Listening to Children of Nomads

Let us re-write the narratives of stigma and exclusion
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Names of children have been changed to protect their identity.
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"I used to go to school but the behaviour of the people in the village and the school was unbearable and I stopped attending school. Now I graze goats and sometimes go to beg with my mother."

Poonam, 14 years, child of Kalbeliya community, Barmer district.

"We are not allowed to sit with children of other caste or eat with them. I do not feel like going to school."

Sujata, 13 years, child of Odh community, Baara district.

"My father is illiterate but he dreams that we will all be educated, so he sends us to school. He says if the children are educated they will know the world and people will not be able to cheat them."

Ranjeeta, 16 years, child of Garasiya community, Banswara district.

"The teacher made me sweep the floor and clean the toilet. I left the school. After this I never felt like going to school."

Anokh, 10 years, child of Gadiya Luhar community, Tonk district.

"My family stays more than a kilometre from the village, in an isolated area in a tent. People do not let us stay close saying we are low caste. Whenever there is a crime in the village the police comes to our door blaming us for the crime."

Prahlad, 12 years, child of Nut community, Bharatpur district.

"My father, mother, elder brother and elder sister’s names were on the electoral list, but once when we came back from Punjab all our names had been crossed in the list. We have a ration card but we do not get cereals and kerosene. Once I went with my mother to the ration shop but they refused to give ration to us."

Sameer, 14 years, child of Bawariya community, Bharatpur district.
In July 2016 sixty children from across Rajasthan were invited to participate in a workshop in Jaipur to share and express their experiences, feelings and thoughts on their rights, entitlements and the conditions they face. The children belonged denotified and nomadic tribal (DNT) communities.

Nomadic communities have always been an integral part of Indian society – as pastoralists, hunter-foragers, artisans, healers or entertainers. It was in 1871 that British passed the Criminal Tribes Act (CTA) through which they declared 150 nomadic communities as “addicted to the systematic commission of non-bailable offences”. The CTA was extended across the country and more communities were brought under it. The colonial rulers condemned a large section of the Indian population to live in extreme poverty and degradation. Historians say the British did it to control nomadic populations in their territories. After Independence the CTA was abolished and the “criminal tribes” were ‘de-notified’. The intent was to restore dignity and full citizenship to these communities. However, the persistent caste system and other forms of social ostracisation have prevented these communities from being recognised as equal citizens of the country.

The nomadic way of life and continued dependence on traditional occupations has created specific vulnerabilities of the DNT communities. The communities do not fit easily fit into geographical boundaries, land and property norms and laws requiring proof of residence as essential to citizenship rights. The traditional and historical ways of living for these communities create disconnect between their means of livelihood and their freedom to live with dignity in a republic which is wedded to settled modernity. These communities and the children of the communities have become especially vulnerable to trafficking, sexual abuse and have been reduced to begging, rag picking or other labour for earning a livelihood.

The National Commission for Denotified, Nomadic and Semi-Nomadic Tribes in its 2008 report estimates the population of these communities to range from 7 to 10%. The report states that there are 150 denotified tribes and some 500 different nomadic communities. If we include semi-nomadic communities the number goes up to 1500.

Estimates of nomadic population in India range from 7% (84 million as per 2011 Census) to 10% (120 million). Even the lowest estimate is larger than the population of Iran, the 16th most populous country in the world.

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Rajasthan has nearly 32 communities belonging to the DNT category. The Government of Rajasthan has classified around 28 of the DNT communities in the state into Scheduled Caste (SC) and Other Backward Caste (OBC) categories.

The children attending the Jaipur workshop shared stories of stigma and exclusion they face on an everyday basis. The issues facing de-notified and nomadic tribes [DNT] in India today are of that identity, citizenship and access to basic and fundamental human rights. The lack of a permanent address, ration cards or any official documents and the resultant difficulty in getting caste certificate ensure that they are officially non-existent and hence ineligible for any benefits. Therefore despite being included in protective list of SC or Scheduled Tribe (ST) category, they are unable to enjoy the citizenship rights. General entitlement and other welfare measures meant for SC/ST/OBC communities are of little use when the basic issue of identity and citizenship remain unaddressed. Added to this is the continued social ostracism they face!

Legal Provisioning for Denotified and Nomadic Tribal communities

The constitutional mandate for affirmative action for backward classes

Under fundamental rights guaranteed by the constitution all citizens have the right against discrimination (Article 15) and equality (Article 16). The constitution under Article 15(4) provides for affirmative action for the advancement of socially and educationally backward classes.

The need for enumeration underscored by the National Commission for De-notified, Nomadic and Semi-Nomadic Tribes

In 2006 the National Commission for De-notified, Nomadic and Semi-Nomadic Tribes (NCDNSNT) was constituted under the Ministry of Social Justice and Empowerment, Government of India. The NCDNSNT has made efforts to collate data from a variety of sources and developed a comprehensive report. The report outline the historical perspective of the communities, provides an overview of de-notified and nomadic tribes indicating their location in SC, ST and OBC lists; it tries to estimate the population DNT, talk about the salient socio-economic features of these communities, reasons for the decline of their traditional occupations. The report also deals with atrocities and human rights violations faced by the communities, gender concerns, along with recommendations.

Despite legal provisioning for nomadic communities without proper enumeration of population and targeting strategies it is unlikely that all these provisions will reach them.
However without proper enumeration of targeted population and strategies to reach them it is likely that all these provisions would not reach the DNT communities.

Central Government schemes for denotified and nomadic tribal communities
The Central Government has launched two schemes for the benefit of the DNT community:
1. Dr. Ambedkar Centrally Sponsored Scheme of Pre-Matric and Post-Matric Scholarship Scheme for Denotified, Nomadic and Semi-Nomadic Tribes (DNT), and

Affirmative action and efforts by the Rajasthan Government
The Rajasthan State Government has made various efforts to improve the condition of the DNT community. Out of 602 hostels for senior-secondary classes, the Rajasthan Government is running 30 hostels exclusively for the students from DNT communities, and is also providing pre-matric and post-matric scholarships to the students. In case of the Gadia Lohars community, the state government has been implementing a Special Integrated Scheme for house-cum-shop for Gadia Lohars. The state government is providing financial assistance to help them purchase raw material for manufacturing equipment’s and tools for agricultural and industrial purposes.
Based on a review of the provisioning made for DNT communities, reflecting on our work with these communities and listening to the children of nomads we are able to see connecting threads that link their stories. We feel that action in three broad areas will help unravel the persistent presence of stigma and exclusion and create new narratives that celebrate diversity and social, economic and political inclusion. We share the following call to action as a suggested path that can be taken by the administration and the government, with the active support of change agents working with the community including community leaders, community based organisations and civil society organisations.

To celebrate diversity and enhance social, economic and political inclusion for DNT communities:

1. Ensure Access to Identity, Citizenship and Rights for Nomadic Communities
2. Sensitise Governance Structures to Vulnerabilities Faced by Nomadic Communities
3. Create Inclusive Society, Celebrate Diversity and Promote Culture of Nomadic Communities.
Ensure Identity and Citizenship Rights for Nomadic Communities

Given the nomadic and semi-nomadic nature of their lives, DNT communities face difficulty to prove domicile and residential status. This has made it difficult for the DNT populations to claim identity. Identity is the most basic right from which all other rights can be accessed. Members of the DNT community find it a challenge to prove their identity and access citizenship rights and legal safeguards.

The question of identity has two aspects. Firstly it gives an individual and community a standpoint from which they can interrogate the state regarding equality and citizenship rights. Secondly identity establishes the basis of enumerable representation in political bodies, state institutions, educational opportunity and access to public goods. Identity and self-awareness will enable the DNT community who hitherto received the state’s welfare measures passively to interrogate the state on both norms of welfare and social justice.

The state strategizes the dispensation of welfare measures and the distribution of public goods on quantitative considerations. For the purpose of redistributive justice on quantitative terms, the state needs to determine target populations of DNT communities. Thus even to make provisioning to ensure the right against discrimination (Article 15) and the right to equality (Article 16) the state needs to first ascertain the population of a caste in each state and compare their educational level with the state average. Under article 16(4) of the Constitution, reservation is also provided to backward classes in state services if such groups are not adequately represented in the state’s services. These clauses in the constitution provide the foundation behind reservations for backward classes. DNT communities are covered with in Scheduled Caste, Scheduled Tribe and Other Backward Caste categories, but there is no data to see the extent to which DNT communities have been able to access reservations.

An identity gives an individual and a community a standpoint from which they can interrogate the state regarding equality and citizenship rights. Identity also establishes enumerable representation in political bodies, state institutions, educational opportunities availed and access to public goods.
The government should commission a comprehensive household survey to analyse the socio-economic, cultural and political status of de-notified, nomadic and semi nomadic communities in the state of Rajasthan.

There should be a review and analysis of budgetary provisions, realisations and resultant impact in the living status of DNT communities in the state of Rajasthan.

There should be 100% distribution of identity proof certificates, including caste certificates, voter cards, Aadhar cards, ration cards, NERGA cards, BhaMaShah registration though an intensive campaign in the state of Rajasthan. There should be 100% coverage of households for homestead rights, settlement rights and where necessary proper rehabilitation. There should be 100% coverage of households for financial inclusion so DNT community can enter into economic mainstream and avail benefits from financial institutions.

A special drive should be done to ensure children of DNT communities are issued birth certificates.

Our experience of working with the DNT communities shows that these communities are amongst the most excluded of all communities within Scheduled Castes and Scheduled Tribes. In the interactions with children of the DNT communities in the Jaipur workshop, we gathered data on education, and even though most of the children were from settled households we found that 72% were not enrolled in school, within the enrolled there was high risk of dropout.

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CALL TO ACTION 1
Ensure Identity and Citizenship Rights for Nomadic Communities

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» A special drive should be done to ensure children of DNT communities are issued birth certificates.
Given the particular vulnerabilities faced by DNT communities because of their nomadic existence and dependence on traditional occupations, compounded by the challenge they face in asserting identity and citizenship rights; local administration and local governing systems need to be sensitised to ensure that governance structures serve these communities in an accountable and responsive manner.

There is an urgent need to examine how governance structures work when interacting with members of the DNT communities. There is need to review the actual implementation of programmes by the concerned authorities. There is clear need to establish transparency and accountability of the administration to the DNT community and this requires systematic monitoring. Instances of institutional discrimination and laxity in implementing welfare measures need immediate rectification and grievances addressed and lapses removed.

It needs to be recognized that duty bearers in administrative institutions, and government officials should serve as a role model for others in society to follow. Under their roles and responsibilities, the officials and duty bearers must be ready to deliver services to all members of the society equally, including those members belonging to the DNT communities, especial provisions to be laid for the communities under different government schemes and programs in the true spirit of service.

The local governing bodies are to be made accountable, and corrective actions need to be taken to sensitise them to address social exclusion and vulnerabilities. The communities should not be neglected from Public Distribution System and even health departments should reach out to them so that their health needs are met.

Local institutions are to be made sensible and accountable so that they can immediately act upon providing services at local level. The village chief/Sarpanch and other officials of the panchayati raj institutions (PRIs) need to step forward and take this responsibility at local and extend the aid to the members of the nomadic communities. Action must be taken to sensitize them and train them to address social exclusion, especially to address the vulnerabilities of the community.

The traditional itinerant livelihoods of nomadic communities are not enough to sustain households in a life with dignity. They need economic rehabilitation programmes.
Similarly the Public Distribution System (PDS) ration shops, Health department workers (ANM + Asha) should be made aware of their duty to serve DNT families possessing ration cards and health cards likewise the quality education.

Three main areas need special attention. These are:
- Security for a life with dignity and access to justice
- Land and livelihood, especially the provision of alternate livelihoods
- Education and child friendly schools at sites with concentrations of DNT populations

Security for a life with dignity and access to justice

From International conventions to which India is a signatory, to the Constitution of India, to laws on the statute books and recommendations of various commissions – the legal provisioning for the rights of DNT communities is very robust.

The Universal Declaration of Human Rights (UDHR) passed by the United Nations in 1948 which India voted in favour of clearly states in Article 3: “Everyone has the right to life, liberty and security of person.” The UDHR details individual civil and political rights – such as their rights to free speech, fair trial, and political participation, and the need to promote economic, social and cultural rights – including rights to health care and education.

The United Nations Convention on the Rights of the Child speaks about rights under the categories of security and development, protection and participation.

The Indian Constitution clearly mention in its preamble as well as in part III (Articles 12-35) about the fundamental rights including right to life (which the Supreme Court has interpreted to include the right to live with dignity), right to equality, freedom against the discrimination, freedom of religion, cultural and educational rights. Thus the Indian Constitution gives a bedrock for the rights of deprived and vulnerable communities and individuals including the DNT communities.

The Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 and amended in 2015, was introduced because of the recognition that “[d]espite various measures to improve the socio-economic conditions of the SCs and STs, they remain vulnerable… They have, in several brutal incidents, been deprived of their life and property….”

The children of the community have the protection of many laws, including the Child Labour (Prohibition and Regulation) Act, 1986 as amended in 2016, which empowers State Governments to make rules with reference to health and safety of children. Child domestic workers up to 14 years of age working in hotels and dhabas have been brought within the purview of the Act. It is one step towards the total elimination of child labour. Also the section 26 of the Juvenile Justice (Care and Protection of Children) Act, 2000 and as amended in 2015, which speaks about exploitation of juvenile or child employee. And the Commissions for the Protection of Child Rights Act, 2005, which details the function of looking “into the matters relating to children in need of special care and protection including children in distress, marginalized and disadvantaged children.”

We need mechanisms that will help state administration use these robust legal safeguards to protect the right to security and life with dignity and access to justice to members of the DNT communities.

Land and livelihood, especially the provision of alternate livelihoods

Traditionally DNT communities were always on the move. The current economic processes do not support livelihood based on itinerant lifestyles, and yet they have not received any support to shift to a sedentary livelihood. There is urgent need to make special provisions for land entitlements for DNT households, especially homestead lands. A permanent house in the names of households, especially in the name of the women will go a long way in helping DNT households access welfare measures and entitlements. Dalits And Land Status And Related Issues, a study to on the question of land in Western Rajasthan, by UNNATI, a voluntary non-profit organization working in Gujarat and Rajasthan, reveals that land distribution in the area is heavily skewed against SCs and STs. Even when distributed to them it is not likely that land will remain in the possession of the Dalit households unless active safeguards are not instituted. (see < http://www.unnati.org/pdfs/books/dalit-and-land-eng.pdf >) Given the vulnerabilities of DNT communities the situation faced by them would be as bad if not worse.

In today’s economic context the traditional itinerant livelihoods of the DNT communities are not enough to sustain households in a life with dignity. There is need to create economic rehabilitation programmes with the use of imagination and the participation of the DNT community. At the first instance we need to create contexts where the value
of the traditional skills possessed by members of the DNT community can be used so that they can have sustainable livelihoods. New and alternate uses of these skills and traditional knowledge passed on down generations have to be discovered in newer contexts. The skills range from entertainment, artisanal and craft skill, animal husbandry, foraging and hunting. Simultaneously young people, women and men should have access to mainstream opportunities and should have the option to choose vocations other than their traditional occupations. Instead of prosecuting the communities for practicing their traditional occupations, which in many cases are now illegal – such as hunting and entertaining people with trained animals, the members of the DNT community and especially the youth should be targeted for training and re-skilling in alternative livelihood options. Ensuring access to land and livelihood to DNT communities is very important for inclusive growth and equitable society.

Children of DNT communities face the brunt of the precarious existence. They suffer malnutrition and are forced to resort to begging, rag picking or take up other forms of labour.

Education and Child Friendly Schools

Much effort is required to make education in Rajasthan accessible to marginalised groups - women especially girl children, Dalits, migrants and members of the DNT community. The enrolment of girls in schools at the primary level is 47.79%, majority of the enrolled girls do not reach up to class 8.

As per the 2011 Census Rajasthan is among the bottom five states in the country in terms of the literacy level for scheduled castes (59.7 %) and among the last six for scheduled tribes (52.8%). Women’s education among the SC is 44.5% and among the ST is 37.3%. Extrapolating from this data, it can safely be presumed that DNT community’s access to education would be worse.

Along with ensuring access to education we need to also consider the quality of education that existing schools are providing. We need to overhaul schools and the education department get them to ask the question – are the schools we run child-friendly spaces and are the systems child-centered? Schools and the education department also need to address the issue of institutional discrimination faced by children of vulnerable communities and especially children from DNT communities.

Like most parents those in the DNT community also understand the value of education, but is the challenge of going to school too much for them to overcome?

Connecting threads of the narratives shared by children in the Jaipur workshop

**Education**

1) 28% of the children are dropouts and rest are not regular in school attendance
2) Girls are majority of school dropouts
3) Discrimination faced from fellow students belonging to dominant castes, discrimination faced from teachers, responsibilities at home are among the reasons for dropping out
4) Seasonal migration and nomadic life impact school attendance.
CALL TO ACTION 2
Sensitise Governance Structures to Vulnerabilities Faced by Nomadic Communities

» Create a special package and sub-plan for the socio-economic empowerment of DNT communities.
» Create an empowered monitoring and grievance redressal cell at the state level, and make it responsible for recording cases of atrocities against DNTs separately. Make the cell also responsible for proactively suggesting policies and schemes for removing stigma and discrimination faced by the DNT community and monitoring the implementation of schemes and policies meant for them.
» Sensitise child protection officers to the particular vulnerabilities faced by children of DNT communities and promote facilities like the Child Help Line within DNT communities.
» Give DNT communities priority in land patta allotment, especially for homestead land, so that they can settle down and can access education and other entitlements and facilities.
» To address extreme levels of vulnerability, marginalisation and homelessness five acres agricultural land should be allotted to each household.
» Create panchayat level committees for the status update of DNT communities in its jurisdiction and make these committees accountable for the economic and social development both under universal entitlements and special provisions. The committee should ensure that all households in the DNT communities get rations under PDS, are able to enrol their children in schools/Aganwadi, can access work under NREGA, receive health services- vaccination etc., and social security such as pensions.
» Majority of the communities are dependent on their traditional occupations but due to the newer technologies, the communities are losing their livelihood. Government should protect and promote their occupations and or alternatively provide them with alternate livelihood opportunities.
» Provision of mobile education as well as ICDS (anganwadi) units to their camping sites will help children of families which haven’t been able to settle down to complete their education.
» Locate schools in areas with concentration of DNT communities and increase capacities of existing schools in these areas.
» Organise capacity building and training to get schoolteachers and educational officers to deal with bias and discrimination against children of DNT communities.
An inclusive society is one in which every individual can access their rights and responsibilities and have an active role to play. An inclusive society is based on respect for all human rights and fundamental freedoms and the rule of law. Moving beyond these basics, an inclusive society values social justice and celebrates cultural and religious diversity, and is sensitive to the special needs of vulnerable and disadvantaged groups, and takes efforts to ensure their democratic participation. An inclusive society is promoted by policies that seek to reduce inequality, especially inequality of opportunity, and create tolerant and resilient societies. To achieve social integration and social inclusion the voices of people, their needs and concerns, have to be an opportunity of articulation and sympathetic hearing. All members of society have stake and thus must also have a say.

The conditions of life faced by the DNT communities in India pose a challenge to our aspiration of developing as an inclusive society. How can we remove the exclusion and vulnerability faced by DNT communities in India and eliminate the stigma and discrimination they face?

We would like to speak about five arenas of engagement that help us move towards an inclusive society:

1) Create Visibility For Denotified and Nomadic Communities: We need to remain wary of monochromatic depictions of society. India is blessed with social and cultural diversity, and has not been able to celebrate it to the extent possible. The DNT communities, through their social history, culture and their traditional way of life present unique opportunities to celebrate human diversity. Not as passive objects being presented as curios, but as protagonists of their unique life with their own voice. Individuals and the community both need platforms to represent themselves. The path to visibility starts with being counted in the census, and moves on to more detailed academic studies that present histories, narratives and the imagination of the communities. As cultural artists, artisans, crafts persons, hunters, foragers the DNT communities have unique talents that need...
Connecting threads of the narratives shared by children in the Jaipur workshop

1. Areas of Interest: On asked about their interests most children (63%) expressed their desire to continue their education. The next most popular interest was playing (38.9%), followed by music (18.5%), dance (16.7%), painting and other activities such as travelling, household work etc.
2. Aspirations of children: The children aspired to a range of professions -- teaching (31%), medicine (18%), singing (6%), police (9%), engineering (4%), and law, beauticians, driving, government jobs. All wanted to help their families in their financial needs.
3. The overwhelming majority (91%) said they needed help to better their living conditions and achieve their aspiration.

access to platforms through which they can reach out to new audiences. The community needs to be empowered to step up and negotiate for policies and schemes that better serve their needs.

2) Enable Denotified and Nomadic Communities to Assert Rights: We need to spread awareness of rights and build community solidarity to assert these rights. The rights range from security and access to justice and right to food security, housing, work, health care and education. We also need to ensure that delivery of these rights needs to be an empowering experience for the community.

3) Build Community Resources So Denotified and Nomadic Communities Can Participate in Society: Settled communities have over the years evolved shared spaces and social networks that work as community resources. We need to help DNT communities build both physical resources and social resources in the form of collectives, solidarity networks. Physical resources include community centres, playgrounds and other shared spaces as common resources for the access and control of the DNT community. Social networks would need to be built around community leaders who can articulate community aspirations and place them before officials, media and members of civil society.

4) Sensitise Governance Structures to the Particular Vulnerabilities Faced by Denotified and Nomadic Communities: Duty-bearers and especially administration and government officials need to be sensitised on the particular vulnerabilities faced by DNT communities. The lack of a proactive approach in the delivery of welfare and entitlements ensures that members of DNT remain unaware of the benefits and entitlements due to them, and their rights as per the Constitution and the laws of the land.

5) Access to Social Interactions: We need to provide DNT communities with a platform from which they can engage in a regular and systematic manner with broader society and social networks, and create a new space for themselves in economic, social, cultural, religious, and political activities

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CALL TO ACTION 3
Create Inclusive Society, Celebrate Diversity and Promote Culture of Nomadic Communities

» Create an official category as DNT in Rajasthan, like the Vimuktya Bhatke Jaat in Maharashtra.
» Create preference for DNT community, within SC or OBC category, for job reservations in Rajasthan.
» Reserve seats in Block/ Taluka Panchayats and Zila Pandhayats/ Zila Parishads, and the Urban Local Bodies for DNT communities wherever their population is concentrated.
» Create state level forum of DNT communities. Create leadership-building programmes and support the evolution of community institutions.
» Institute scholarships for youth from DNT communities to avail higher education, engineering or professional degrees and training.
» Set up a cultural academy to develop, preserve and exhibit the diverse and rich cultural heritage of DNT communities. The academy should promote research and sponsor studies on issues related to DNT communities.
» Organising brainstorming sessions with researchers, community organizers, media, policymakers and other stakeholders on how to remove stigma and bias against DNT communities.
» Mobilise resources to improve the socio-economic conditions of DNT communities. Earmark 10% of MP/ MLA Local Area Development Fund for DNT communities.
» Provide for capacity building and training for the government officials, administrators, police officers, service providers (health, education, PDS, SJEd) so they can deal with bias and better address issues related to DNT communities.