Partners for Law in Development

2013-14 ANNUAL REPORT
Cover Photo: On Pursuing Change: Working with the New Laws Relating to Sexual Offences, Delhi, August 2013
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### ORGANIZATIONAL UPDATES
PLD is a non-profit legal resource group founded in 1998 that facilitates assertion of social justice and women’s rights. We view law as an essential resource in the struggle for social justice, and gender equality as central to the attainment of social justice. We believe that human rights shape social justice goals by establishing a framework for the realisation of the rights of the disadvantaged and the marginalised. Our understanding of rights and dignity of all persons is drawn from human rights law on the one hand and the contextual realities of disadvantaged groups on the other. PLD is registered as a public charitable trust under the Indian Trusts Act, 1882 (registration no: 10514/IV of 16-12-98).

While we work within the larger canvas of social justice, our main area of focus remains marginalised women, addressing gender justice in contexts of under-development, poverty, conflict, sexuality, caste, culture, identity politics and so on. Informed by the indivisibility of political, civil, economic, social and cultural rights, our approach to women's rights is intersectional. PLD facilitates assertion of women’s rights through the following initiatives: a) creation of knowledge through the action research, publications, newsletter and web resources; b) development of capacities through trainings and perspective building; c) policy advocacy at the national, regional and international arena, and through coalitions. PLD is one of the leading resource centres on CEDAW in India and South Asia.

PROGRAMME

The progress in relation to programme is discussed under the various themes of focus in the year, as well as around PLD’s key interventions to facilitate change across its thematic work. The discussion under the themes embrace all or more than one of the three key interventions of knowledge creation, capacity development and advocacy; likewise, the update on our interventions also bring out the themes around which the work was initiated.

PART A: THEMATIC AREAS OF FOCUS

1) WITCH HUNTING

PLD’s capacity development interventions in Jharkhand, Bihar and Orissa over several years provided the background for engaging with the issue of witch hunting. To understand the ground realities and examine gaps in justice framework, we undertook several initiatives on the subject. This included inquiry into contemporary practices, its prevalence and the interface of the law with the practice – carried out through consultations, literature review, action research over 2010 onwards. This year we concluded our action research in three states, carried out to create evidence on the socio legal dimensions of the practice. Our work compels us to frame witch hunting as a deeply entrenched form of social control operating through patriarchal power, in a context where virtual abdication of governance to ensure delivery of basic needs and lack of legal redress creates an environment of impunity for
stigma and victimisation. The following initiatives of evidence creation and knowledge development were undertaken.

Knowledge production

A) ‘Piecing Together Perspectives on Witch Hunting: A Review of Literature’

PLD released their review of diverse materials on witch hunting, titled ‘Piecing Together Perspectives on Witch Hunting: A review of Literature’. The review takes stock of writings from various sources – scholarly work, academic research, NGO reports, to examine witch hunting and witch craft as historical belief and as contemporary practice from a feminist perspective, in order to understand the ongoing trends in the name of witch-hunting.


As part of the same initiative, PLD, along with its partner organisations in all three states – (Chota Nagpur Sanskritik Sangh in Jharkhand, Centre for Social Justice and SIRSA in Chhattisgarh, and Mahila Samakhya in Bihar) , conducted action research on witch hunting. PLD provided data collection tools and methodology training to state organisations following which the data was gathered through interviews with victims of witch hunting, as well as from the police records of an entire district in each state. Field visits were undertaken to review the data and fill the gaps. Additionally, all judgements by High Courts and the Supreme Courts relating to witch hunting were analysed. The action research was concluded by November 2013, with the production of the report – ‘Contemporary Practices Of Witch-Hunting: A Report on Social Trends and the Interface with Law’. The findings of the study were discussed at consultations held in Ranchi, Patna, Raipur and New Delhi (November 23, 2013, November 25, 2013, December 1, 2013 and November 29, 2013 respectively) with State Women’s Commissions, senior police officials, academia, media and the civil society organizations.

C) Witch hunting in Assam

Modelled on the above three state study, PLD partnered with Assam Mahila Samata Society and the North East Network, to provide technical assistance for carrying out field work on witch hunting in Goalpara and Sonitpur districts in Assam. Data collection tools and methodology training was provided by PLD, the data was gathered by the two partner organisations, which was subsequently reviewed and tabulated for analysis by PLD in this period.
Conferences, advocacy and dissemination of findings

It is necessary for us to discuss the findings related to witch hunting as widely as possible to dispel the narrative that views witch hunting as a uniquely barbaric aberration arising from superstition that is particular to tribal communities. The policy discussions have increasingly veered towards special laws that penalise superstition/practices connected with superstition and witch hunting. The findings of PLD’s studies enable re-visiting these policy discussions and conventional narratives of witch hunting to argue that sufficient penal remedies exist under the IPC, that are rarely invoked for pre-emptive action; the most serious justice gaps relate to prevention, lack of accountability for conditions of deprivation made worse by lack of basic needs and services, and finally, the absence of reparative justice to heal the survivors from the life long and continuing exclusion and impoverishment. To this end, we presented our findings at the following consultations –

- Symposium by Human Rights Defense India on Witch Hunting at Indian law Institute on May 30, 2013, where a draft bill on witch hunting was proposed by the organisers.

- National consultation organised by the NCW in collaboration with the State Commission for Women, Rajasthan, at Jaipur from 27-28 February, 2014, on ‘Prohibition of Atrocities against Women by Dehumanizing and Stigmatizing them in Public,’ where a draft central bill produced by the NCW was presented.

- The Executive Director of PLD was invited as Chief Guest in the inaugural session of the Annual Meeting of the Forum on the Rights of Single Women, held in Delhi on October the 23rd, which in its charter of demands, lists the need for a special law on witch hunting to protect single women.

- A briefing note on witch hunting was presented to the National Legal Services Authority on witch hunting, along with recommendations.

- PLD commenced discussions with the Witchcraft and Human Rights Information Network (WHRIN), a global network working on the issue of witch hunting, beginning with a meeting on the 29th of March, 2014. We discussed our understanding and perspectives of the problem of witch hunting.

- PLD has also disseminated its publications and its findings on witch hunting through in the print and the visual media. On the 30th of November, 2013, the Hindu carried a report on PLD’s study on witch hunting in the three states of Bihar, Chhattisgarh and Jharkhand. On the 2nd of December, 2013 the Times of India carried a report on the study as well as the national consultation held by PLD in Delhi on the 29th of November, 2013. The state consultations held in Ranchi, Patna and Raipur were also covered by the local newspapers.
Through 2013-14, PLD disseminated two of its publications on witch hunting. The first publication, ‘Targeting of Women as Witches: Trends, Prevalence and the Law in Northern, Western and North Eastern Regions of India’, and the second one, ‘Piecing Together Perspectives on Witch Hunting: A Review of Literature’ were disseminated widely amongst stake holders, partner organizations and others who were interested.

II) Sexual Violence, Access to Justice and the Law

With the passage of the Criminal Law Amendment Act, 2013 along with the Protection of Children from Sexual Offences Act 2012, and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2012, the legal framework responding to sexual violence stands considerably transformed. These laws introduce new offences, new procedures and to some extent, constitute new mechanisms for redress. To ensure that the service providers at the grassroots level, across different states, are equipped to protect survivors of violence and pursue remedies, PLD has initiated capacity development at the grassroots and state levels on the laws; to monitor compliance with the new procedures and track implementation. Additionally, new resources to complement capacity development and provision of technical assistance on demand were also part of this period of work.

A) Monitoring Rape Trials in Delhi

For most of 2013, PLD was in discussion with the Department of Justice, the Delhi High Court and the UNDP to discuss the contours of monitoring rape trials in the special ‘fast track’ courts established in Delhi. This led to the finalisation of a study, ‘Making Court Room Procedures Women Friendly: A Study in the Trial Courts of New Delhi’ that involves trial observation, victim interviews and desk research to assess compliance with gender sensitive procedures evolved over the recent years, and identify practices and procedures that are gender sensitive and those that are not. The study, involving close examination of 16 cases, commenced in January, 2014. A resource pool constituting of Mrinal Satish, Rebecca John, Pratiksha Baxi and Farah Naqvi guide the study, and review the findings. The study is ongoing and scheduled to conclude in early 2015.

B) National Workshop: ‘Pursuing Change: Working with the New Laws relating to Sexual Offences’

From the 15th to the 18th of August, 2013, PLD organized a national training workshop on the 3 new laws relating to sexual violence - The Criminal Law Amendment Act,2013, the Sexual Harassment at the Work Place Act, 2013 and the Protection of Children from Sexual Offences Act, 2012. The workshop was attended by 23 participants (comprising social workers, academics, lawyers and
counsellors) from 13 states including Assam, Karnataka, Kerala, Nagaland, West Bengal, Arunachal Pradesh, Maharashtra, Delhi, Rajasthan, Gujarat, Bihar, Andhra Pradesh and Uttar Pradesh. The workshop was structured into several sessions covering various aspects of all the 3 laws, with an overview of the women’s movements engagement with sexual violence, over a period of four days. Special attention was paid to sexual violence in contexts of caste, conflict, workplace and in relation to disability and caste. A comprehensive resource pack was also provided to each of the participants. The resource pool facilitating the different sessions included Madhu Mehra, Uma Chakravarti, Ayesha Kidwai, Albertina Almeida, Rebecca John, Padma Deosthali, Seema Misra, Saumya Uma, Mrinal Satish, Shampa Sengupta and Geeta Ramaseshan.

C) Capacity development at the grassroots level in Bihar

As part of building capacities at the grassroots level, PLD has initiated work with the Mahila Samakhy in Bihar to ensure that the most marginalised survivors of sexual violence have access to support through its field based cadre. While PLD’s grassroots capacity building initiative spans Bihar, Rajasthan, Jharkhand and Gujarat, extending over a period of two years, we were able to commence work in Bihar in the period covered by this report.

As part of the an initiative titled, ‘Enabling Implementation of Laws on Sexual Offences at the Grassroot Level’ the focus of our work in Bihar is to create knowledge resources for and build capacities of service providers who extend support to survivors of sexual violence. The Bihar leg of the initiative is carried out in partnership with the Bihar Mahila Samakhy (BMS) that works across 21 districts, and has alliances beyond their districts of operation.

A state level training of trainers was conducted in Patna from the 6th to the 8th of January, 2014, that was attended by 39 para legals from 21 districts of Bihar. This was followed by a training of service providers in the districts of Muzaffarpur (22-23 February, 2014) and Betiah (24-25 February, 2014) in Bihar. For each training there were 25-30 participants from the two districts, who take up cases as members of Nari Adalats; the participants included district resource persons and Sahyognis of the Mahila Samkhya.

D) Facilitating holistic justice for women through convergence in Kekri and Bhinay blocks of Ajmer, Rajasthan

This initiative seeks to engage the state departments, legal services, the Panchayati Raj Institution in facilitating justice to women survivors of violence that include but are not limited to legal redress. The initiative in the most backward blocks in Ajmer district is carried out in collaboration with the Mahila Jan Adhikar Samiti (MJAS) based in Ajmer, with the support of the National Mission on Empowerment of Women. The facilitation of
convergence of different bodies, departments and schemes is a recognition that legal redress at its best, offers just partial justice, particularly in contexts of poverty and marginalisation, where survivors of violence need state support in the area of education, shelter, food security, livelihood and pension to re-build and restore her life either alone or with her family/children.

The steps taken thus far include appointment of para-legals and community leaders (identified from anganwadi workers, elected women representatives, ASHA workers and sathins) as the facilitators of support and convergence. Building the capacities of these community leaders and para-legals was necessary to equip them to carry out the work. For this purpose, a needs assessment was organized in Ajmer on 10th February 2014, followed by a two day training of the para-legals and community leaders on the 1st and 2nd of April, 2014. Senior officials of state departments, the zila parishad, legal services and the Mahila Salah Suraksha Kendra were invited to monitor and support the process. Preparation of resource materials on laws and schemes began, a training curriculum and module was also developed.

PART B: CROSS CUTTING INITIATIVES

I) TECHNICAL ASSISTANCE

i) Judiciary:

- PLD was invited to plan the module for the series of training workshops organized by the ‘Committee to deal with Matters Pertaining to Sexual Offences and Child Witnesses’ for each of the district courts of Delhi. This included preparation of agenda, creation of a CD of resource materials with readings, identification of panellists and conducting sessions. Three such programmes were organized – for the Saket court, on the 14th and 15th of September, 2013; one batch of the Tis Hazari, on the 11th and 12th of January 2014, and the second batch of Tis Hazari again on the 8th and 9th of February 2014. The participants the programme include judicial officers, public prosecutors, legal aid lawyers and the police.

- PLD created two posters on sexual harassment at the workplace for the Supreme Court in March 2014 - on ‘Know your Rights’ and ‘Know the Consequences.’

ii) Government
At a meeting called by the Ministry of Women and Child Development on the 24th of May, 2013, PLD submitted comments and suggestions on draft rules for the Sexual Harassment at the Workplace (SHW) Act.

At the Focus Group Discussion organized by the National Mission for Empowerment of Women (NMEW) and UN Women held on the 3rd of March, 2014 on recommendations to the Sexual Harassment of Women at Workplace Act, PLD presented recommendations for amending provisions that limit the potential of SHW Act

iii) **Social sector and community networks**
- CFAR training for sex worker collectives: From the 14th to the 16th of November, 2013, PLD conducted a training organized by Centre for Advocacy and Research (CFAR) for sex workers collectives on gender and the law, focusing on the laws relating to sexual violence – for adults and children. There were 37 participants from various sangathanas across the country India.
- North East Network training for Assam: From the 4th to the 6th of December, 2014, PLD conducted a workshop organised by the North East Network for women’s/community groups and lawyers from Assam, on working with new laws on sexual violence.

### II) Conferences/Public Hearing/Meetings

i) Public Hearing by Shahri Adhikar Manch: On the 13th of August, 2013, the Shahri Adhikar Manch, a rights forum for the marginalized in urban spaces organized a public hearing on Violence against Homeless Women in Delhi. Madhu Mehra, Director of PLD, along with ex Justices AP Shah and Leila Seth, and Miloon Kothari of the WGHR were the jury members of the public hearing. The report of the public hearing has been published and is available on the website [www.hicsarp.org](http://www.hicsarp.org).

ii) Majlis Conference: Negotiating Spaces - Fine Tuning our Demand for Rape Law Reform, on August 10-12, 2013. We were invited as panellist at the conference, to present on ‘Dangers of Criminalizing Sexual Activity between Young Teens’

iii) Invited as a panelist to discuss areas of concern in relation to sexual harassment at the workplace at the National Law University Delhi: Round Table Conference: on the laws relating to sexual offences on the 15th and 16th of February, 2014.

iv) Ford Foundation consultation on Gender Based Violence: PLD participated in a consultation organized by the Ford Foundation for its grantees, where it presented its initiatives related to gender based violence.

v) On the 19th of December, 2013, Madhu Mehra, the Director, made a presentation on the three decades of struggle for law reform relating to sexual violence by the women’s movement in Kuala Lumpur at the All Women’s Action Society Malaysia (AWAM).
vi) On April 28th, 2013, at a public event ‘Justice and Peace for women, girls, men and all – an evening of music, poetry, discussion and action initiated by civil society, held at the Select City Mall, Madhu Mehra paid a tribute to Justice Verma who had just passed away.

vii) At the ‘National Consultation on Gender Based violence- Sexual Harassment at Work Place’ organized by the Friedrich-Ebert-Stiftung, India office, jointly with the Department of Economics, SNDT Women’s University, on 07th of December 2013 in Mumbai, PLD made a presentation on the loopholes in the SHW Act.

viii) Feb 26, 2014 – PLD was invited to make a presentation on Employers obligations for a seminar by the Delhi Management Association (DMA) on the SHW Act at the India Habitat Centre on February 26th, 2014. The DMA is a professional body with 200 institutional members and 3000 individual members seeking to evolve and disseminate management principles & practices.

III) ADVOCACY

We engage with national institutions and international human rights mechanisms to influence and shape standard setting on women’s rights, with the objective of ensuring inclusion of marginalised realities and constituencies. We also track protection of rights to draw attention to areas of advancement and gaps, and to participate in public debate.

International Advocacy

A) On the 24th of March, 2014, PLD made a submission arguing for legal protection to women in intimate, non normative relationships to the UN Working Group on Discrimination against Women in Law and Practice; and elaborating cultural rights and cultural diversity in ways that are accommodating of dissent and difference. Along with the submission, PLD also submitted its publication, Rights in Intimate Relationships to the Working Group. The submission was made for the Thematic Report on the Discrimination against Women in Law and Practice in Family and Cultural Life, which the Working Group shall produce in 2015. PLD was subsequently invited by the Working Group, to present at an expert group meeting called by the Working Group.

B) On October 7th, 2013, PLD presented its written submissions to the CEDAW on ‘Community Sanctioned Violence against Rural Women’ for its forthcoming General Recommendation on Rural Women.

National Advocacy

A) PLD presented its written submission on the rights of women in non marital conjugal relationships to the Law Commission of India and participated in a discussion organized by the Commission on the 16th of January, 2014 wherein we advocated our position on rights in intimate and non marital conjugalities, and compulsory registration of marriage.
Both the submissions made by PLD to the Law Commission and the UN Working Group on Discrimination against Women are part of a larger initiative to create a knowledge base on as well as advocate protection of rights for women in conjugal relationships irrespective of marriage, legality, sexuality.

B) On the 12th of November, 2013, PLD submitted its suggestions on the National Commission for Women to the sub-committee on the functioning of the NCW, appointed by the Parliamentary Standing Committee on Human Resource Development. In the suggestions, PLD emphasized the importance of functional and foundational autonomy from the executive for a nodal human rights institution like the NCW, and the need to align it with the Paris Principles.

Media outreach

Our liaison with the print and television media on concerns relating to sexuality, sexual violence and women’s rights continues, as panelists on television debates as well as for inputs on coverage of women’s concerns. Some examples are on NDTV debate on ‘Sex, Lies and Maintenance-Madras High Court Verdict: Judicial Overreach?’ on the verdict of Madras High Court judge, which in its obiter equated sex with marriage; interview by NewsX on 4th June, 2013 on acid attacks; interviewed by Channel News Asia on the 12th of April, 2013 on the representation of women as witches in popular cinema and culture; as well as discussions on the National Commission on Women in CNN IBN and the NDTV.

IV) COALITIONS AND ACTIVISM

As part of PLD’s vision and commitment to realisation of equality and non discrimination for all, irrespective of their class, gender or sexual orientation, we are part of several alliances and coalitions on human rights, sexuality and women’s equality. We actively participate in the activities and activism of these coalitions, providing our own resources and space as well to facilitate their functioning.

A) Voices against 377: Voices against 377 is a coalition of civil society groups campaigning against Section 377 of the IPC which criminalizes homosexuality. PLD, as part of the coalition, took part in the deliberations, discussions and campaigns against Section 377. After the Supreme Court judgement re-criminalizing homosexuality in December 2013, PLD coordinated meetings of the coalition and was actively engaged in the decision to seek review of the judgement, and subsequently, move a curative petition. Madhu Mehra, Director of PLD was made the authorized signatory for review related papers and affidavits.
B) Working Group of Human Rights in India and the UN (WGHR): The WGHR is a national coalition of several civil society groups working on human rights. As part of the WGHR, PLD has been active in monitoring the UPR recommendations to India, and in following up on India’s oblications made in relation to violence against women and decriminalisation of homosexuality. More notably, PLD conducted an orientation in March 2013 for the civil society to access and make submissions to the special mechanisms in preparation of the country visit of the Special Rapporteur on Violence Against Women (SRVAW) visited India on her country mission from the 22nd of April to the 1st of May, 2013.

C) NGO coalition for the shadow report to CEDAW: PLD submitted three chapters for the CEDAW shadow report compiled by the National Alliance of Women (NAWO), in addition to orienting and assisting networks unfamiliar with the CEDAW to participate in the review of India’s 4th and 5th periodic report scheduled for July 2, 2014. Our chapters pertain to sexual violence and the law, Articles 1 to 5 includin on the National Commission for Women, and Witch Hunting.

D) Participation in regional platforms and organisations:
- At the International Strategy Meeting for Advancing Women’s Rights and Gender Justice in the face of Religious Fundamentalism, organized by Association for Women’s Right in Development (AWID) in Istanbul from the 4th to 6th December, 2013 with the objective to strengthen and enhance alliances, coordination and collaborations across regions, contexts, sectors of work to fight fundamentalist attacks in women’s rights.
- At the strategic planning of the IWRAW-Asia Pacific in Penang, in Malaysia, on the 17th and the 18th of December, 2013.

V) New Resources and Publications
- ‘Piecing Together Perspectives on Witch Hunting: A Review of Literature’: A review of diverse materials on witch hunting including scholarly articles and NGO reports.
- PLD’s revamped website (http://pldindia.org/) was launched in June 2013. Apart from information about PLD and its programmes and resources, the website also provides rich information on general developments, and most notably, hosts a repository of Feminist Law Archives that makes accessible memorandums, reports and
petitions that reflect women's movements engagements with the law. Containing reports that are either unpublished, difficult to access or not available on the web, such as the *Towards Equality* report published by the Committee on the Status of Women in 1974, and the *Memorandum on Rape Law Reform*, written by Upendra Baxi, Lotika Sarkar and Raghunath Kelkar, the repository is an effort to remind us of the rich history and journey of the debates and activism on the engagement with the law.

- Newsletter and Annual Digest: Since 2008, PLD has consistently produced a bi-monthly newsletter containing news reports and analyses of developments in the sphere of human rights and gender justice within a judicial/policy framework. Over the period of March 2013 to April 2014, PLD has produced seven newsletters and an Annual Digest for the year of 2013. The bi-monthly legal news and the Annual Digest is also downloadable from our website.

**Organizational Updates**

A) External evaluation

PLD initiated an external evaluation, conducted by Amaltas, a consulting agency, with two leading experts, Katherine Hay and Srilatha Batliwala, as advisors to the evaluation. The evaluation looked at PLD’s work and performance from the period of 2004 to 2012. The evaluation process was participatory involving focused group discussions and workshops with the staff, the programme partners, experts in the sector and donors, in addition to an intensive evaluation and tabulation of its documentation/publication and reports.

The evaluation commenced in late 2013, and concluded in 2014. The findings of the evaluation affirm that PLD's strength lies in being grounded in marginalised contexts, illustrating through various examples how our work occupies a vast canvas from grassroots, national to UN human rights system, with inter-linkages between each of these levels. It affirms that our contribution to the women's human rights discourse has brought to the fore marginalised and invisible realities.

B) Organizational Development (OD)

C) Staff Development – our law researcher, Amartya Kanjilal participated in a regional training workshop organized by the WGHR on the UN Special Procedures, the UPR and National and State Human Rights mechanisms, from the 2nd and 3rd of December, 2013, in Jaipur.

C) Resourcing Rights meeting: South Asian Women’s Fund and AWID

PLD was invited to attend and participate in the Resourcing Rights meeting organized by the South Asian Women’s Fund and the AWID on the 19th and 20th of September, 2013 at the Ford Foundation office in Delhi. The meeting was held with a view to understand current funding trends and strategize on ways to ensure sustainable resourcing to women’s organizations in the region.

D) Organizational Structure

Our Team and Programme Partners

**Executive Director:** Madhu Mehra

**Programme Staff:** Ishani Cordeiro, Shweta Goswami, Amartya Kanjilal

**Short Term Appointments:** Winnie Mitra, Smriti Minocha, Saptarshi Mandal, Nikita Agarwal

**Interns/Volunteers:** Shambhavi Sharma, Elisabeth Doyle, Anindita Mukherjee

**Legal Consultants:** Anita Abraham

**Programme Assistance and Finance**

**Team:** Bindu S, Kishore Tirkey, Vipin Kumar, Surabhi Shastri, Ankur Kashyap

**Programme Partners**

**Bihar:** Mahila Samakhya

**Chhattisgarh:** Centre for Social Justice, SIRSA

**Jharkhand:** ChotaNagpur Sanksritik Sangh

**Assam:** North East Network, Assam Mahila Samata Society

**Rajasthan:** Mahila Jan Adhikar Samiti
Resource Pool

**Witch Hunting**: Ved Kumari, Lena Ganesh, Anuja Agarwal, Asha Bajpai, Uma Chakravarti, Mary John

**Monitoring Rape Trials**: Pratiksha Baxi, Farah Naqvi, Mrinal Satish, Rebecca John

Governance

**Board of Trustees**: Aradhana Nanda, Jaya Sharma, Rebecca Mammen, Geeta Ramaseshan, Madhu Mehra

**Programme Advisors**: Uma Chakravarti, Sanjay Aggarwal

**Funding Partners**: MWCD, NCW, UNDP, NMEW and Ford Foundation.