires focusing on different stakeholders like migrant workers in various sectors, contractors/employers, implementation agencies/Labor Departments. For purposes of comparison, study should survey both men and women migrant workers as well as men and women local labor.

Methodology

Survey method is to be used for the field research. The agency is expected to combine survey method with qualitative methods such as in-depth field interviews and focus group discussion interviews with stakeholders (informants). The questionnaires included are indicative in nature. Agencies are requested to include the questionnaires they intend to use in their proposals.

It is understood that very shortly the government would begin large food-for-work programs. So, we can expect to see laborers returning to such work sites in the next 2-3 months and surveys should be possible.

Secondary sources can be used to supplement the survey data and to interpret the data collected from the field.

Research Sample

Respondents should consist of:

- (1) Women migrant workers on work sites/Hospitals
- (2) Male partner/ members of family/ relatives of the Women migrant worker (They could be important to determine the sources of influence on the respondents based on their views on the women migrant workers)
- (3) Men migrant workers (for purposes of comparison of pay and working conditions)
- (4) Women local labor (for purposes of comparison of pay and working conditions)
- (5) Men local labor (for purposes of comparison of pay and working conditions)

- (6) Contractors/employers in various sectors (construction/health)
- (7) Implementation agencies/ Labour Departments.

Definitions suggested by NCW

- 1. For 'family', such persons as are included in the ration card issued by government, can be considered as family.
- 2. For 'migrant', any respondent who satisfies any 2 out of following 3 criteria can be classified as a migrant:
 - a. Resident in the given location for less than six months
 - b. Sends money home at least once every three months
 - c. Voter ID is not registered in this state but in a different state/home

GUIDE FOR SURVEYOR

- 1. Before starting the survey one may understand and identify the type of workers in the establishment.
 - i. Skilled
 - ii. Unskilled
- 2. For the purpose of comparison some male migrant workers may be interviewed.
- 2. For the purpose of comparison some local workers male/female may be interviewed
- 3. Focus on using open-ended questions.
- 4. The Departments responsible for the workers may be identified for interview (one in state capital and one at district level).
- 5. No sensitive questions shall be asked from the respondents that may affect their employment.
- 6. For health facilities, surveyor may discuss in small groups.

Indicative Questionnaire for Women Migrant workers

SCHEDULE 1: SOCIO-ECONOMIC PROFILE/MIGRATION

1. Name of the Respondent.....
2. Age.....
3. Caste/Community
4. Religion
5. Marital Status- single/married/separated/divorced
6. How many children do you have?
7. Education- none/up to primary/up to secondary school/completed high school/incomplete college/ complete college degree/ post graduate
8. Language of education
7. Native languages/languages spoken at home
8. Where is your birth place? State, district, town/GP
9. What government IDs do you possess? Aadhar card/voter ID/ration card/PAN card
10. Where is your ration card registered?Is it BPL/Antyodaya/ APL?
11. Where are you registered to vote?
12. Household profile

Member	Relationship to respondent	Age	Gender	Lives with respondent	Lives elsewhere (where)

13. Do you use toilets or open field?

14. Do you have cell phone/which brand? Do you have data connection? Are you happy with it; or if you wish to buy a new one in future? How do you “manage” without a cell phone? Depend on whom? What is your monthly expenses against cell phone vouchers/data usages?

15. Household Asset Profile (may use profile used in the socio-economic census)

SCHEDULE 2: MIGRATION

16. Present location- Where do you live right now? State, district, town/gram panchayat.

17. Since when have you been living here?

18. What is the language at the location where you live now? Can you speak /understand local language?

19. Why did you migrate from your native place?

- i. Poverty/low income
- ii. Lack of work at native place– Any one of the following
 - (1) Wages available in native place not as much as expected
 - (2) Type of work available in native place not what is expected
 - (3) No work available in native place
- iii. Availability of work in cities
- iv. Marriage
- v. Education
- vi. With Family
- vii. Business

20. Do you send money home frequently? How frequently? How do you send it?

21. Did you migrate alone or with someone? If someone, then who? Please provide their name and relation with you.

22. How long ago did you migrate? For this round(meaning that the migration happens regularly) or for the first time?

23. Who influenced you to migrate (identify their relationship with you)?

- i. Self decision
- ii. Guardian
- iii. Husband
- iv. Neighbors working in different town/ city
- v. Agent
- vi. Employers

24. Did the contractor or employer facilitate/assist in your migration?

25. Who covered the costs of migration journey and initial costs of living in the destination place?

26. Which rituals/religious festivals are important for you? How much you need to spend on those occasions?

27. Do you return home every year to celebrate any of these festivals?

28. Do you have annual family get-together in any ritual/festivals of the year? What do you usually plan to celebrate it?

29. What incident of happiness and tragedy would you like to remember?

30. Who is/are your immediate source(s) of influence/ impact: What information/advice they give you or what help you seek from them? How many times you meet them a year?

A. Informal social networks: male/ female members of family, anyone within family relations/community/ kinship

B. Formal governmental/political networks: ASHA/ members of Anganwadi/ Sarpanch/ BDO/Tahsildar/DM/ ward member/ MLA/ MP

31. Do you read newspaper/ see movies in cinema halls/ watch TV (which channels; what is your favourite programme)?

32. Do you use social media; what sorts of activities you do with it; receiving/sending messages/WhatsApp, emails? videocalls? Sharing videos, photos etc?? In what ways, cell phone helps you?

33. How do you perceive the city: What do you see as the most serious problem for your stay and life in the city?

34. Would you like to settle down in this city permanently? Under what conditions?

SCHEDULE 3: EMPLOYMENT

JOB PROFILE

1. In which sector/ industry are you working?
 - i. Construction Sector
 - ii. Brick Kiln Work
 - iii. Health/Hospital
2. When did you first start working?
3. Where did you start doing your first jobs? State, district, town/GP
4. Was your first job also in the same sector/profile? If not, what was the sector and profile then?
5. What kind of work do you do at present? (Questioner should be able to distinguish between unskilled labor, semi-skilled or skilled, supervisor). Indicative tables are given below:

Construction Sector

S. No.	Category	Migrant		Local	
		Male	Female	Male	Female
1	Unskilled workers				
2	Skilled Workers				
A.	Mason				
B.	Fitter				
C.	Electrician				
D.	Carpenter				
E.	Plumber				
F.	Painter				
3	Supervisor				

Health Sector

S. No.	Category	Migrant		Local
		Male	Female	
1.	Doctor			
2.	Nurse			
3.	Para Medical			

S. No.	Category	Migrant		Local	
	(X-ray technician, Lab technician etc.)				
4.	Ward attendant				

Brick Kiln

S. No.	Category	Migrant		Local	
1.	Unskilled workers	Male	Female	Male	Female
2.	Skilled Workers				
3.	Supervisor				

6. Any other details about work profile?

7. How did you come to know about your present job?
Relative/Friend/Contractor/Advertisement/Direct link with employer/Skills training centre/other (please specify)

8. For how long have you been working with this Company/Contractor?
Nature of your work?

- i. Permanent
- ii. Seasonal
- iii. Daily wager

9. Where were you working just before this job?

WAGES

10. Do you have a passbook issued by the Contractor? Yes/no/I used to have one/I have never had one/I was promised one but never got it

11. If yes, do you fill it in regularly?

12. Is your payment dependent on the entries in this book?

13. Have you ever used the passbook entries to demand wages or complain about non-payment of wages?

14. What is the frequency or conditions of payment in your work? Daily/Weekly/Fortnightly/Monthly/Piece rate/on completion of contracted amount of work

ASSISTANCE BY EMPLOYER

15. What minimum facilities you expect to be taken care of for your stay here?

What kind of support would you want from your contractor/employer?

16. Does your employer have any policy related to health? Yes/No/Not sure
17. Does your employers provide the following facilities? Provident Fund/Bonus/Clothes/Advance payment/Medical benefits/Accommodation/Overtime allowance
18. Does your employer have any policy related to health? Yes/No/Not sure
19. Did the contractor or employer help you find accommodation or provide assistance in settling into the location of work?
20. During times of crisis like Covid-19 or demonetization, has the employer or contractor offered you any assistance in cash, kind or some form of loan?
21. What forms of credit or financial assistance does the contractor offer at destination, in times of crisis?

GRIEVANCES

22. Are you part of a worker union?
23. If yes, since when?
24. Is the union successful in representing your problems to your employers?
25. Who do you go to if you have problems or grievances against your coworkers?
26. Who do you go to if you have problems or grievances against your contractor or employer?

27. Have anyone else you know,used passbook entries for demanding or complaining about wages?
28. What government schemes are you able to access in your current place of residence?
29. What is your expectation from the government in terms of problems related with work?

CARE WORK

30. Where do you leave your children while working?(women with small children) At home with relations/With neighbours/Anganwadi/Private creche/Take to work.
31. If you leave them at home, who is responsible to look after them from your family?
 - i.Husband
 - ii.Elder Son
 - iii.Elder Daughter
 - iv.Older relatives
32. Time Use:
 - (i) How many hours in a day do you work?
 - (ii) How many hours spent in cooking?
 - (iii)How many hours are spent in household chores?
 - (iv) How much time spent in entertainment?
 - (v) Looking after children and their education?

SCHEDULE 4: EMPLOYMENT GENERAL CONDITION

Following questions can be asked during Focus Group Discussion at construction sites/healthcare facilities.

ACCOMMODATION

1. Is your housing provided by your employer? Yes/no
2. If yes, does your employer cut your wages in lieu of housing rent? What is the quality of this housing? pakka/semi-pakka/kachha
3. What kind of housing do you live in at your location of work?
 - A. Rented
 - B. Owned
 - C. Employer-provided
 - D. Living with relations
 - E. Paying Guest/working women's hostel.
4. Who do you live with presently? With my family/with distant relations/coworkers/friends who work in other jobs/alone/other (describe)
5. If the accommodation is rented, do you have a written lease agreement?
6. Have you ever faced eviction threats, violence, sexual harassment from your landlord or someone representing the landlord?

HEALTH AND HYGIENE

7. What is the situation of water supply where you live?
Regular/irregular/very scarce
8. What is the situation with access to toilets? Exclusive use/shared with roommates and/or relations/shared with other tenants whom I don't know well
9. Where is the toilet located? Within my lived premises/very near my room/a short walk from my room/far from my room

10. Where do you go when you are not well? PHC/Govt hospital/Pvt hospital or nursing home/neighbourhood level private practitioner

WAGES AND TIME

11. When was the last time your wage was increased? Is it increased every year/every 2 years/regularly?
12. How common is it for workers to be dismissed at your workplace? Very common/not so common, but happens now and then/highly uncommon
13. How many hours do you work in a day? 8-10 Hours/10-12 Hours/Compulsory overtime?
14. Is forced overtime a common practice in your place of work? Yes/no/occasionally.
15. Do you get paid for overtime work? Yes/no

EXPECTATIONS REGARDING GOVERNMENT

16. Who is Sarkar? (asking this question could be important, though it is immediately difficult to get any clear views in one sitting of the interview; yet in the course of conversation over a period of time, it is possible; to ascertain her views on ideas of governmentality, state, and her identity as citizen subject than disempowered or subaltern subject; to know her views about the distinction between govt. at the center and her respective state)
17. What pro-poor/people governmental programmes have been done for you?
18. Do you benefit from such programmes? How do the benefits of such programmes reach you? Or, who implements such programmes at your village level?
19. What, in your opinion, are the challenges that beset such implementation of such schemes, and programmes?
20. If you do take advantage of such programmes, then why do you migrate?
21. Why don't you take advantage of such programmes and try to earn your livelihood so you do not need to migrate?

Questionnaire for Employers

1. Summary of employees on-job

Construction Sector

S. No.	Category	Migrant		Local	
		Male	Female	Male	Female
1	Unskilled workers				
2	Skilled Workers				
G.	Mason				
H.	Fitter				
I.	Electrician				
J.	Carpenter				
K.	Plumber				
L.	Painter				
3	Supervisor				

Health Sector

S. No.	Category	Migrant		Local
		Male	Female	
5.	Doctor			
6.	Nurse			
7.	Para Medical (X-ray technician, Lab technician etc.)			
8.	Ward attendant			

Brick Kiln

S. No.	Category	Migrant		Local	
		Male	Female	Male	Female
1.	Unskilled workers				
2.	Skilled Workers				
3.	Supervisor				

2. How are the workers recruited in your Company?

- i. Direct
- ii. Through Agent
- iii. Through CSOs

3. Do you maintain a payroll register of the workers/migrant workers?(If not then why not?

Yes/No

4. What other documents does the government require you to maintain?

5. When hiring workers, what documents do you ask the applicant to provide you?

6. How do you pay wage/salary to the workers?

- i. Online- meaning RTGS/bank credit/cheque
- ii. Offline- meaning cash/kind

7. Do you register the workers for any of the following?

- I. Provident Fund (YES/NO)
- II. Bonus facility (YES/NO)
- III. Cloth facility (YES/NO)
- IV. Advance Payment (YES/NO)
- V. Medical Benefits (YES/NO)
- VI. Insurance Facility (YES/NO)
- VII. Accommodation (YES/NO)
- VIII. Overtime Allowance (YES/NO)
- IX. LEAVE

8. What are the laws that govern your Company/Hospital/Establishment?

I. Interstate Migrant Worker's (Regulation of Employment and Conditions of Service) Act, 1979.

II. Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act,

III. Unorganized Workers Social Security Act, 2008.

IV. Equal Remuneration Act, Trade Unions Act, 1926.

V. Maternity Benefit Act

9. Any other social Security Scheme provided? If yes, under which scheme?

10. Has there been any complaint related to Sexual Harassment in the site/company? If yes, then how do you handle the complaint?

11. Whether the employees are registered with Unorganized Labour Welfare Board etc.?(this applies only for construction sector, not healthcare)

.....
12. Does anyone come from Government Department for inspection? How often do they visit? What do they inspect?

13. Do you need to fill any form in your Company/Establishment/Hospital regularly? If yes, who does it for you? How regularly?

14. How many workers are local and how many are migrants?

15. What do you think is your responsibility towards migrant workers?

16. How are conflicts resolved in the establishments?

Questions for Govt. Department- Rural Development/Urban Development/Labour Department dealing with the welfare of Migrant Workers

Interviewer may first get some information on the size of the department, number of inspectors, profile of other staff, whether any social workers are there, etc. For example, WCD staff and Education department staff could also be interacting with migrants as part of ICDS and children's education. Other questions can then follow.

1. Has the state government constituted Social Security Welfare Board as per the Unorganized Workers Social Security Act 2008?

- i. Yes
- ii. No
- iii. May be

2. How many contractors have been licensed as per the ISWM Act,1979 and how many establishments have been registered? Sector wise

- i. Construction site

3. How many health care establishments are registered under the ISMW Act.

4. How many workers have been registered by competent authorities as per the said Act?

Migrant		Local	
male	female	Male	female

4. What is the status of implementation of provisions relating to wage payments, displacement allowance, journey allowance, crèche and medical facilities?

- i. In progress
- ii. Completed
- iii. Incomplete

5. Are there any programmes targeting women migrant workers to make them aware about the support services available to them?

- i. Yes
- ii. No
- iii. Not sure

6. Is there a forum for them specifically for migrant women workers to raise their concerns, describe their realities around migration and informal sector?

- i. Yes
- ii. No
- iii. Not sure

7. Has there been any work on a scheme to set up National Coordination System to track movement of migrant workers? What is the state government's position on this?

- i. Yes
- ii. No
- iii. Not sure

8. What is the status of implementation of provisions relating to wage payments, displacement allowance, journey allowance, crèche and medical facilities?

- i. In progress
- ii. Completed
- iii. not completed

9. How many onsite inspections have been carried annually?

- i. 1-50
- ii. 50-100
- iii. More than 100

10. Have you faced any problem while carrying out inspections?

11. Have you faced any problem in gathering information?

12. How do you gather information about the various establishments employing migrant workers?

13. Is there any format/form for progress report? (If yes, please provide a copy)

14. What is the frequency of submission of report?

15. Is there any provision for submitting the report online?
