Appendices
Appendix I - Interview Schedule

1. Socio-economic Background:
   Name
   Address
   Date
   Age
   Date of marriage
   Religion
   Caste
   Educational background
   Occupation
   Income
   Location of employment
   Number of children
   Age, sex and place of birth of children

2. Interview with postpartum women:
   Can you describe the experience of your pregnancy?
   Did you have any difficulties in your pregnancy?
   If so, how did you treat these problems?
   Did someone check your health during pregnancy?
   Who? How often? What did they do during these checkups?
   Was it difficulty for you to carry out your daily chores while you were pregnant? Did anyone help you with your work?
   Did you take some indigenous medicines during your pregnancy?
   Did you take some allopathic medicines during your pregnancy?
   Did you make any special prayers or offerings to god or do any special ceremonies while you were pregnant?
   Where were you staying during your pregnancies?
3. Delivery:
   When was your baby born?
   Where was your baby born?
   Is your first baby a baby boy or girl?
   Who assisted you with the delivery?
   Please describe your experience with first delivery from the time you realized you were in labor until the baby was actually born.
   How did you know when to call someone for help?
   Whom did you call first?
   What did they do?
   If your delivery was in the hospital, who took you to the hospital?
   If your delivery was in the home, who came to your home to help?
   Was the delivery painful?
   Did you do anything to reduce the pain?
   Did you shout out during the delivery?
   Did you walk around during the delivery or were you lying down? What positions did you find most comfortable?
   Who cut the umbilical cord?
   Did you put the baby to the breast immediately after it was born? If not, when did you begin the breast feed?
   Have you had any difficulty breastfeeding?
   Are there any problems with delivering at home?
   Are there any problems with delivering in the hospital?
4. Contraceptive:
   Are you aware of the use of contraceptives for family planning?
   Have you ever planned for family planning? Is your husband/ in-laws aware of this?
   Which contraceptives you are aware of? Can you name them?
   Have you ever used any contraceptive? Which one?
   Whether your husband/ in-laws aware of this?
Appendix 2- Medical Termination of Pregnancy Act (MTP Act)

Since legislation of abortion in India, deliberate induction of abortion by a registered medical practitioner in the interest of mother’s health and life is protected under the MTP act. The following provisions are laid down.

- The continuation of pregnancy would involve serious risk of life of grave injury to the physical and mental health of the pregnant woman.
- There is a substantial risk of the child being born with serious physical and mental abnormalities so as to be handicapped in life.
- When the pregnancy is caused by rape, both in cases of major and minor girl and in mentally imbalanced women.
- Pregnancy caused as a result of failure of a contraceptive.

In practice, the following are the indications for termination under the MTP Act.

To save the life of the mother (Therapeutic or Medical termination):

The indications are limited and scarcely justifiable now-a-days expect in the following cases:

(i) Pulmonary tuberculosis, when superimposed pregnancy deteriorates the condition.
(ii) Cardiac diseases (Grade-III & IV) with history of decomposition in the previous pregnancy or in between the pregnancies are justifiable indications for termination in the trimester.
(iii) Chronic glomerulonephritis
(iv) Malignant hypertension
(v) Intractable hyperemesis gravidarum
(vi) Cervical or breast malignancy
(vii) diabetes mellitus with retinopathy
(viii) Epilepsy or psychiatric illness with the advice of a psychiatrist.

Social Indications

This is almost sole indication and is covered under the provision “to prevent grave injury to the physical and mental health of the pregnant
women”. In about 80%, it is limited to parous women having unplanned pregnancy with low socio-economic status. Pregnancy caused by rape or unwanted pregnancy caused due to failure of any contraceptive device also falls in this category (20%).

Eugenic: This is done under the provision of “substantial risk of the child being born with serious physical and mental abnormalities so as to be handicapped in life”. The indication is rare.

(i) chromosomal and enzymatic abnormalities of the fetus which are identified as factors responsible for transmission of certain inherited disorders.

(ii) when the fetus is likely to be deformed due to action of teratogenic drugs or radiation exposure in early pregnancy.

Taking hormones either in the form of tablets or injection for diagnosis of pregnancy or accidental pelvic X-ray (having less than 10 rad) is not a justifiable indication specially in first pregnancy, for termination.

(iii) Rubella, a viral infection affecting in the first trimester, is an indication for termination.

(iv) History of one or both parents being mentally defective or previous children being malformed, can be a reason for termination in consultation with a geneticist.

In the revised rules, a registered medical practitioner is qualified to perform and MTP provided:

(a) One has assisted in at least 25MTP in an authorised centre and having a certificate. (b) One has got six months house surgeon training in obstetrics and gynaecology.

(b) One has got diploma or degree in obstetrics and gynaecology.

Termination can only be performed in hospitals, established or maintained by the government or places approved by the government.
• Pregnancy can only be terminated on the written consent of the woman. Husband’s consent is required.
• Termination is permitted up to 20 weeks of pregnancy. When the pregnancy exceeds 12 weeks, opinion of two medical practitioners is required.
• The abortion has to be performed confidentially and to be reported to the director of Health Services of the State in the prescribed form.
Appendix 3- Sachar Committee Recommendations

Introduction

The Sachar Committee observed the widely prevalent perception among Muslims that they are discriminated against, are excluded from coming into the “mainstream” and are deliberately pauperised. Muslims carry a double burden of being labelled as “anti-national” and are being “appeased” at the same time. “The perception of being discriminated against is overpowering amongst a wide cross section of Muslims resulting in collective alienation.”

According to the 2001 census, the total population of Muslims was enumerated as over 13.8 crores, which would have crossed 15.0 crores in 2006. Muslims in India are widely dispersed. In only 20 districts out of 593 districts in India Muslim population exceeds 50%. A relatively larger proportion of Muslims lived in urban areas compared to the population as a whole. The committee also convincingly demolishes the much hyped misconception that due to their relatively higher growth rate, Muslim population would overtake the Hindu population in near future. In fact, while Muslim population would continue to grow in absolute terms, their proportion to the country’s total population would never exceed 20%. The committee also found that Muslims have largely participated in the country’s family planning programmes. Further migration has played only a minor role in the population growth in Muslims. It was noted that “Muslims population growth has slowed down, as fertility has declined substantially, clearly showing that Muslims are well into demographic transition.”

The committee’s analysis showed that Muslims in India rank much below upper caste Hindus, Hindu OBCs and, ‘Other Minorities’ in almost all indicators. In many instances their lot is even worse that that of SCs/STs. The situation is grave in West Bengal, Uttar Pradesh, Bihar and Assam, the four states which account for 54% of the total populations of Muslims in India.

The committee strongly felt that a mechanism to ensure equity and equality which will ensure elimination of the perception of discrimination among Muslims will only be possible when the importance of Muslims as an intrinsic part of the diverse social mosaic of the country is squarely recognised.

The committee has suggested immediate steps to deal with the relative deprivation of Muslims and recommended strong focus on inclusive development and “mainstreaming” of the community while respecting exciting diversity. It has set out its recommendations in two broad categories General Policy Measure and Specific Policy Initiatives.
However, the Committee has stressed that for achieving maximum impact, ALL recommendations are adopted together and NOT piece meal. A greater focus on women would have multiplier effect.

**GENERAL POLICY MEASURES**

**Data Availability and Monitoring of Development Benefits**

Availability of detailed data on socio-economic conditions for SRCs is a prerequisite for good governance. The Committee faced acute problems of non-availability of relevant and comprehensive data and felt that there is therefore an immediate need to make urgent efforts to collect, collate and consolidate data on a regular basis and make it available to researchers and the public. Hence the Committee recommended:

1. **Creation of an autonomous National Data Bank (NDB) for all Socio Religious Categories (SRCs) with necessary powers including the power to call information drawn from all concerned including the central and state governments.**

2. **An autonomous Assessment Monitoring Authority (AMA) to be set up for assessing and monitoring on concurrent basis, the extent of development benefits accruing to SRCs, including Muslims, through various development programmes.**

**Provision of Equal Opportunities**

*The existing mechanisms e.g., National Human Rights Commission and National Minorities Commission have a limited role in reducing the widely prevalent perception among Muslims of acute discrimination and deprivation. If Muslims continue to have these perceptions, law must provide an effective means which should examine the complaints and be able to give effective relief. The state must find a mechanism which is accessible and effective to deal with the related issues. It is therefore recommended that:*

1. **Equal Opportunities Commission (EOC) is established to look at the grievances of deprived groups. For reference UK Race Relations Act 1976, may be considered.**

**Participation in Governance**

*It is observed that over the last 60 years minorities have scarcely occupied adequate public spaces. The participation of Muslims in nearly all political spaces is low. They are marginalized and either have inadequate numbers that undermines their presence felt in the normal course of governance or they are not politically empowered. In some instances there is a deliberate attempt to restrict their representation. Therefore there is a strong case for putting up mechanisms in place that enable them to engage in democratic processes at various levels of policy and governance... The Committee recommended***
• Formulate and implement carefully conceived new nomination procedure and enact appropriate state level laws on the lines of initiatives taken by the Andhra Pradesh Government model to ensure Minority Representation in Local Bodies

• Eliminate the existing anomalies with respect to reserved constituencies under the delimitation schemes. Adoption of a more rational delimitation procedures that does not reserve constituencies with high minority population shares for SCs, will improve the opportunity for the minorities, especially the Muslims, to contest and get elected to the Indian Parliament and the State Assemblies. Evolve other methods to enhance political participation of Muslims.

• Develop a Diversity Index and link various incentives meant for the benefit to Muslims with such an index. Larger grants, incentives to private sector and builders of housing complexes may be linked with the achievement of greater diversity.

• Earmark a certain part of Jawaharlal Nehru Urban Mission (JNNURM) for creating Common Public Spaces.

• Initiate a Large scale “Sensitization Program”, for all those who come in direct public contact regularly, for minimizing discrimination on religious or any other ground: with a focus on health personnel, teachers, police and other security personnel’s.

SPECIFIC RECOMMENDATIONS.

Literacy and Education

_Literacy ratio among Muslims_ was 59.1% in 2001, far below the national average of 65.1% and for ‘all Others’ of 70.1%. Generally speaking the literacy rate for Muslims in India was not much different than those of SCs/STs. In Uttar Pradesh, Bihar, Assam and Jammu & Kashmir the figure was less than 50%. _Enrolment rates_ for Muslims according to recent data were 78% of the national average... As many as 25% Muslim children of age group 6-14 have either _never attended_ school or have dropped out... The _drop our ratio_ is by and large highest for Muslims children in this age group. _The Mean Years of Schooling in age group_ 7-16 was 3 years and 4 month for Muslim children compared with the national average of 4 years, and 3 years 5 months for SCs/STs and 4 years 5 month for ‘all others.’

In terms of _Educational Attainments_, Muslims have fared worse that even SCs/STs. **In 2001, 60.9% Muslims had completed at least primary school.** Compared with 61.4% SCs/STs and 79.3% of ‘all others’. Those who completed at least _middle level_ education were: Muslims 40.5%; SCs/STs 41.3% and ‘all others’ 62.7%. Only 23.9% Muslims completed at least _matriculation_ which was about half of 42.5% level achieved by “all others”, but was somewhat better than 21. % by SCs/STs. The attainment levels in states where large proportion of Muslim reside, West Bengal. Uttar Pradesh, Bihar and
Jharkhand were much lower and the condition of females in this regard was even worse. The Committee therefore emphasized the need to focus attention on education of Muslims.

School Education:

The committee felt that a sharper focus on school education is desirable. It noted that once the “Hurdle” of passing school education is crossed, the existing gap between the likelihood of completing graduate studies narrows down and in many instances, the situation is not much different among various SRCs. In this context the fulfillment of states constitutional obligation to provide free and compulsory education up to age 14 is critical for Muslims. The Committee recommended:

- Facilitate full access to free and fair high quality school education to all children in age group up to 14 years which is obligatory on State, and is most urgent for the Muslim community:

- Set up high quality schools in all areas of Muslim concentration. Set up exclusive schools for girls particularly for 9-12 Standards

- Initiate and institutionalize the process of evaluating the contents of school text books to purge them of explicit and implicit contents that may impart inappropriate social values, especially religious intolerance. School books should emphasize diversity and tolerance.

- Create local Community centers. In this effort Government, NGOs and the private corporate sector should cooperate

- Provide education in Mother tongue for which undertake appropriate mapping of areas where Urdu speaking population is concentrated. Utilize funds from JNNURM for this purpose.

Technical Education and Training for Non-Matriculates

Abnormally high number of Muslim students drops out after completing their middle level school education which debar them from getting admitted to almost all vocational training programmers run by the polytechnics, the committee therefore recommended:

- Pre-entry qualification for admission to vocational training programmes should be reduced to class VIII.

- Further the scope of ITI courses is expanded to focus on emerging market need for including those of the retail sector where the scope of getting employment

- Skill development initiatives of polytechnics should focus on sectors which have high growth potentials in which Muslim population is concentrated.
The training initiatives should focus in areas where Muslim population is concentrated.

- Eligibility of such programmes should also be extended to Madarsa educated children as they are currently ineligible to get trained under formal technical education streams

Higher Education

According to 2001 Census less that 4% amongst Muslims of age 20 years and above are graduates as compared to 7% national average. In relation to the total graduates in 2001 Muslim graduates were only 6.3% which was lower that 8.2% SCs/STs and 85% all others. The disparities in graduation attainment rates is widening since 1970's between Muslims and other categories in both urban and rural areas. Only one out of 25 undergraduates and one of 50 graduate students is Muslim in premier colleges. The Committee therefore recommended a two pronged strategy to correct this deficit by increasing completion rates among Muslims.

- University Grants Commission should evolve system where a part of the allocation to colleges and universities is linked with the Diversity in the student population. Private colleges run by minorities are provided with funds to encourage such diversity of student’s population.

- The minority institutions are typically not accessible to the poor students from these communities. Low fee combined with merit-cum means-scholarships partly funded by government grants, would enhance the participation of poor among the minorities.

- State funding may be linked to “alternative admission criteria as follows:
  - Admissions should be based on scores divided as under;
  - Merit 60%; Backwardness 40% (Where backwardness further defined as the sum of; household hold income (as revised periodically), 13%; backward district 13%; backward class 13%)

Provision of Hostels

1. Provide hostel facilities at reasonable costs for students from minorities must be taken on a priority basis at taluka headquarters and educational centers. State can facilitate community initiatives in this area through grants and other support

2. Also boarding houses may be constructed for backwards SRCs in taluka headquarter where large number of poor minority and other children can stay and study in local school; among others this step would reduce the drop out rates and ensure retention to higher secondary levels
3. The above two initiatives should be funded from special funds from Central Government, from Wakf funds, donations from NGOs and from multilateral agencies.

Teachers training Programs.

1. Teachers training should compulsorily include in its curriculum components relating to sensitizing towards needs of Muslims. The implementation of this should be monitored by National Council of Teachers Education (NCTE). Effort should be made to enhance the participation of Muslims in the cadre of Para Teachers

2. Preference to be given to teachers who can instruct through Urdu medium in all teachers' training departments in states where Urdu speaking population is substantial.

Support to Urdu Language.

Urdu language is not a language of the Muslim alone. The language has been neglected. The fallout of this has been inadequate access to education in the mother tongue for many Urdu speaking children. The neglect has also resulted in the poor performance of Urdu medium school students because of poor infrastructural facilities and absence of adequate number of qualified teachers. The Committee recommended:

1. It is imperative that Urdu language is supported by providing regular stream of Urdu teachers. Given the commitment to provide primary education in the mother tongue, the State is required to run Urdu Medium schools.

2. Urdu should be accommodated in schools of the Hindi region with a view to correcting the distortions made in the three Language Formula.

3. The existing anomaly of reserving Urdu teacher's posts for SCs/STs candidate needs to be corrected urgently.

4. High Quality Urdu medium schools can be opened in that part of the country where there is a demand for them; at the same time good quality text books in Urdu language are made available and those who pass with Urdu medium should be ensured suitable employment.

5. Urdu should be introduced as an optional subject in all Government and Government aided schools in States having a substantial Urdu speaking population.

Madarsas and Mainstream Education.

Madarsas should not be looked upon as alternatives to regular school as only 4% children been covered by them, but a compliment. These informal learning centers have definitely played an important role in providing religious education. However following steps are desirable:
1. Work out mechanism for linking madarsas with higher secondary school board so that students wanting to shift to a regular/mainstream education can do so after having passed from Madarsas.

2. Provide equivalence to Madarsa certificates for subsequent admission into institutions of higher level education.

3. Recognition should be given to the degrees from Madarsas for eligibility in competitive examinations such as Civil services, Banks, Defence Services and other such examinations within the existing framework of these competitive examinations.

4. Modernization of Madarsas Scheme, 1990 should be carefully reviewed before it is expanded.

**Access to Credit and Government Programmes.**

Flow of Credit to Muslims is quite limited. Comparative analysis show that access of “other Minorities” to credit from banks and other programmers is far better than Muslims. In some programmers where Muslims are principal beneficiaries, the total flow of credit has been low. It is also clear that a much higher proportion of Muslims is present in “persons below the poverty line”.

Analysis of bank Priority Sector Advances shows that while Muslims are able to get loans sanctioned, the amount obtained for, on average, is small in comparison to other groups. The state level analysis of the same data in the four states having large number as well as proportion of Muslim population, namely, WB, Kerala, UP and Bihar presents a “depressing scenario”. The situation in other states is broadly similar. The inescapable conclusion that emerges is that while banks are being able to direct credit to minorities, they are not able to do so specially for Muslims. The district wise analysis suggest that availment of credit by Muslims is poor with respect to their population share. The outstanding amount per account for Muslims is about half that of other minorities and one-third of others.

RBI’s effort to extend banking and credit facilities under the PM’s 15 point programme has mainly benefited other minorities, marginalizing Muslims. Muslim community is not averse to banking and more improvement can be brought about with specific measures. The Committee recommended:

1. To correct the existing deficit in the provision of banking facilities in Muslim Concentrated areas, it should be made incumbent on banks to provide information about the localities to which loans have been disbursed. A simple regulation on the lines of the government of United States should be adopted.

2. Promote and enhance access to Muslims in Priority Sector advances. All residual funds arising due to non-fulfilling of targets should be parked with NMDFC, NABARD and SIDBI and specific programmes should be funded from this amount.
3. Policy initiatives are needed to improve the participation and share of Minorities, particularly Muslims in the business of regular commercial banks.

4. Banks should be provided incentives to open branches in Muslim concentration areas. RBI should periodically report Priority Sector Advances containing data on sanctions and disbursements along with "amount outstanding".

5. Public programmes should be extended to include more schemes and should also include lending by NABARD and SIDBI.

6. SIDSBI should set aside funds for training for minorities under its Entrepreneurial Development Programmes, particularly in areas of artisanship where there is substantial presence of Muslims.

7. A policy to enhance the participation of minorities in the micro-credit schemes of NABARD should be laid down, spelling out the intervention required by NABARD through a mix of targets and incentives schemes based on the percentage of Muslims in the villages.

8. The practice already in vogue for SC/STs should be made applicable for Muslims also by including experts from the community on relevant interviews panels and boards for increasing participation in government employment and other programmes.

9. All 58 districts with 25% or more, Muslim population should be brought under Prime Minister's 15 Point Programme.

10. A special assistance programme for the development of these 58 districts should be launched.

11. The same principles should be applied for devising special programmes at the Unit/Taluka/Block level having similar concentration of Muslims.

12. It should be made mandatory to publish/furnish information in a prescribed format once in three months and to post the same on the Websites of the concerned department and the state government. Such steps would enhance the transparency in information about minorities.

13. Defaults and delays in processing, rejection of applications at the state/district/block level should be reported in a prescribed format. Applicants should have full right to information about the status of the application which should be made known to him on request. This is a far reaching measure which will benefit all communities including Muslims.

14. Detailed data should be collected regularly on the proportion of different SRCs in Government programmes at centre and states level and made available to NDB which will maintain it and make it available to users.
15. The Central Government should introduce a few Schemes with large outlays for the welfare of minorities with equitable provision for Muslims. This is necessary to sharply reduce the disparities of access and attainments.

Employment Opportunities and Conditions.

To enhance governance in a pluralist democratic country a reasonable representation of various communities is necessary. It is observed by the Committee that the presence of Muslims in the most preferred organized sector was very limited. Of the total government employees only 4.7% were Muslims, and in all PSUs the percentage was 7.2%, and in central PSUs it was 3.3%. The presence of Muslims was found to be only 3% in IAS, 1.8% in IFS and 4% in IPS. The share of Muslims in various departments was abysmally low. In railways only 4.5% employs were Muslims and about 98.7% of them were positioned at lower levels. Similarly the share of Muslims in security agencies was as low as 3.6% at the higher level and 4.6% at the lower level. Interestingly about 11% of group jobs were held by those belonging to other minorities. Similar situation prevails in post and telegraph, teaching, banks central and state PSUs. At the state level in no state the representation of Muslims in the government departments match their population share. Even in judiciary where the recruitment procedures are considered to be quite fair, the low presence and participation of Muslims has been a major point of concern. Compared to 23% belonging to OBCs and 20% of SCs/STs, the representation of Muslims in judiciary was about 7.8%. The presence of Muslims at higher level judicial positions such as session judges and so on is nominal.

A large section of Muslims, particularly women, are engaged in self-employment activities and home based work... A significant number of those who are employed are employed in the stagnant sectors and only a small fraction are employed in formal sectors: e.g. government, semi government and private sector. The Committee felt that there is a need to ensure a significant presence of Muslims especially in those Departments that have mass contact on a day to day basis or are involved in sensitive tasks. It therefore recommended:

1. Provide financial and other support to initiatives built around occupations where Muslims are concentrated and those which have greater development potential.

2. For skill up gradation polytechnics and other institutions that provide skill training to a non-matriculation need to be located in areas/clusters which have large concentration of Muslims.

3. A Mandated Social Security system for self-employed persons especially the home-based workers is desirable; the casual workers in the informal, sector should also be able to participate in such schemes.

4. For raising public confidence in the existing recruitment system inclusion of Muslims in selection committees and interview panels may be considered.

5. It is important to increase the employment share of Muslims particularly where there is a great deal of public dealings. For achieving this, efforts
should be made to increase the employment share of Muslims amongst the teaching community, health workers, police personnel's, bank employs and so on. Employers should be encouraged to endorse their organizations as Equal Opportunities Institutions so that applicants from all SRCs may apply” A time bound effort in this direction is desirable.

6. A audio-visual propagated and visible recruitment derive meant for the under privileged ad vulnerable persons and prompting of sections like women, minorities, OBCs etc., to apply under such derives will be helpful as Muslims have been found to perform well at the interview stage both for public and private sector jobs.

7. It may be useful to have at least one Muslim Inspector/sub Inspector in the Muslim concentrate thanas, Muslim heath Personnel in health units located in such areas; a few Muslim teachers in schools located in such areas and so on.” with a view to building Muslim

Minorities Targeted Programmes

The Committee noted that only a few beneficiary oriented programmes were in existence and even under these programme concerned authorities were unable to furnish data according to the religion of the beneficiaries. The analysis of data submitted by some states for 4 years 2002 to 2006 though inadequate led to the following key findings. While Muslims constitute 30.7% of the poor in Kerala their share under various government programmes ranges between 5% to 18%. The share of Muslims beneficiaries in U.P. ranges from 3% to 14% against their share of 24% among poor. The states which submitted data to the Committee the overall coverage of Muslims is unsatisfactory. During three years 2002-3 to 2005-6 the Molana Azad Foundation sanctioned only Rs. 27 crores. This foundation was established in 1989 to promote education among educationally backward sections of society. The coverage is as low as 0.1% of the eligible girls from below poverty line section of the Muslim community.

While Muslims have befitted from the activities of NMDFC it should be noted that the total flow of credit from this institution in comparison to the flow of through banking and other financial institutions is extremely limited. Obtaining of guarantee from the state government remains the biggest hurdle to getting loan from NMDFC.

The share of Muslims in the total funds disbursed by the National Backward Classes Finance and Development Corporation (NBCFDC) is; only Rs 23 crores of Rs. 247 crores; which appears to be extremely low compared to the share of Muslim OBCs population The Committee concluded that:

• The Committee observed that for the Maulana Azad Foundation to be effective the Corpus fund needs to be increased to Rs.1000 crores.

• Apart form collecting appropriate data for evaluation purposes, there is a need to sensitize the state bureaucracy at all levels to include Muslim in the different programmes.
- Muslim participation in elected bodies is known to be small e.g., of the 543 candidates in current Lok Sabha only 36 are Muslims. Despite the low presence of Muslim in elected bodies they can be involved in the decision making process through innovative mechanisms. The experiment undertaken by the Andhra government can be used to enhance Muslim Participation in the decision making processes.

Muslim OBCs and Affirmative Action

The Committee observed that there was a widespread demand among Muslims for affirmative action, especially in the form of reservations. The Committee therefore devoted considerable attention on discussing the place of minorities in the area of affirmative action. It noted the finality of the 9 member SC constitutional Bench’s Judgment in the Indira Sawhney case vs. the Union of India, which has upheld the concept of caste as a basis of classification “a caste can be and quite often is a social class in India”. As regards backward classes among non-Hindus, the Court held that they should “be identified on the basis of their traditional occupations”. This ruling along with the 50% cap imposed by a regular bench of SC in Balaji vs. the State of Mysore currently forms the existing law of land on affirmative action.

Since the Presidential Order (1950), restricts the SC status only to Hindu groups having unclean occupations, their non-Hindu equivalent among Muslims have been bracketed with the middle caste converts and declared OBC. The Tamil Nadu government has done away with reservation on ground of religion, yet nearly 95% Muslims have been included within the fold of backward classes. Indeed, the Committee found three different models for affirmative action for Muslims backwards in the country as summarized below:

a. Reservation of seats for the entire Muslim community (excluding the creamy layer): Kerala and Karnataca.
b. Reservation on the basis of backward castes/bradries but most of the Muslims groups included covering 95% of Muslims population: Tamil Nadu.
c. Bifurcation on the basis of backwards and most backwards (MBCs), most of the Muslim backwards in the MBC list: Bihar

It was noted further that at least 82 different social groups among Muslims were declared OBCs by the Mandal Commission. The Mandal Commission listed those groups as OBCs which were present both in central and state lists, this led to the exclusion of many backward groups from among all community groups. The discrepancy could not be fully resolved even by the intervention of the National Backwards Classes Commission which was formed in 1993. For example of the 37 communities for Muslims listed in Madhya Pradesh, only 27 of them found in the central list; in Bihar 17 OBC groups have still to find place in the central list; in U.P, 2 groups, in Gujarat 8 groups and as many in Maharashtra have not been included in the central list. Further there are few groups among Muslims that have found place in the central list but are yet to be included in the state lists.

Most of the variables indicate that Muslim-OBCs are significantly deprived in comparison to Hindu-OBCs. Around half of the Muslim OBCs children are not attending
school. The work participation rates for Muslims are lower for Muslim OBCs. Unemployment rates are the highest among Muslim OBCs as compared with other SRCs. The Committee estimates indicate that while out of every 100 workers about 11 is Hindu OBCs; only 4 are Muslim OBCs.

The Monthly Per Capita Expenditure for all Muslims is much lower than the National Average and even lower than Hindu OBCs. Over all the inequality levels in monthly expenditures are somewhat higher for Muslim OBCs, as compared to other SRCs. While Hindu OBCs continue to be relatively deprived in terms of all-India data, the Muslim community as a whole is lagging behind Hindu OBCs. The abysmally low level of representation of Muslim OBCs suggests that the benefits of entitlement meant for the backwards classes are yet to reach them. The condition of Muslim in the General category is also worse than the Hindu OBCs who have the benefit of reservation.

- Having discussed the basis of caste/class categorization the Committee concluded that “by clubbing the Arzals (Muslim SCs/STs) among Muslims in all encompassing OBC category overlooks the disparity in nature of deprivation and felt that “it would be most appropriate if they were absorbed in SC list or at least in a separate category Most Backward Classes (MBCs) carved out of OBCs.”

- The Committee concluded that “Based o the arguments and data presented here it is logical to suggest that Muslims in India , in terms of their social structure , consist of three groups- ashrafs, ajlafs and arzals. The three groups require different types of affirmative action. The second group, ajlafs/OBCs need additional attention which could be similar to the Hindu- OBCs. The third group, those with similar traditional occupation as that of SCs, may be designated as Most Backward Classes( MBCs) as they need multifarious measures, including reservations, as they are ‘cumulatively oppressed’.

Enhancing the efficacy of Infrastructure Provisions.

The availability and access of Muslims, of social and physical infrastructure: schools, health units, drinking water, sanitation etc is much lowers that other SRCS. While the number of service providers from the non-governmental organizations is on the rise, public provision of infrastructure remains critical and desirable. In many situations it was alleged the service providers have inherent biases and show resistance to reach out to the Muslim Community. To correct this situation the Committee recommended:

1. The Servicing staff assigned for provision of social infrastructure facilities should be sensitized regarding “issues of social exclusion”; it will assist reducing the inadequacy in the access and availability of these facilities to Muslims.

2. Credible NGOs from Muslims Community face many problems in getting these organizations registered, it is therefore recommended that “the registration of trusts set up by the (Muslim) community such as Wakf institutions and mosque committees should be facilitated”.

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3 The government is well advised that all villages/towns/habitations be provided with basic amenities, good quality government schools and health facilities, pucca asphalt roads and general improvement in living conditions, without exclusion of any SRCs.

Muslim Community Initiatives.

Besides Madarsa education, other community specific initiative relates to Wakf Properties. Committee noted that there are more than 4.9 lakh Wakfs spread over different the states and union territories of India. Largest concentration of Wakf properties was found in West Bengal (148,200) followed by U.P. (122,839). Other states with a sizable number of Wakfs are Kerala, Karnataka, and Andhra Pradesh. The total area under Wakfs all over India is about 6 lakh acres and their book value is estimated at Rs. 6000 crores. The market value of these properties will be many times larger; e.g., in Delhi alone such properties were valued at Rs. 6000 crores in a recent study. The total value of Wakfs in India at market rates is estimated at Rs. 1.2 lakh crores. This should generate an annual income of Rs. 12000 crores at current rate of 10%. This potential income is many times higher that the current income of only Rs.163 crores. The enhanced income from such properties could be used profitably for the charitable activities for which Wakfs are meant, including education, health, and support to poor, maintenance and development of charitable institutions, mosques, marriage halls etc.

The Committee felt that deeper malaise and misuse of Wakf properties both by individuals and institutions has eroded the importance of this hugely potential community initiative. Such a state of affairs exists due to a number of organizational, managerial and legal impediments. The information provided by the committee should be sufficient to initiate corrective action especially by the government and legal system which will enable the Wakfs to be put to good use. The suggested measures by it would become more effective if there is Community participation, and in this context utilization of Wakf property can provide partnership opportunities between government, the private sector and the Muslim Community. Immediate attention of the concerned authorities for better management of Wakf properties through various necessary legal and administrative steps as suggested would go a long way in correcting the deficiencies and flows in Wakf management”. The committee recommends:

1. High legislative, administrative and judicial priority should be accorded to Wakf in order to improve the management of about 5 lakhs Wakf properties spread across India
2. Provide a technical advisory body for development of Wakf properties both at state and national levels, comprising of representatives of all concerned and experts from institutions. All Wakf properties should be developed, mortgaged or encumbered only with the concurrence of the state or central Technical Advisory Body as the case may be.
3. It is of utmost importance to provide for at least two women each in the Central Wakf Council and each state Wakf Board.
4. A full time President should be appointed (in place of s union minister) from out of eminent persons like, high court judges, chancellors, Vice chancellors
of universities and former chiefs of State wakf boards, and the Council should be reconstituted as suggested by the Committee.

5. The chairman and members of the state Wakf Boards can be selected from a list of eminent persons in each state.

6. The government may consider creating a new cadre of Group A officers with knowledge of Islamic law to deal with the specific affairs of the Wakfs efficiently.

7. All Wakfs are compulsorily brought under the scheme of financial audit.

8. A national Wakf Development Corporation may be constituted by the Central Government with a revolving corpus of Rs. 500 crores.

9. An amendment exempting the Wakf properties from the purview of the rent control Act within the Wakf Act is urgently needed.

10. The Committee is of the firm view that law should not be used for acquiring Wakf properties and recommends that to ensure this on permanent basis the Government should take appropriate action.

11. Wakf Tribunals should be manned by full time officers appointed exclusively for Wakfs purposes.

12. The Public Premises (Eviction of unauthorised Occupation) Act, 1971 should be applied to remove encroachment from Wakf properties and arrears of rent at market rates should be recovered as arrears of land revenue.

13. The exemption of Wakf properties from some enactments should serve the greater philanthropic purpose of Wakf properties.

In conclusion, the Committee expects that the above recommendations will receive the attention with all emphasis and thoroughness that they deserve. It is also expected that the Report would invoke and promote response from the civil society which will ensure that the policy measures initiated by the state in pursuance if these recommendations receive full support and active cooperation from all sections of society including the Muslim Community.
### Appendix 4: When to start combined oral contraceptives

<table>
<thead>
<tr>
<th>Phase</th>
<th>Recommended Guidelines</th>
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<tbody>
<tr>
<td>Having a menstrual cycle</td>
<td>Within 5 days after the start of her menstrual bleeding.</td>
</tr>
<tr>
<td>Amenorrhea</td>
<td>Any day if she is reasonably certain that she is not pregnant. If it has been more than 5 days since menstrual bleeding started, she will need to abstain from sex or use additional contraceptive protection for the next 7 days.</td>
</tr>
</tbody>
</table>
| Breastfeeding                | She can start COCs at any time, if she is reasonably certain that she is not pregnant. She will need to abstain from sex or use additional contraceptive protection for the next 7 days.  
If she is more than 6 months postpartum and ammenorrhoeic, she can start COCs as advised above.  
If she is more than 6 months postpartum and her menstrual cycles have returned, she can start COCs as advised for other women with menstrual cycles  
Women less than 6 weeks postpartum who are primarily breastfeeding should not use COCs. For women who are more than 6 weeks to 6 months postpartum and primarily breastfeeding, use of COCs is usually not recommended unless other more appropriate methods are unavailable or unacceptable |
<p>| Switching to another hormonal method | Women using the hormonal method consistently and correctly, who are reasonably certain that they are not pregnant, can start COCs immediately. There is no need to wait for the next menstrual period. |
| Switching from non-hormonal method | If her previous method was an injectable, she should start COCs when the repeat injection would have been given. No additional contraceptive protection is required. |</p>
<table>
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<tr>
<th>Switching from</th>
<th>IUD (including hormonal)</th>
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<tbody>
<tr>
<td></td>
<td>She can start COCs within 5 days after the start of her menstrual bleeding. She can also start immediately or at any other time, if it reasonably certain that she is not pregnant. If it has been more than 5 days after the menstrual bleeding started, she will need to abstain from sex or use additional contraceptive protection for the next 7 days.</td>
</tr>
<tr>
<td></td>
<td>She can start COCs within 5 days after the start of her menstrual bleeding. No additional contraceptive protection is required. The IUD can be removed at that time.</td>
</tr>
<tr>
<td></td>
<td>She can also start immediately or at any other time, if it reasonably certain that she is not pregnant. If she has been sexually active during this menstrual cycle, and it has been more than 5 days since menstrual bleeding started, it is recommended that IUD should be removed at the time of her next menstrual period.</td>
</tr>
<tr>
<td>Problem</td>
<td>Remedies</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
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<tr>
<td>Nausea</td>
<td>Suggest taking pills at night or with food</td>
</tr>
<tr>
<td>Minor headaches</td>
<td>Suggest taking ibuprofen, aspirin, paracetamol, or other non-steroidal anti-inflammatory drug</td>
</tr>
<tr>
<td>Amenorrhea (no monthly bleeding period)</td>
<td>Ask if she is having any bleeding at all. (She may just have a small stain on her underclothing and not recognize it as vaginal bleeding). If so, reassure her. Ask if she is sure she has been taking the pill every day. If she has, reassure her that she is not likely to be pregnant. She should start the next packet of pills on time. If she is unsure Ask her if she might have missed the 7-day break between the 21-day packets. This may have caused period. Reassure her that she is probably not pregnant. Ask if she has missed 2 or more active hormone pills in a row. If so, assess whether or not she is pregnant. If she may be pregnant, tell her. Ask her to stop taking oral pills. Offer her condoms and/or spermicide. She can use them until her next period or until clear about whether or not she is pregnant. Ask if she has recently stopped taking pills</td>
</tr>
<tr>
<td>Spotting or bleeding between monthly periods over several months</td>
<td>If she is not pregnant, her periods may take a few months to return. Ask if she had irregular periods before she starting the COCs. If so, her periods may be irregular again after she stops the pills. Ask if she has missed any pills. Explain</td>
</tr>
</tbody>
</table>
that missing pills can cause bleeding between periods, even when taking pills every day. Ask if she has had vomiting or diarrhea.

| Very bad headaches (migraines) | A woman who develops migraine while using COCs should switch to an alternative method. She should not choose a POP (progesterone only pill) method if she has blurred vision, brief loss of vision, sees flashing lights or has brief trouble in speaking or moving before, during or after the headaches. |