

Report on the
Training Programme
on
Gender and Child Rights
July 22 to 25, 2014
Srinagar, Jammu and Kashmir



Organised by LBSNAA in collaboration with UNICEF India and IMPA, Srinagar

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Programme Overview

Cradled between the majestic Pir Panjal mountain range on one side and the famous Dal Lake on the other, the Taj Vivanta played host to the offsite *Training Programme on Gender and Child Rights* jointly organised by LBSNAA in collaboration with UNICEF and the Institute of Management, Public Administration and Rural Development (IMPA) in Srinagar from July 22 to 25, 2014. The aim of the programme was to bring officers from the Indian Administrative Services, Indian Police Service, Kashmir Administrative Services and Other State Services from the state of Jammu and Kashmir together to interact and address issues of Gender and Child Rights in an attempt to create a more sensitive and Gender neutral environment in governance.

The programme kick-started with a short introduction by the Joint Director of LBSNAA and Director of the National Gender Centre, Ms. Ranjana Chopra, Mr. Wajahat Habibullah, former IAS officer who served as the Commissioner of Jammu and Kashmir in 1977 and in various other capacities in the state through his career, and Mr. Tejinder Singh Sandhu, Head of Governance, UNICEF, India. This was followed by a formal opening by the Chief Guest, the Honourable Chief Minister of Jammu and Kashmir, Mr. Omar Abdullah, who endorsed the need for such a programme where participants could not only share their experiences and views but also understand that a society that does not take care of its women and children, cannot progress.

Over the four days, 35 participants from the state were exposed to and deliberated on the aftermath of conflict on the context, concepts, issues and challenges of Gender and Child Rights in Jammu and Kashmir. The faculty of experts included specialists in the fields of Gender, Child Rights and Law, representatives of civil society organisations operational in the state, and civil service officials from the central and state governments, who are key players in the governance of Gender and Child Rights in the country. *Throughout the programme the participants showed a high degree of responsiveness to and engagement with the topics and faculty, exposing the need for such a platform to bring together different perspectives in governance and create a common ground for concrete action going forward.*

The programme closed with a valedictory function presided by the Honourable Minister of Higher Education, Government of Jammu and Kashmir, Mr. Mohammad Akbar Lone, who spoke from the heart about the need to debate, create awareness and discuss how we can reduce discrimination against women and give them their rightful '*mukaam*' in society.

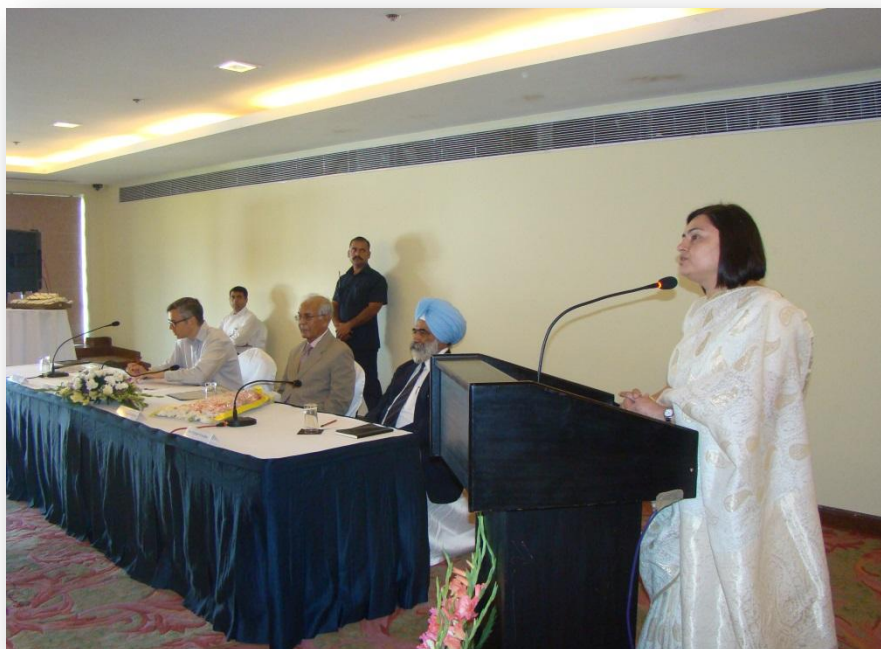
Each participant received a certificate and copy of the group photograph taken on the first day but more importantly, left Srinagar sensitised to and with a good contextual understanding of Gender and Child Rights in Jammu and Kashmir.

Session Briefs

Day One – July 22, 2014

Introduction

The Joint Director of LBSNAA and Director of the National Gender Centre (NGC), Ms. Ranjana Chopra, kick-started the day with a brief address explaining the purpose of this Training Programme as a platform to sensitise those in governance on Gender issues and Child Rights, to exchange points of view



and understand the context of the situation particular to Jammu and Kashmir. She emphasized that Gender and Child Rights together form a cardinal principle for creating an inclusive society.

By holding this programme in Srinagar, the NGC aimed to mainstream Gender issues in governance, especially for the vulnerable populations of the girl child, women and children in the state of Jammu and Kashmir. The programme was designed to evolve from laying the context before moving on to the conceptual, legal and development aspects of Gender and Child Rights, thereby giving the participants a holistic perspective on the issue. *Progressively, this programme could be institutionalised and held every year to create a bank of sensitised officials who could then go on to become master trainers for the state.*

Next, Ms. Chopra handed the floor to the Chief Guest, Honourable Chief Minister of Jammu and Kashmir, Shri Omar Abdullah.

Opening Remarks by Chief Guest, Honourable Chief Minister, Jammu and Kashmir, Shri Omar Abdullah



Shri Abdullah started by saying that the topic of Gender and Child Rights was of enormous importance in Jammu and Kashmir and recognised that it was a complex subject that required the expertise of specialists to create common understanding. He spoke eloquently of lost childhoods, the high dropout rates of school children, the impact of violence, conflict and upheaval on the fabric of society and the skewed sex ratio in the state. Jammu and Kashmir, historically and culturally, takes pride in Gender equality and women's safety and has taken significant steps to protect the rights of women and children. He spoke of the success of the *Umeed* scheme, which has led to significant improvements in the lives of poor rural women whilst ensuring economic empowerment and increased awareness of rights. Shri Abdullah closed with the insight that societal problems need to be addressed at the level of society and a society that does not take care of its women and children, cannot progress. *Finally, he welcomed recommendations and insights from the workshop, which the government could implement.*

Thanking the Honourable Chief Minister, Tejinder Singh Sandhu, Head of Governance, UNICEF, India, appreciated the state's commitment to the issues of Gender and Child Rights. *He said UNICEF looked forward to assisting the state in institutionalising the programme and building capacity in various departments of the state government over the next five to seven years.*

Following a group photograph with the Honourable Chief Minister, Ms. Chopra initiated the Agenda of the workshop by introducing the Keynote Speaker.



Session One – Keynote Address – Setting the Context

Shri Wajahat Habibullah

As a previous Commissioner of Jammu and Kashmir during the insurgency, Shri Habibullah started by saying that the prolonged conflict in the state had led to a major breakdown of Kashmiri Society, the consequences of which would form the core of his address. He spoke of how cultural respect for women was fading in new generations, the high rates of suicide and the impact of Post-Traumatic Stress Disorder (PTSD), as the traditional safeguards for Gender and Child Development broke down in the state. Endemic violence in a previously non-violent society manifests in different ways, he said, giving examples from his vast experience in the state. He questioned the responsibility and role of the police, civil society and the government towards their own people and the country, saying each needed to weave Gender and Child Rights sensitisation into their everyday interactions. Shri Habibullah also spoke of the dropout rates of schoolchildren, female foeticide and the need to focus on mental health in the aftermath of conflict. The worst legacy of insurgency was

social violence, he said, exhorting the need to re-establish intrinsic social defences of society to defend its own social order. *Responding to questions from participants, Shri Habibullah said that problems and dilemmas could not be resolved unless the public had confidence in the government. The government then has to address these problems as an institutional entity to ensure that the society is rehabilitated, resuscitated and revived.* Shifting focus to human rights in light of audience participation, he closed by saying administrators need to be given the freedom to take judgement calls based on the exigencies of the situation.

Session Two – Panel Discussion – Voices from Kashmir

Shri Wajahat Habibullah, Ms. Anuradha Bhasin, Ms. Nighat Shafi Pandit



Each panellist spoke by turn before opening the plenum to participant questions. As a leader of a social organisation, Ms. Pandit began by saying that in the aftermath of trauma and conflict, Kashmiri people need to come out of victimhood and view themselves as survivors. The conflict has had many consequences including domestic violence, rape, suicide, disappeared men, mental health issues in children and pushing women to become breadwinners and heads of households. Using the Kunanposhpura incident of 1991 as an example, she said 23 years later, women are still dealing with stigma and limited

opportunities for education, marriage and livelihood. *Ms. Pandit highlighted several issues that need to be addressed including simplifying the process for the rehabilitation council as it has too many formalities which block access, review of inheritance laws for children and wives, improvements in juvenile homes vis-à-vis management of mental health issues to prevent recidivism and the engagement of youth to overcome anger and violence.*

Ms. Bhasin, Executive Editor of Kashmir Times, built the narrative of the conflict and its effects through anecdotal stories of various incidents in the state. She spoke of how the patriarchal order and bias manifested itself in victimisation of women and children. Ms. Bhasin narrated the impact of militarisation and insurgency on sexual and domestic violence, child marriage, reporting that could aid sensitisation and other forms of gendered oppression. She went on to say women responded to the conflict in complex ways including engagement with or activism against it on different platforms. She spoke of how women were made invisible and pushed to the margins of political and social discourse, even as they struggled with poverty and deprivation and took over the role of managing livelihoods in the absence of men or as men slipped into acute frustration, depression or alcoholism.



Shri Habibullah added his perspective, especially in the context of the oft referred to Kunanposhpura incident. He said sexual violence was a means of showing dominance, be it by agencies or individuals. The state needs to respond with investigation and make the guilty accountable. A limiting factor in investigating security agencies is the inapplicability of the RTI Act. *He recommended that fast track courts should be created to give justice to women in instances of divorce, sexual and other types of violence.*

Questions from the participants brought to light the need for a state level policy and plan for rehabilitation. This would go a long way towards reuniting families and taking care of issues related to education, health and finance. Transparency in policy and process needs to reach the people whose rights are being compromised. Also, rehabilitation requires preference in order to provide immediate relief. The need to simplify procedures was reiterated as also to extend the umbrella to include neglected parties such as victims of firing or killing by security forces, those in hard to reach areas, victims of sexual violence and those subject to human rights violations.

Shri Habibullah summed up the discussion by saying the point had been made that *major challenges can be resolved within the existing system but the solutions must be multidimensional. The state should make remedies accessible and common knowledge. Convergence between government departments is a crying need in order to overcome contradictions on Gender and Child Rights issues.* It is time, he said, to close the earlier chapter and start anew.

Session Three – Unpacking Gender

Ms. Ranjana Chopra

Ms. Chopra, began the session by recapping the day saying the morning sessions had laid the context but being involved in a situation does not allow for dispassionate or academic thinking. Gender and Child Rights is a very sensitive issue, which needs a good understanding of the concepts involved and the training programme provided the necessary platform to do so. She went on to define Gender, differentiating it from sex and explaining how it is a social construct not limited to biology. The need to differentiate between Gender and sex is especially important for public administrators because most policies are sex specific. This has a direct and significant impact on equality because Gender is an axis of inequality. She added that although we may be individually Gender sensitive, as a society we are not because Gender is viewed from a social lens.



Moving on to Gender Inequalities, Ms. Chopra used Aesop's fable of the wolf and crane to explain the difference between formal and substantive equality and how it was strategic to change structures to empower women. She spoke of how equality in Gender is an expression of social

justice yet inequalities are persistent. In closing, she said, there is a strong need to address the problems where they exist because equal opportunity does not mean the end of discrimination.

Learning curve

- *Gender relations* extends the analysis from women and men as discrete categories to the broader interconnecting relationships through which women are positioned as a subordinate group in the division of resources and responsibilities, attributes and capabilities, power and privilege.
- *Practical Gender needs* relate to women's condition and respond to the needs of women and men within their socially accepted roles in society without attempting to modify gender inequities. *Strategic Gender interests*, on the other hand, relate to women's position and respond to the concrete health needs of women and men and are aimed at redistributing the roles, responsibilities and power between them, so as to reduce inequities and bring about a transformation. These include legal reform, reproductive choice and new extra household resources.
- *Formal equality* relates to equality of treatment whereas *Substantive equality* focuses on equality of outcomes and removing structural barriers to provide equality of opportunities and access while dealing with difference and discrimination.
- *Gender Mainstreaming*, as defined by ECOSOC (1997), is 'the process of assessing the implication for women and men of any planned action, including legislation, policies and programmes in all areas and at all levels. It is a strategy for making women as well as men's concerns and experiences an integral dimension of design, implementation, monitoring and evaluation so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve Gender equality.



Day Two – July 23, 2014

Session Four – Gender and Development

Ms. Sarojini Ganju Thakur

Ms. Thakur, Gender Expert and Advisor to the NGC, LBSNAA, started the session by saying that we need to talk about Gender because investing in women is linked to economic growth as it results in benefits in every sphere including education, health, nutrition and improved well-being. Hence, *investing in women is smart economics*. The invisible work of women needs to be made visible she said paraphrasing John Maynard Keynes to the effect that ‘as long as a woman is my housekeeper her income contributes to the economy. The minute I marry her, her work becomes invisible.’ Although there has been much progress, inequalities persist because of a patriarchal mindset and blocked access to resources including money, information and awareness. These inequalities can be *Gender intensified* or *Gender imposed*. She went on to say that administrators should take this into consideration while developing interventions in order to improve both the *condition* and *position* of women in society.



Dividing the participants into four groups, Ms. Thakur gave the task of establishing where Gender relations are constituted and the inequalities that surface from birth to death in culture and society. Each group took on the separate areas of – Family and Household,

Community, Market and State. Group members then articulated their points to the plenum. Ms. Thakur highlighted that this exercise demonstrates all inequalities are about power and that the inequalities from one group are reciprocated in others because attitudes that begin at home, evolve and permeate through society. Eventually, the state takes on the inequality of society.

Next, Ms. Thakur gave the participants a *Case Study* on a Rice Irrigation Settlement Scheme in Kenya to analyse – asking whether its objectives were met, why and why not. Reporting on their conclusions, participants were in consensus on the outcome of the scheme. Ms. Thakur then discussed the case, using its lessons to explain the concept of *Gender blindness* in planning and programming.

She went on to examine the evolution of Gender in development and the use of analytical frameworks. She gave a distillation of the frameworks in terms of the questions that need to be asked when planning any intervention. She emphasised that addressing practical Gender needs goes beyond improving the quality of life and helps to change the balance of power in families. Ms. Thakur added, as individuals change, practices change, which in turn changes society.

In response to a participant's question, Ms. Thakur said that Gender sensitisation needs to permeate through all levels of bureaucracy. Every policy or intervention should consider Gender in its complexity and prevent it from becoming just an add on.



Learning curve

- *The nature of Gender inequality* relates to Gender specific disadvantage, Gender intensified disadvantage and bureaucratically imposed disadvantage.
- *Gender Analysis* is essential to Gender mainstreaming and is based on data and facts rather than assumptions. It is a systematic way of analysing a current situation or the impact on women and men. To highlight gender differences and inequalities the basic questions to answer as part of this analysis are – what is/are the distribution of capabilities, different social roles, access to and control over resources – land, income, employment, health assets, decision making, legal and institutional frameworks, needs and interests, programme effects, entry points and constraints.
- *Gender related interventions* can be – Gender blind or Gender sensitive. The latter includes Gender neutral, Gender specific or Gender redistributive interventions.
- Different *Gender analytical frameworks* have been developed based on different assumptions about how gender is constituted. They help to understand gender issues and aim to achieve successful programme and policy outcomes. The frameworks can be distilled into the following questions, which are helpful to use in planning:
 - Who does what?
 - Who gets what?
 - Who gains? Who loses?
 - Which men? Which women?
 - How does the intervention address practical gender needs and strategic gender interests?

“Development that is not engendered is endangered.” UNDP HDR 1995

Session Five – Legal Framework and Women’s Rights

Ms. Vrinda Grover

An Advocate in the Supreme Court of India, Ms. Grover spoke about the law in relation to women’s rights in Jammu and Kashmir. Starting with the Constitution of India, she referred to Article 370 and its impact on women in the state. She said there are gaps in laws, which tend to cross the lines between impunity and violence against women, demonstrating how the legal framework can create inequality. She then examined articles 10, 14, 15(3) and 21 in

relation to fundamental rights, equality before law, enactment of special laws for women and children, and life and personal liberty.

She then moved on to the Domestic Violence Act, which was enacted in the state in 2010. It is a civil remedy that defines types of violence and what is harm. This law gives rights but the scope of 'respondent' and 'shared household' are abridged in Jammu and Kashmir. *She said state machinery needs to be put in place in order to ensure the implementation of this law, as currently the system is inaccessible because the responsibility has been given to already burdened government staff like the CDPOs. It is important, she stressed, to question the operationality of, accessibility to and awareness about a law.*



Next, she discussed the Prevention of Sexual Harassment of Women at the Workplace, which is applicable in the state and is an oddity as it does not exclude Jammu and Kashmir, as is the usual practice. Examining the Jammu and Kashmir Criminal Laws (Amendment) Act, 2013, which was passed by the Jammu and Kashmir assembly in 2014, Ms. Grover said the amendments for sexual violence were similar to those made in the IPC with regard to centrality of consent and body integrity in the case of rape. The Ranbir Penal Code (RPC), also includes added sections for disrobing or parading a woman naked, voyeurism, stalking and acid attacks. The RPC prescribes suspension on accusation and subsequent cancellation

of the driving licence of a person convicted of rape. The law creates accountability by giving mandatory punishments for certain inaction by officials for instance, disobeying direction under the law, non-registration of FIR and non-treatment of victims. This not only acts as a deterrent but also reinforces a statutory obligation.

Discussing the Justice J.S. Verma Committee Report, 2013, Ms. Grover highlighted that the committee looked at the link between sexual violence and the Armed Forces Special Powers Act (AFSPA). She observed that it was interesting that the same Justice who had upheld these powers in 1990, now recommended that the repercussions of these powers need to be considered in the context of sexual violence against women. In the same context, she further explored the Report on violence against women by the Special Rapporteur to the UN. *She stressed that it was time for the state to move towards engagement and dialogue and to look at women's rights in terms of justice and rights and not just in light of security.*

Ms. Grover highlighted that although there was a law for abduction and kidnapping, India did not have any law for enforced disappearance and torture, as mentioned by Christof Heyns in his 2013 report to the UN. She commented on the gendered nature of the crime of enforced disappearances, wherein victims were mostly male, some as young as 13 years, but the negative impact was predominantly on the women left behind, whose lives were shattered by having to scour prisons across the country and taking legal recourse.

Responding to participant questions she said it was *important to create sensitive and secure access to the law. She recommended that judgements of the High Court of Jammu and Kashmir be made available on the High Court website as it was currently difficult to find the relevant information because it was not easily accessible.*

Session Six – Towards an Egalitarian Society

Ms. Kamla Bhasin



Advisor to the NGO, Sangat, Ms. Bhasin made a rallying call using her activist and feminist voice to engage the participants in one of the most popular sessions of the training programme. She began the session by making the distinction between *Gender blind*, *Gender aware* and *Gender sensitive*. The latter she translated into the Hindi word - '*samvedna*,' which she believes communicates the true meaning of equal measures of sympathy and empathy. She explained how changes in the Gender

landscape are related to the women's and labour movements. According to Ms. Bhasin, reality discredits the utopian notion of egalitarian, peaceful and just societies, even though some of these values are enshrined in the Constitution of India.

Ms. Bhasin then used a parable about the Buddha to explain the context of feminine values, which support Gender sensitivity, versus the values of domination and violence. She went on to share Government of India statistics for the falling sex ratio, domestic violence and female foeticide. She said inequalities related to class, caste, hegemony of the white race, majoritarianism, differential between adults and children, sexual orientation, neo colonial versus imperial masters, human beings versus Mother Nature, exist and persist through structures and ideologies which are deep rooted, especially the patriarchal mindset. All these power structures are interconnected and support each other. This intersectionality ensures that only one inequality cannot be removed without taking others into consideration. In addition, when such structures act together, they compound inequality.

Ms. Bhasin clarified that both men and women can be victims of Gender inequality and questioned how we could create a Gender equal society. She acknowledged that the most important contribution of the concept of Gender is that it separates biology from the sociocultural context. Society tends to confuse the two because it likes to naturalise inequality, so that it does not have to take responsibility for either creating or removing it. On the other hand, a person who has been suppressed tends to internalise inferiority to such an extent that the response to inequality becomes intrinsic. Using stories of the Buddha and the Prophet Muhammad as examples, Ms. Bhasin emphasised that rights should be given despite biology.

Moving on, she said the Gender argument is not between men and women but between the ideologies of patriarchy and equality. Men and women fall on both sides of the argument. She defined patriarchy as a social system that considers men to be superior, giving them more power over resources, decision making and ideology. It is expressed through language and practice. She closed by saying, to create an egalitarian society, patriarchy has to be removed because it is destroying and dehumanising both men and women.

Session Seven – Convergence Framework: Maharashtra Model

Mr. Ujjwal Narayan Uke, Ms. Flavia Agnes and Ms. Audrey D'mello

Mr. Uke, Principal Secretary of the Department of Women and Child Development, Government of Maharashtra, kick-started the session by speaking about the initiatives taken by his state government to provide honour, respect and dignity to women. He spoke of the significant effort to ensure convergence of services in relation to Gender in Maharashtra. He said that *convergence means understanding each other's point of view across departments and ministries, which is very important for developing initiatives which are relevant and implementable.*

He highlighted the achievements and milestones of the initiatives undertaken by the Maharashtra government, which include the state women's policy, child policy, various special schemes and the use of technology to ensure convergence between departments and collect data to effect policy. For instance, the state has instituted District Trauma Teams as part of its Manodhairya scheme, which reaches out to women in trouble based on hospital and police reports. This convergence of services was made possible through the collaboration between the Department of Women and Child Development and Majlis, a civil society organisation, to develop a model that focused specifically on victims, both women and children.



The Maharashtra government has also taken a progressive stance on transgenders by constituting a Transgender Board. The state is putting in place an umbrella tracking system for women and children, which can be accessed through electronic apps, calls or the internet, and deals vertically with cases and horizontally with departments to track the progress on each case. This will provide both transparency and an active database which can help in the formulation of policy. The other programme anchored on technology, the Monitoring Evaluation Action (MEA) software for the Integrated Child Development Services (ICDS), is being used for line listing, GIS of Anganwadis and creation of action points from the centralised MIS data. These figures are available in the public domain, with

an invitation to students, individuals and institutions to crunch data and glean insights. *Mr. Uke expressed his availability to support any such initiatives in Jammu and Kashmir* before handing over the session to Flavia Agnes, Director of the NGO, Majlis.

Ms. Agnes started by saying that although laws exist for Domestic and Sexual Violence, they do not always work, more so in the context of Muslim women as the sharia has to be taken into account. She went on to explain the role played by NGOs like Majlis in filling the gaps from the victim's standpoint and enabling the system to function more efficiently through convergence. She emphasised that existing laws cannot work in the absence of a convergent body.



Ms. D'mello, Programme Director at Majlis, took over from Ms. Agnes and explained the journey of the victim through the process of criminal and procedural law in the context of the Domestic Violence Act. Majlis has undertaken several initiatives in collaboration with the Maharashtra Government to ensure implementation of the law in letter and spirit by working with the system and creating accountability. The initiatives include training of police officers, counselling and helping the law to percolate to the court room. Of the 350 cases that Majlis has worked on so far, it has received orders on 30 with convictions in 90 percent of these cases. The aim of the effort is to ensure administrators know what is their

role and responsibility in light of the knowledge that if the victim is not supported, the conviction rate will not be high.

Responding to participant questions, Mr. Uke said that Maharashtra has a history of reform and progressive legislative policies. The convergence model is victim centric and helps bring the stakeholders and officers involved up to a standard where they can provide quality service. Ms. Agnes added that convergence and understanding of roles and law are key to successful implementation. *Maharashtra is keen to partner with Jammu and Kashmir to replicate the convergence model in the state.*

Day Three – July 24, 2014

Session Introduction – Healing Minds

Ms. Nazia Rashid, Mr. Rayaz Sheikh



Ms. Rashid, Senior Mental Health Therapist, began the session by explaining the three tiers of Healing Minds, which include a toll free number, outreach and counselling centres and the liaison with ICDS. Mental Therapist, Mr. Rayaz added, of the 63 percent women affected by conflict in the country, 73 percent are in Jammu and Kashmir. Conflict has impacted women and children, especially in the weak and vulnerable sections of society. In the aftermath, some women had been reduced to begging, while ADHD, nocturnal bed wetting into

adolescence, learning disabilities, aggression and isolation were common in children. He said that the state had lost a generation and did not want to lose another. The organisation works with the aim that if the problem cannot be solved, it can be managed from a mental health standpoint. Using a structured and professional approach to counselling while maintaining records and following up assiduously, Healing Minds works to first help then alleviate mental health issues arising from depression, retardation, domestic violence, widowhood, being orphaned, parental aggression and drug and substance abuse. Started in 2011, the organisation is still in its infancy, hence statistics are limited but Healing Minds is answering a crying need to deal with the mental health issues consequent to a prolonged conflict.

Session Eight –Data Profile of Jammu and Kashmir

Mr. Tejinder Singh Sandhu



Mr. Sandhu, Head of Governance, UNICEF, India, started his session with the qualification that the data on Jammu and Kashmir, all sourced from the Government of India, was wobbly and included some surprises. Starting with the religious groups in the population, he highlighted the distribution across the three regions of Kashmir Valley, Jammu and Ladakh. The general economic picture of the state showed that *only 27.3*

percent of its population is urban, which is indicative of a rural DNA. The tipping point for development is when the urban population reaches 35 to 40 percent, the state needs to respond adequately to the needs of this evolutionary trend. Since tourism and horticulture are the major economic activities in light of a dormant private sector, there is a need for Gender sensitive policies for both. Geographically, Jammu and Kashmir is highly vulnerable to natural disasters. Despite being a 'special category state' with a heavy dependence on central funding, its closed corner location, remoteness and isolation from major markets, scattered population, lack of economic infrastructure and over twenty years of conflict pose particular developmental challenges. *The state needs to catch up on its development deficit.*

Although the state performs well on health indicators, *the sex ratio is a cause for concern as it is a proxy for the general status of women.* The fall of over 82 points from 2001 to 2011 indicates a need to understand the complex set of factors working in confluence to affect the sex ratio. In terms of child and maternal health, the state performs better than the country but the differences between rural and urban populations and males and females need to be examined. Mr. Sandhu said *the investment of energies has to be different as the situation improves.* Decision makers need to understand and calibrate a different set of measures. *The areas of concern are that there is no data on maternal mortality, children immunized fully, anaemia and Vitamin A supplementation. The data on nutrition is dated, which poses bigger challenges than health.* The previous Prime Minister was known to have used the

words 'nutrition' and 'shame' together because it is an issue across the country. *Mr. Sandhu exhorted the state to take decisions to measure malnutrition.*

Water sanitation also requires a lot to be done, given the geographical challenges. Toilets in schools, especially for girls, are the single most important investment that can be made for increasing enrolment. The state is doing well on poverty reduction despite the years lost in conflict. However, *ICDS enrolment needs to be reviewed in terms of the norms.*

In education, the 20 point difference between male and female literacy was unacceptable. The ASER data on education indicates the 'no failure' policy is creating issues which highlight that the basic building blocks for education are not in place. Mr. Sandhu recommended that the policy framework for education be addressed on priority.

Another area of concern is child protection for which data is difficult to come by. Isolated studies confirm child labour in carpet manufacturing, automobile and handicraft industries. However, Mr. Sandhu said in closing, *it is important not to focus on just numbers. The need is to find a way through administration and society to collect enough information to address problems based on evidence.*

In participant interaction following the presentation there was an enthusiastic debate on the need for a separate Department for Women and Child Development in Jammu and Kashmir, as currently these issues fall under the purview of the Social Welfare Department. Ms. Chopra stressed on the issues of development, survival, protection and participation in terms of Child Rights, segueing into introducing the next session on POCSO, which though not yet an Act in Jammu and Kashmir, was a good fit for advocacy on the platform of this training programme.

Session Nine – POCSO and its Implications

Mr. Arun Mathur

Mr. Mathur, Chairperson of the Delhi Commission for Protection of Child Rights (DCPCR), started by saying that it was heartening that the JJ Act and ICPS had been adopted in Jammu and Kashmir. *The POCSO Act would add to this arsenal for protection of Child Rights in the state.* This Act, which relates to child sexual abuse, not only defines an offence and the related punishment but also looks at prevention. *The JJ Act provides guidelines for*



prevention of sexual abuse but no states have formulated them. The DCPCR has articulated these guidelines and prepared a summary booklet, which are available on its website. These cover a wide variety of scenarios including school trips and the action to be taken after crises. Convergence between departments like the WCD and Ministry of Health ensure that the guidelines are comprehensive, however, guidelines are not the law and states can tweak them to fit their context.

Data shows that sexual abuse is most often perpetrated by persons known to the victim. The number of rape cases of children as per the Delhi Police study shows how depraved we are as a society, Mr. Mathur said.

Jammu and Kashmir now has the opportunity to do what is in the best interest of the child by picking up the optimal aspects of the POCSO Act after assessing how it has worked since its enactment in the rest of the country in 2012. Mr. Mathur proceeded to highlight the key features of the Act, including its Gender neutrality and the sliding scale of offences and punishments. He said the key element of the Act was 'sexual intent.' To some POCSO seems draconian because of the penalties for non-sexual offences but it also provides recourse within it. Mr. Mathur then went on to explain the roles of the key stakeholders including the police, Child Welfare Committees, the judiciary, the government, medical professionals and even the media.

The POCSO Act procedures are child friendly and place the burden of proof squarely on the accused, not the victim. Although a small Act, it is a comprehensive law, which makes harsh provisions but also gives remedies and safeguards within, Mr. Mathur said in closing.

Session Ten – Education and Gender

Ms. Geeta Menon and Mr. K.M. Seshaghiri

Ms. Menon, Education Specialist working with UNICEF, started the session by giving an overview of the Importance of Female Literacy Indicators, some snapshots of Female Literacy and Girls' Education in Jammu and Kashmir, Global Experiences and Recommendations from the National Consultation. This was followed by the Right to Education, Programmes and Policies for Girls Education and the Progress and Challenges in Jammu and Kashmir.

She then expanded on these during the course of her presentation. She started by saying it is important to understand that the children, teachers, parents, administrators are all products of the same society and context. Wars are no longer fought on battlefields, they are intrinsic, affecting more civilians, especially women and children.

In 2012, UNICEF held a national consultation to see how to implement the Right to Education in conflict areas. This surfaced the fact that in conflicts children are affected exponentially in many different ways because the systems around them are also collapsing.

Ms. Menon said, unfortunately, progressive discourse and schemes could not be implemented in Jammu and Kashmir during the conflict leaving state 'caught in time.' Now, any solutions must be multidimensional, taking the rights of the child into consideration.

Focusing on Jammu and Kashmir, Ms. Menon went on to highlight the state's performance on literacy and other indicators like dropout rates and the urban-rural divide, disaggregating the data by districts. *She said significant attention needs to be given to the regional variations in female literacy, the fact that over decades Jammu and Kashmir has a 10 percent differential with the national average and the consistent Gender gap in literacy. She also stressed the need to examine underperforming districts, regions and communities. Obviously, a common strategy is not the answer.*



Ms. Menon then spoke about the DISE indicators for enrollment and dropout rates, stressing that *attainment and achievement levels need to be scrutinized to give the whole picture* because education is not a Gender issue but one of society, where boys are equally affected. She observed that there is *scope for improving female literacy and livelihood skills. Attention also needs to be paid to untrained teachers, the mushrooming of private schools and the segregation of children.*

She went on to talk about global experiences and approaches using examples of child soldiers in Africa and the ethnic conflict in Rwanda. Ms. Menon said care must be taken that peace building and conflict sensitive education does not in turn build a new class of disadvantaged as has been the case in Pakistan and Afghanistan where aided and refugee schools are better endowed than those run by the government.

Participants raised a question about *finding the balance between political will and the agency of the bureaucracy, saying strong direction from the government would enable the administration to make better decisions vis-à-vis education. Other issues highlighted by the participants included how the clergy influenced dropout rates and the need to have a policy for integration and education of the children of militants who had surrendered.* Ms. Menon responded that capacity needs to be built across all levels of education and human resources in the state but the first step is to build trust.

Mr. Seshaghiri, Child Protection and Education Specialist working with UNICEF, structured his part of the session around Gender and education, including a frame to understand Gender in education, the approach, policies and schemes, and legislation. He started by saying numbers do not tell the whole story, it is important to know the narratives behind the numbers. He stressed that *administrators need to view education as a dynamic, transformative process and not just service delivery.*

Education has a role in attacking patriarchy and tackling inequality. Using a simple framework of *access* (right to education) – *content and process* (right *within* education) and *outcomes* (right *through* education), Mr. Seshaghiri explained how we can understand Gender in education. Access maybe gendered as boys are put in private education while girls are sent to government schools in the state, also the shortage of Anganwadis disadvantages children in the first six years of life. Content and process is reflected in textbooks and teacher capability while outcomes such as school dropouts and women's participation in the workforce are worrying. He said that the curriculum and textbooks are not neutral. They are powerful tools for creating and/or reinforcing inequality. Teacher training is another area of concern as teachers are ill-equipped to handle substantive issues of inequality. In closing, Mr.Seshaghiri exhorted the government to move out of the 'scheme' mindset and make it the obligation of the state to provide education as has been enacted in the RTE.

Session Eleven – Gender Budgeting

Ms. Sarojini Ganju Thakur

Ms. Thakur started the session by establishing how important it was to understand that there is a relationship between provision and Gender need. She went on to explain what Gender and Child budgets are, why we do Gender budgeting, how Gender budgets are done and what one would do to develop a Gender budget. Ms. Thakur stressed on the need

for Gender analysis, supported by data disaggregated at the very minimum by sex, in order to hold a mirror to policy planners on whether actual accomplishments meet the envisaged plans. She closed the session with an explanation of the issues and lessons learned in the context of Gender budgeting, the most important of which are sustainability, capacity building, and ownership and institutionalisation by the government. She added the best way to introduce Gender budgeting was to pick one area or problem and use a Gender sensitive and responsive approach.

In response to a participant question, Ms. Thakur expressed her personal reservations against the term '*Gender Budgeting*' and said that '*Equitable Performance Budgeting*' was a better term because it defined outcomes and budgeted for equity.

Day Four – July 24, 2014

Session Twelve – Women Empowerment and Livelihood – Kashmir Experience (Sharing of experiences by SHG members from Himmayat and Umeed)

Ms. Santhi Kumari, Mr. Manick Raj, Ms. Yogita Rani and Mr. Farooq Ahmed Peer



Speaking of the *Umeed* and *Himmayat* programmes in Jammu and Kashmir, Ms. Kumari explained how the National Rural Livelihoods Mission (NRLM) scheme *Aajeevika*, helped women help themselves out of poverty and empowered them socially. Umeed was one of the best implemented programmes in the country, giving high quality results and building community member interaction through the Self Help Group (SHG) format. The programme was designed using over 20 years of experience organising rural poor

women across the country. It is a 10 year engagement and has a 10 year implementation timeframe across India.

She went on to delineate the various features of the programme. The key interventions of Umeed are multiple livelihoods and convergence with other



organisations, using two strategic ingredients for implementation - Community Resource Persons and a Resource Block Strategy, both of which are based on an established programme that has been used to alleviate poverty in the nation and build internal capacity that enables scaling up to the entire state. While following the five cardinal principles or the *Panchsutra* ensures financial transparency, this model increases the bargaining power of women through group representation and support from within their own community.

Umeed essentially works as a non-banking micro credit plan initially and integrates with banking as the corpus grows over time, where the corpus is not a subsidy but a fund to be maintained by the SHG within specified quality parameters using the *Panchsutra*.

In support of how this programme had changed lives and empowered poor women from rural areas, participants heard heartening stories of several members of Self Help Groups active in the state. Following which participants were shown a movie on Umeed made by the Ministry of Rural Welfare.

Mr. Peer said that the scheme had only been launched in 2013 and it was already making a significant difference to the lives of rural poor women in 10 blocks of the state.

Valedictory Address and Ceremony



The programme closed with a valedictory function presided by the Honourable Minister of Higher Education, Government of Jammu and Kashmir, Mr. Mohammad Akbar Lone, who spoke from the heart about the need to debate, create awareness and discuss how we can reduce discrimination against women and give them their rightful '*mukaam*' in society. He spoke of how Jammu and Kashmir had taken concrete steps in this direction through reservation for women and the girl child, safety and security of/for women and penalisation for sex determination. *He assured going forward whatever support that is needed from the government will be given and asked participants to point out discrimination and actively give suggestions and recommendations.* This, he said, was based on the belief that honouring and respecting the position and status of women in the state and society is of paramount importance to all.

Each participant received a certificate and copy of the group photograph taken on the first day but more importantly, left Srinagar sensitised to and with a good contextual understanding of Gender and Child Rights in Jammu and Kashmir.



Annexures

Agenda



Training Programme

On

Gender and Child Rights

July 22 to 25, 2014,

Hotel Taj Vivanta, Srinagar

Day 1	22nd July 2014
9:30-10:00	REGISTRATION
10:00 -11:00	Opening Session
	Welcome Ms. Ranjana Chopra
	Inaugural Address Sh. Omar Abdullah Hon'ble- Chief Minister, J & K
	Vote of Thanks Ms. Anjali Chauhan
11:30 – 12:30	Session – 1 Setting the Context Sh. Wajahat Habibullah (Keynote Speaker)
12:30 – 2:00	Session – 2
	Voices from Kashmir - a panel discussion Sh. Wajahat Habibullah , Ms. Anuradha Bhasin , Ms Nighat Shafi Pandit
3:00 – 4:30	Session – 3 Unpacking Gender Ms Ranjana Chopra
Day 2	23rd July 2014
9:30 -11:00	Session – 4 Gender and Development Ms Sarojini Ganju Thakur

11:30-1:00	Session – 5 Legal framework and women’s rights	Ms Vrinda Grover
2:00 – 3:30	Sessions – 6 Towards an egalitarian society	Ms Kamla Bhasin
3:30 -5:00	Session - 7 Convergence framework: Maharashtra model	Mr Ujjwal Uke & Ms Flavia Agnes
Day 3	24th July 2014	
	Session Introduction Healing Minds	Ms. Nazia Rashid & Mr Rayaz Sheikh
9:30 – 11:00	Session – 8 Data Profile of Jammu and Kashmir	Mr Tejinder Singh Sandhu
11:30-1.00	Session – 9 POCSO and its implications	Mr. Arun Mathur
2:00-3:30	Session – 10 Education & Gender	Ms. Geeta Menon
4:00– 5:30	Session-11 Gender Budgeting	Ms. Sarojini Ganju Thakur
Day 4	25th July 2014	
9:30 – 12.30	Session – 12 Women empowerment and Livelihood – Kashmir experience (Sharing of experiences by SHG members under Himmayat and Umeed) Ms Santhi Kumari, Mr Manick Raj, Ms Yogita Rani	
12:30 – 1:30	Valedictory Address and Ceremony	

Faculty Profiles

Ms. Ranjana Chopra

Joint Director at Lal Bahadur Shastri National Academy of Administration **is an IAS officer from 1994**, Orissa cadre also handling the charge of Director, national Gender Centre, LBSNAA, Mussoorie.

Shri Wajahat Habibullah

An Indian Administrative officer from the 1968 batch of Jammu and Kashmir cadre and served in the State of Jammu & Kashmir in various capacities, including Deputy Commissioner, Srinagar (1977). presently he is Chairman, Board of Governors, National Institute of Technology, Hazratbal, Srinagar; and with NGOs Chairman, Commonwealth Human Rights Initiative, New Delhi; Chairman, Partnership for Safe Medicines; Member, Center for Dialogue & Reconciliation; President Haji Waris Ali Shah Memorial Trust, Dewa, Barabanki (UP); Patron, Consumers India.

Ms. Sarojini Ganju Thakur

Retired from the IAS, as Additional Chief Secretary in Himachal Pradesh. She has had a long association with issues related to gender and development, and it was during her posting in the Academy as Deputy Director that gender was mainstreamed into most training programmes and the Gender Centre through which this training is being organised was established. She was Head of the Gender section at the Commonwealth Secretariat where she worked for over four years and on retirement was in charge of the women and child sector in HP.

Shri Arun Mathur

Mr. Arun Mathur has 35 years of administrative experience, in the Indian Administrative Service (IAS) both at the State and Central Government level, including in the Prime Minister's office. As Chairperson of the Delhi Commission for Protection of Child Rights, Sh. Mathur took the initiative to bring out comprehensive guidelines for prevention of child abuse. These have been on the Commission's website since the last three months and will serve as a model for all States in the country.

Shri Ujjwal Narayan Uke

Graduated in Economics with honours from St Stephen's College, Delhi, he went on to do his MBA from IIM Ahmedabad and joined the IAS in 1985, where he was allotted the Maharashtra cadre. Presently working as Secretary Women and Child Development, Maharashtra.

Ms. Flavia Agnes

She is a women's rights advocate and a legal scholar. A pioneer of the women's movement, she has worked consistently for over three decades on issues of gender and law reforms. She is the co-founder of *MAJLIS*, a Mumbai-based Centre for rights discourse and interdisciplinary arts initiatives. More recently, the Department of Women and Child Development, Government of Maharashtra has entered into a collaboration with Majlis Legal Centre to initiate a state level programme RAHAT to provide support to the survivors of sexual violence.

Ms. Vrinda Grover

The lawyer and human rights activist. In the wake of the Delhi gang rape Vrinda Grover's voice has been among the most strident – demanding that justice be done and the rights of women safeguarded.

Ms. Kamla Bhasin

A social scientist by training, Kamla Bhasin, has been actively engaged with issues related to development, education, gender, media and several others since 1970. She works with Sangat - a South Asian Feminist Network; with JAGORI, Women's Resource and Training Centre and Jagori Rural Charitable Trust as an active member; and with SAHR (South Asians for Human Rights) as a member.

Ms. Anuradha Bhasin

Anuradha Bhasin Jamwal is the Executive Editor of Kashmir Times and is a peace activist involved in campaigns for justice for human rights violation victims in Kashmir as well as India-Pakistan friendship.

Ms. Nighat Shafi

An activist whose inner conscience became restless, and led to the birth of Help Foundation (Human Effort for Love and Peace) an organisation floated in association with a few likeminded friends in the year 1997. Presently she is trying to launch a women's bank for which membership drive is on at present.

Ms Santhi Kumari, Mr Manick Raj, Ms Yogita Rani

All three are IAS officers from different seniorities from Andhra Pradesh Cadre.

Participant Origins

<i>IAS</i>	<i>5</i>
<i>IPS</i>	<i>12</i>
<i>KAS</i>	<i>17</i>
<i>Other State Services</i>	<i>1</i>

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