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ActionAid Association (India)



# A PEOPLE'S AGENDA FOR JUST FUTURES


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April, 2024



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# INTRODUCTION



**D**eliberative policymaking, rooted in intentionality, stands as the bedrock of democratic governance, where the voices of vulnerable communities must take centre stage to inform and ensure inclusive processes.

This document embodies this principle, crafted through extensive community listening and collaboration across 21 states and one union territory. While working on this document, we did not underestimate the power of community voices. By listening to dispossessed communities, we ensure that their asks are heard, their knowledge and traditional wisdom deeply respected, and that their felt needs are given the attention that they deserve. Discussions were held with diverse stakeholders including community-based organizations, civil society groups, and people's movements. We organized around 45,622 community-level meetings across 362 districts, in 27,507 villages and 272 cities and towns. Our estimate is that this document distils interactions held with around 17,22,427 participants.

The community-based conversations ensured the representation of marginalized groups including Dalits, Adivasis, tribal people, nomadic tribes and de-notified tribes (NT/DNTs), persons with disabilities, refugees, older persons, and minorities, with a special focus on women, who form a big segment of farmers and agricultural labourers, fisherfolk, and rural and urban informal workers in the country including domestic workers, sex workers, construction workers, gig workers, and rag pickers. Their insights and vital contributions were instrumental in ensuring their protagonism within the recommendations put forth in this document.

At its core, the document advocates for expanding the current rights framework to encompass collective rights and the protection of commons. Recommendations are also made to safeguard resources and to enable access and control over land, forests, and water bodies for tribal people, NT/DNT communities, and women. These groups, historically marginalized and denied access, play important roles in conserving and managing these resources with their traditional wisdom.

This document addresses a spectrum of issues ranging from workers' rights to education, land reforms, housing, urban governance, and

disaster resilience, and reflects the urgency of confronting social and ecological crises exacerbated by climate change, deepening inequalities, mass displacements, and conflicts. It delineates the necessity of challenging hegemonic forces of exploitation across social, cultural, political, economic, and environmental spheres.

The path forward involves amplifying the knowledge and agency of the marginalized communities while bolstering legal frameworks for their protection. By centring the asks and leadership of excluded groups, guided by feminist principles and inter-community collaborations, this document serves as a blueprint for progressive action. It aims to catalyse further discussions and deliberations, fostering deeper democratic engagement and informed policymaking nationwide.

This document is open to further evolution and refinement and we welcome all comments and suggestions to this conversation. Please write to us at [Comms.India2@actionaid.org](mailto:Comms.India2@actionaid.org)



# WORKERS



**I**ndia's informal sector, home to 90% of its workforce, requires urgent attention to uphold human rights, fair wages, and social protection. The pandemic exacerbated conditions for migrant and informal workers, highlighting job insecurity and inadequate wages. Youth unemployment, rural livelihood insufficiency, and unsafe working conditions persist, with thousands dying annually due to lack of safety measures. Malnutrition rates among women and children remain high. Poor housing, sanitation, and lack of access to healthcare plague both urban and rural areas. Hence, the efforts must focus on authentic worker registration, preventing exploitation, and safeguarding gig workers' rights in urban settings.

## **Legislative Framework Needed**

### ***Right to Work Act***

A national law is needed to guarantee work and a right to work for all people in India. Beyond the scheme-based commitments which some state governments and the central government have made in the form of urban employment schemes or the Mahatma Gandhi National Rural Employment Guarantee Act for 100 days of work, there needs to be a guarantee of full and dignified work for all people in India. Such a law will also pave the way for ensuring accountability for dignified work for all, and prevent exploitation of millions of working people in India, migrants and others, including primarily the socially and economically discriminated against communities.

### ***Abolition of Caste-Based Work***

A national law is needed to end all forms of caste-based work. While there has been part progress in this regard through the abolition of the manual scavenging act, or a series of 'devdasi' prevention and prohibition of dedications acts or the Bonded Labour Act, several forms of caste-based work is perpetuated in practice in various occupations ranging from priests in temples to services such as burial/cremation services, removal of waste, begging, sex work, and other every day services. India must see the full annihilation of caste in work too. Such a law will ensure a more equal and caste-based discrimination free India. It is imperative to monitor and outlaw caste-based work in all its forms, a practice of discrimination embedded in society and supported/overlooked by the

state. Subsequently the laws that are enacted must also be cognizant of caste-based work and practices.

### ***Redistribution and Social Remuneration of Care Work Act***

Such discrimination continues beyond what the Equal Remuneration Act, 1976 defines the world of work in an antiquarian way. Beyond this 'world of work' lies a large domain of care work (often called domestic work) fundamental to the social reproduction in our country, which is heaped on the shoulders of women. ILO reports that on average, women in the Asia Pacific region engage in 4 times more care work than men, leaving them little time and space for leisure and creativity. We need a national legislation to recognize and redistribute and socially remunerate this work. Like the Prevention of Untouchability Act, this law could herald social awareness and eradication of this evil.

### ***Amendments to Ensure Equal Remuneration***

Gender based discrimination in the world of work was sought to be ended with the passage of the Equal Remuneration Act, 1976, which has now been subsumed in the Code of Wages. While this law needs accountable and strict implementation as wage discrimination on account of gender continues, there are other facets of gender diversities which need attention in modern day India. Gender is not a binary, and strong forms of discrimination at the workplace continue to ail gender diversities – members of society who do not identify as men or women. Hence, the Code of Wages needs some amendments. Furthermore, the amendments need to take cognizance of the fact that wage discrimination at work is not only limited to wage equality, but instead it starts from an assessment of work, its allocation as well as outsourcing, and contractual work.

### ***Amendments to the Code of Wages***

To ensure workers' well-being, we must revise minimum wage calculations to reflect actual living costs, especially in urban areas. Regular wage reviews should keep pace with inflation. Regulation of working hours and overtime is vital for worker health. The piece rate work formulas must be transparent and fair, considering the complexity of the work and time taken. Hazardous work should be factored into determining the minimum wages. A standard framework for skill levels and wage

setting is necessary. Caps on wage deductions and clear definitions for deductions' 'reasonable cause' are imperative. Transparency in wage setting and protection for piece rate workers must be ensured. Equal representation in committees, language accessibility, regular reviews, and physical inspections are also crucial. Awareness campaigns and grievance mechanisms empower workers, while a national dashboard will monitor wage compliance. Leveraging technology for wage processes and ensuring access to legal remedies will address specific issues like gender wage gaps and unfair penalties for absences.

### ***Amendments to the Code on Social Security***

To achieve universal and efficient social security, we must prioritize comprehensive coverage, centralize systems, and mandate registration of all establishments. Streamlining processes through Aadhaar-based registration and leveraging existing infrastructure will enhance accessibility. Transparency and protection of existing beneficiaries are paramount, requiring clear guidelines for transition and continuity of schemes. Interstate coordination and financial support for state boards are essential for effective implementation. Clear instructions and guidelines for registration and transition will ensure a smooth process. Mandating employer contributions is crucial for upholding workers' welfare. These measures will strengthen the social security system, ensuring equitable access and protection for all workers.

### ***Amendments to the Occupational Safety, Health, and Working Conditions Code***

To enhance health and safety regulations, employers should communicate operation details transparently with at least 30 days' notice, ensuring that the workers are informed and prepared. Immediate reporting and a comprehensive investigation of accidents should be mandated within 24 hours, fostering transparency and accountability. Employers must publicly disclose all accidents and injuries, granting workers the right to refuse unsafe work without repercussions. Whistleblower protection and unrestricted access to safety records are vital for worker empowerment and accountability. Sector-specific safety standards should be enforced, and gig and informal workers must receive equal protection. Special provisions are necessary for vulnerable groups, migrant workers, and women's employment rights,

ensuring fair treatment and access to social services. Mandatory social security contributions and clear regulations on working hours and compensation, including overtime wages, are essential for workers' welfare and protection. Increased penalties for employer offences will serve as a deterrent, promoting compliance and worker safety.

### ***Amendments to the Industrial Relations Code***

To enhance trade unions' effectiveness and worker protection, registration of unions should be unconditional and transparent, with lower thresholds for membership. Autonomy in governance ensures that the unions represent their members effectively. Flexible membership requirements accommodate fluctuating numbers. Negotiation representation must be universal, with lower thresholds for sole negotiating unions. Equitable representation in negotiating councils will promote inclusivity. Transparent negotiation processes and indefinite recognition will ensure fairness. Legal immunity will protect unions and their members from liability. Due process safeguards should be in place against arbitrary cancellation or withdrawal of registration. Regarding strikes and lockouts, immediate rights without a notice period are essential, with protections against retaliation. Transparency in reporting and fair treatment during lockouts will uphold workers' rights. Laid-off workers deserve full wage compensation, unconditional compensation, and priority in re-employment. Retrenchment processes should be transparent, with increased notice periods and compensation. Closure protections include strict criteria for exemptions and increased compensation for affected workers.

## **Agricultural Workers**

Agriculture employs over half of India's workforce, largely comprising landless and small plot holders. Many are from Dalit and tribal communities, facing low wages and social vulnerabilities. COVID-19 induced mass reverse migration highlighted their plight, with harsh working conditions, income insecurity, and limited access to healthcare compounding their struggles.

### ***Give Agricultural Workers the Identity of Farmers***

All agricultural workers need to be recognized as farmers. They should

be registered and provided kisan/farmer identity cards, provided they can show a suitable period of engagement as agricultural workers in any part of the country, regardless of their permanent residence. This identity as farmers should allow access to agricultural workers to all compensations, grants, and subsidies declared for farmers.

### ***Land to the Landless***

Scholars have estimated that inequalities in landholdings have not changed much over the decades since independence, hence the incomplete land reform agenda needs to be revived. All available surplus land should be distributed to the landless in rural areas starting with land for houses, homestead land, and land for cultivation.

### ***Ensure Fair Wages***

Minimum wages should be doubled to at least Rs 600 per day for 8 hours of work, with breaks in between. As skill in agricultural work primarily comes from experience, workers with more than 3 years of experience should be placed in the category of skilled workers.

### ***Strengthen MGNREGA***

Agricultural work is seasonal and very often agricultural workers are forced to work for wages well below the minimum wage. Hence, employment guarantee schemes like MGNREGA, must be strengthened and their budget allocations should be increased on the basis of demand. Under MGNREGA, the working days should be increased to 200 days a year and minimum wage should be Rs 800 for 8 hours of work per day and payment of wages should be ensured within 7 days (see more under the section on MGNREGA workers).

### ***Create a More Robust Legislative Framework to Ensure Coverage of Agricultural Workers Under Labour Laws***

While the recently passed Labour Codes mention agricultural labour, they do not deal with this occupational group in much detail. The National Commission on Rural Labour (1991) had recommended to the central government that by making necessary amendments in the legal framework and the Constitution, we should create a legal framework which will provide for an 8-hour working day, minimum wages, overtime

at double the rate, Employees State Insurance (ESI), and pension and provident fund. We should immediately implement this and other recommendations of the National Commission on Rural Labour.

### ***Recognize, Protect, and Promote Women Agricultural Workers***

Women's work as farmers, both on and off the field, has been rendered invisible, both by patriarchal values and by the general neglect of agricultural workers. Efforts to recognize and support women agricultural labourers are vital. Initiatives should include equal pay, pension provision after 55 years, and protection from sexual harassment. Adequate facilities like trained midwives, separate toilets, and maternity benefits should be provided to the women, ensuring their safety, health, and welfare.

### ***Create an Enforcement Mechanism for Minimum Wages and Labour Laws***

Establish a National Commission for Agricultural Workers. State governments should form inspectorates with diverse representation to monitor compliance with labour laws. Ensure registration of rural labourers for social security benefits. Implement policies to protect workers from pesticide exposure. Prioritize monitoring of women workers' rights.

### ***Ensure Social Security and Access to Entitlements***

Establish a Gramin Mazdoor Welfare Funds at the district level, funded by landowners, contractors, and rural industries with government contributions. Reform the ineffective Agricultural Workers Social Security Scheme to ensure funding, accountability, and registration. Provide special provisions for education, food security, healthcare, and skill development for agricultural workers' households to alleviate poverty.

### ***Promote Collective Farming***

Encourage collective farming through cooperative agriculture like Farmer Producer Organizations (FPOs). Ensure fair prices for agricultural produce with guaranteed minimum support prices. Allow farmers' cooperatives to establish government-regulated markets for fair pricing.

Provide daytime electricity for irrigation. Promote women's role in farming and implement soil testing for better crop planning.

### ***Promote Climate-friendly, Indigenous, and Organic Agriculture***

There is a need to promote climate-friendly farming and water efficiency in farming is a first step. For this, crop diversification and climate-friendly agriculture should be promoted. Train farmers in sustainable practices and transitioning to solar-powered irrigation. There should be a legislation for promoting organic farming, indigenous seeds, and banning genetically modified crops. Establish markets for organic produce, supporting seed banks, and prioritizing women-led organic initiatives.

## **MGNREGA Workers**

The Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) provides 100 days of wage employment to rural households, serving as a vital safety net during economic downturns. It contributes to infrastructure development and poverty alleviation but faces challenges like delayed payments and lack of social security for workers. Addressing these issues is crucial for maximizing MGNREGA's impact.

### ***Implement the Recommendations of the Standing Committee on Rural Development & Panchayati Raj***

Implement the recommendations of the Parliamentary Standing Committee on Rural Development & Panchayati Raj as per its 37th Report. Ensure increased allocation of the budget, extend wage days, increase wages, sensitive implementation of the Aadhaar based payment system, and electronic attendance records to ensure better livelihoods and economic empowerment in rural areas.

### ***Ensure National Minimum Wage for MGNREGA Workers***

Implement a national minimum wage of Rs 800 per day for 8 hours of work as the present wage rate is insufficient to meet the increase in cost of basic goods.

Increase the Number of Days of Guaranteed Employment to 200 days.



### ***Ensure Proper Payment of Unemployment Allowance***

Ensuring timely payment of unemployment allowance is an utmost need as MGNREGA is a demand based public works programme, and non-payment of allowances when work demand is not fulfilled goes against the objective of the act.

### ***Hike the Travelling Allowance***

The travelling allowance given to MGNREGA workers when they go for wages at a distance of more than 5 kilometres should be increased from 10% to 25%.

### ***Ensure a Weekly Holiday for MGNREGA Workers***

Ensure a weekly holiday for MGNREGA workers in all the states to ensure their well-being. Providing a weekly day off will enable the workers to rest and attend to their personal and family responsibilities.

### ***Explore Alternate Methods of Recording Attendance through a National Mobile Monitoring System***

Due to non-availability of smart phones, internet connectivity issues, necessity to remain at the site even after the work is complete for marking attendance, depending on another person's smart phone among others have become a hindrance in marking attendance by MGNREGA workers and hence they are losing out on timely payment of wages. While technology can be an enabler in transparency and fast delivery of public services, the intent of providing rural employment cannot be compromised due to gaps in implementation of technology. Therefore, till all MGNREGA workers are made aware and capacitated to use the NMMS technology, alternate methods for recording attendance must be maintained.

### ***Roll back the Aadhaar-Based Payment System***

As per the 37th Report of the Parliamentary Standing Committee on Rural Development & Panchayati Raj, as on 21 November 2023, 14.12% of the total job card holders were not Aadhaar enabled under MGNREGA. There are practical constraints being faced by MGNREGA workers such as non-working of their Aadhar numbers, no KYC compliance, and non-linkage of Aadhar with their bank accounts. Therefore, till such time

that all the major bottlenecks associated with the ABPS technology are tackled sufficiently, including creating awareness among MGNREGA workers, the system should not be made mandatory and alternative payment methods must continue.

***Facilitate Online Demand for MGNREGA Work***

Facilitate applications for demand for work under MGNREGA through the online portal while keeping the current offline method active.

***Create Accidental Insurance and Health Insurance***

There is an urgent need to increase the insurance cover provided to MGNREGA workers in case of work-related accidents. All households with MGNREGA job cards should be linked with the Ayushman Bharat health insurance scheme and given all the benefits of the scheme.

***Provide Adequate Worksite Facilities***

Ensure proper implementation of the provision of worksite facilities including a clean toilet, safe drinking water, crèches, and other sanitation facilities. Special arrangements should be made for safety standards for MGNREGA workers in the crises caused by climate change such as heat waves, droughts, and excessive rainfall.

***Recognize Panchayat Commissioned Work Under MGNREGA Work List***

It should be ensured that development work commissioned by the panchayat which is part of MGNREGA work lists, should be solely done through MGNREGA workers and not contracted out to private players.

***Regulate Use of Machines***

Ensure that machines used for MGNREGA work do not replace human workers demanding work and strict implementation of the expenses on labour to capital ratio must be maintained.

***Fix Responsibility of Officers***

Government officials and elected representatives responsible for implementing and monitoring MGNREGA work should be penalized for

non-compliance and delayed implementation of provisions as given in the act and rules.

### ***Extend Employment Guarantee to Urban Areas***

Extend the provisions of the MGNREGA scheme to urban areas through the enactment of a National Urban Employment Guarantee Act.

## **Sugarcane Workers**

Sugarcane production in India reveals deep-seated social and economic challenges, including labour rights violations, inequalities, gender discrimination, and water scarcity. Workers face exploitation, debt traps, and migration for work, exacerbating poverty. The Agenda for Sugarcane Workers aims to address these issues, advocating for fair labour practices, improved conditions, and sustainable livelihoods.

### ***Ensure Fair Labour Practices and Workers' Rights***

Establish a transparent recruitment process to prevent arbitrary group formation by contractors, ensuring mutual consent among workers. Implement standardized wage rates aligned with government-mandated minimum wages. Regulate working hours, provide leave entitlements, and mandate transparent wage settlements to prevent unjust deductions. Sugar factories should oversee payments, and a robust grievance redressal mechanism should address workers' concerns. Skill development, social security benefits, and debt relief programmes for worker welfare and livelihood progression should be offered.

### ***Improve Working Conditions and Safety***

Supply protective gear like gumboots and warm clothing to safeguard workers during cane cutting. Provide free medical facilities and implement robust accidental and cattle insurance coverage. Ensure basic amenities, safe working conditions for women, and prohibit child labour. Establish a transparent reporting system for accidents and enforce safety standards through monitoring and training programmes. Implement a grievance redressal mechanism for efficient conflict resolution.

### ***Ensure Livelihood Sustainability***

Mandatory registration of sugarcane workers under E-Shram and other welfare schemes is vital. This ensures access to government benefits and social security measures, enhancing their well-being. MGNREGA should offer off-season employment to mitigate seasonal unemployment, ensuring year-round income stability for the workers.

### ***Expand Social Security and Protection***

Ensure food security benefits for sugarcane workers' families, regardless of their migration status. Provide specialized housing assistance through schemes like PMAY and Gharkul Yojana. Extend comprehensive social security coverage to all family members, including healthcare and education, enhancing their overall well-being.

### ***Design Social Security Benefits for Sugarcane Workers***

Ensure EPF and ESIC coverage for all sugarcane workers. Establish a dedicated welfare fund to address funding concerns; this fund can be supported by government and industry contributions. Provide clean water and sanitation facilities at migrant settlements and work sites. Strengthen legal frameworks protecting migrant children's rights, including access to education and prohibiting child labour.

### ***Ensure Education and Promote Rights for Migrants' Children***

Ensure well-funded, equipped Shakhar Shalas and farm site schools for migrant children. These should be monitored and the sugar mills should be held accountable. Implement policies for smooth school reintegration and strict child labour prevention. Develop specialized education programmes, address gender disparities, and enhance access to anganwadi centres. Guarantee uninterrupted schooling and access to residential schools, coupled with scholarship opportunities beyond the 8th grade.

### ***Empower Women and Girls in Sugarcane Farms***

Ensure comprehensive healthcare for pregnant and lactating sugarcane workers, along with clean and exclusive sanitation facilities for women at workplaces. Provide childcare support with on-site crèche facilities,

prevent sexual harassment through awareness and enforcement, and ensure equal pay and employment opportunities for women. Establish transparent wage distribution and childcare facilities near sugarcane farms.

### ***Sexual and Reproductive Health Issues***

Ensure sanitation facilities in source villages and labour colonies, focusing on safety and privacy. Implement menstrual hygiene programmes and awareness campaigns. Offer education on reproductive health and access to medical services, including telemedicine. Train local healthcare providers and regulate private healthcare practices. Provide nutritional support and financial assistance for medical expenses.

### ***Provide Maternity Benefits for Women Workers***

Ensure strict enforcement of the Maternity Benefit (Amendment) Act, 2017 for women workers in the sugarcane industry. Mandate minimum maternity leave of 6 weeks post-partum for all women workers, with full pay, to ensure adequate recovery time after childbirth.

### ***Provide Sustainable Livelihoods and Economic Resilience at Source Villages***

Sugarcane workers migrate from regions experiencing agrarian distress, lack of alternative livelihood opportunities, and widespread indebtedness. To alleviate these challenges, the following interventions are required:

Ensure land rights for marginalized communities, focusing on cultivable land distribution. Improve water access and management, involving communities. Strengthen legal protection and redressal mechanisms for land and water rights. Revise crop insurance for comprehensive coverage. Expand MGNREGA, introduce alternative livelihood programmes, implement debt relief measures, enhance financial literacy, support migrant workers, promote agricultural diversification, and strengthen local economies.

## **Plantation Workers**

### ***Survey of Plantation Workers***

Conducting a comprehensive socioeconomic survey of plantation workers in India is crucial for updating welfare policies for them. This will entail ensuring decent wages uniformly across states and displaying benefits alongside wages. Registration with employers and social security provisions should be mandatory, while freedom from forced work must be ensured, with measures for addressing bonded labour.

### ***Ensure Amenities at Plantations***

Amenities at plantations, including water, sanitation, and childcare facilities, need improvement. Housing rights assessments are vital, with SOPs developed for safe living conditions. Education access is essential, with anganwadis and schools located within the plantations and transport for secondary education. Stipends should be revised, and inclusivity in schooling prioritized.

### ***Ensure Access to Healthcare***

Access to primary healthcare is critical, with paid time off for medical visits and employer-provided safety gear. Women's rights in plantations demand attention, including wage equality, representation, and safety measures like ASH committees. Migrant and tribal workers' rights, particularly access to documentation and entitlements, require streamlined processes and interdepartmental cooperation.

### ***Explore Ownership and Profit Sharing for Plantation Workers***

Ownership and profit sharing in closed plantations need to be re-evaluated with consideration for worker cooperatives. Government support through welfare boards is essential for worker-owned plantations to succeed. This holistic approach will address the multifaceted challenges faced by plantation workers, thus aiming for equitable treatment and sustainable livelihoods.

## **Beedi Workers**

Approximately 4.4 million full-time workers are employed in India's

beedi industry, with an additional 4 million jobs related to the sector. While about 96% of the total beedi workers are home-based, only 4% work in factories. Women constitute 84% of the home-based workforce. It is estimated that about 80% of home-based beedi workers live in rural areas, with the remaining 20% living in urban areas. The number of beedi workers increased from 4.47 million in 1993-94 to about 4.8 million in 2018. These figures highlight the significant number of individuals whose livelihood depends on this sector. Beedi workers are vulnerable due to low wages, hazardous work environments, systemic exploitation, precarious employment, lack of social security, and limited access to various welfare schemes.

### ***Legislative and Policy Framework***

Revive the Beedi Workers' Welfare Fund by forming and activating tripartite committees (central and state levels) for effective functioning and transparency.

Reduction of the goods and services tax fixed for beedis (as GST imposed is 18% on beedi leaf and 28% tax on beedis, which is in a higher slab in GST).

### ***Registration and Regulation of all Beedi Workers***

Undertake a detail survey of the beedi industries in various states and map the socioeconomic details of beedi workers' families.

Compulsory registration of all beedi workers under the Beedi Workers Welfare Board and issuing everyone identity cards for inclusion for social security provisions.

The system of contract-based work for women engaged in beedi rolling should be abolished. The company /factory should directly employ women.

Implement stricter regulations in the beedi industry to eliminate child labour and ensure safe working conditions for beedi rollers.

### ***Wage and Working Conditions***

Implement a national minimum wage of Rs 700 per 1,000 beedis, adjusted for inflation every 6 months. Workers must receive wage receipts tied to the factory owner's records. Adhere strictly to the Code on Occupational Safety and Health, 2020, ensuring protection from unfair practices. Provide gloves and masks to prevent diseases, ensure a conducive work environment, and offer crèche and sanitation facilities, including menstrual hygiene products. Educational programmes on workers' rights are also essential.

### ***Social Security and Healthcare***

Beedi workers should receive comprehensive social security, including life and health insurance, pensions, and educational aid. They must be covered by provident fund and the Employee State Insurance, with maternity benefits. Healthcare facilities near communities and health camps are vital, especially for women's needs. Educational assistance and housing under public schemes are also essential.

### ***Promote Alternate Livelihoods and Workers' Enterprises***

Invest in education and skill development programmes to equip beedi workers with new opportunities and explore alternative livelihoods suited to local resources, like support for small businesses or training for new industries. Provide financial and logistical support during career transitions. Encourage and support the formation of workers' cooperatives to empower beedi workers and ensure fair profit distribution.

## **Fish Workers**

India's fisheries sector, the world's third-largest, contributes 1.09% to the GDP and sustains 16 million fishers and 30 million workers. The Pradhan Mantri Matsya Sampada Yojana, launched in 2020, aims to boost the sector. However, small-scale fishers face challenges of globalization, ecological degradation, and climate change. We need to support fish workers and fisherfolk communities nationwide, advocating sustainable practices and policy reforms.



### ***Legislative and Policy Framework***

#### **Enact a law for Inland Fisherfolk and Small-Scale Fish Workers**

Promulgate a legislation safeguarding traditional rights of small-scale fish workers, identifying them through the state fisheries departments. Preferential access to fishing areas, including coastal waters, must be granted. Regulate commercial fishing in these areas, ensuring equal rights for women. Abolish taxation and licensing fees for small-scale fishers in designated water bodies. Prohibit destructive fishing practices like poisoning and bottom trawling. Extend Bihar's 1991-92 tax exemption nationwide. This legislation aims to protect the livelihoods and traditions of small-scale fish workers while conserving aquatic ecosystems from harmful practices.

#### ***Enact a law for Coastal Fisherfolk and Small-Scale Fish Workers***

Enact a legislation to protect coastal fish workers from climate disasters, offering proper rehabilitation with housing, utilities, and access to coastal waters. Ensure compensation for losses, emergency relief, and disaster preparedness. Invest in resilient infrastructure and community-based adaptation strategies like mangrove restoration. Enable fishers to cope with climate impacts effectively.

#### ***Enact the Coastal Employment Guarantee Act***

On the lines of MGNREGA, we need a legislation which focuses on the rejuvenation and revival of water commons and conservation of coastal and marine biodiversity, including mangroves that inter alia protect small scale and traditional fish workers' preferential access.

#### ***Review the Coastal Aquaculture Authority (Amendment) Act, 2023***

A review of the Coastal Aquaculture Authority (Amendment) Act, 2023 should be carried out to ensure that intensive coastal aquaculture activities are regulated to protect the livelihoods of small-scale fish workers in coastal areas as well as protecting the coastal ecology and preventing pollution of fishing grounds and contamination of ground water.

Build a comprehensive policy with neighbouring countries to ensure safe and timely return of fisher folk.

A comprehensive policy framework involving treaties with neighbouring countries to ensure the safe and timely repatriation of fisher folk who have been arrested by security forces of neighbouring countries on account of fishing in the exclusive economic zones of these countries.

### ***Ensuring and Advancing Livelihoods***

Ensure government identity cards for all fish workers, granting access to land for pre and post-harvest activities and fishing rights in government-owned water bodies. Protect vendors from eviction, involve them in marketplace management, and facilitate their formation of cooperatives. Provide financial protection, technology, training, and infrastructure support to them for promoting diversification of livelihoods for resilience against climate change.

### ***Social Security and Compensation***

Small-scale fish workers require comprehensive social security, including housing, insurance for health, boats, nets, vehicles, pensions, and educational support. Ensuring timely access to subsidies and provisions of the Pradhan Mantri Matsya Sampada Yojana is crucial. The small-scale fish workers should be eligible for Kisan Samman Nidhi or Machuara Samman Nidhi. Livelihood support during the fish breeding season, possibly through MGNREGA, is essential due to the ban on fishing during this period.

### ***Policies and Programmes for Women Fish Workers***

Policies and campaigns are needed to promote gender equality in fishing, with women getting access to reserved water bodies and vessels. Coastal land access for processing must be guaranteed, with 50% vending zones for women. Basic amenities and women-centred cooperatives are also vital, focusing on sectors like fish vending and crab collection.

## **Migrant Workers**

Migrant workers in India face numerous challenges, including informal employment, poor living conditions, and limited access to social services due to their transient status. Discrimination and financial burdens exacerbate their struggles, requiring comprehensive solutions such as fair labour practices, social protection measures, and improved access to essential services.

### ***Legal Provisions***

Review the Inter-State Migrant Workmen's Section in the Code on Occupational Safety and Health, 2020 to expand the provisions of the code to intra-state migrant workers, including registration, travel allowances, leave, and compensation for injuries or death.

### ***Registration of Migrant Workers and Oversight***

The Code on Occupational Safety and Health, 2020 allows migrant workers to self-register via a central database, emphasizing Aadhaar-based identification. Urgent implementation of this is needed across states, with extensive awareness campaigns. Gram panchayats and municipal wards should maintain parallel registration systems. Labour departments must monitor databases, and vigilance committees should oversee fair labour practices at the block level. Migrant workers' welfare boards should address their grievances.

### ***Equal Treatment of Migrant Workers***

Ensure that migrant workers receive the same wages, benefits, and working conditions as local workers for performing the same or similar work, without any discrimination. Ensure that migrant workers are adequately represented in workers' committees and safety committees, allowing them to actively participate in decision-making processes related to their welfare and working conditions, at par with local workers.

### ***Accommodation for Migrant Workers***

- » Migrant workers should be provided with government-subsidized social rental housing options. Workers' hostels should be made to cater to temporary migrant workers.

- » Separate accommodation facilities must be constructed and provided for women migrant workers for promoting their livelihood and ensuring their protection.
- » Housing facilities for migrant workers should include access to basic amenities like an uninterrupted electricity connection, regular connection to drinking and general use water, a kitchen, and proper sanitation facilities.
- » Colonies for migrant workers should be serviced by anganwadi and poshan abhiyan services, PDS, primary and secondary schools, and primary health centres.
- » Effective monitoring of employers who have provided housing for migrant workers should be carried out by labour inspectors and the proposed vigilance committees should ensure that such accommodation fulfils conditions of safety, security, and human dignity.

### ***Social Security for Migrant Workers***

- » Migrant workers should be provided with a comprehensive social security cover that includes a life and health insurance cover, old age and disability pensions, and educational assistance for children, which are portable across states.
- » Interstate migrant workers should be allowed to register for social security schemes applicable for certain occupations in their destination states as well.
- » School-going children of migrant workers should be prevented from entering the labour force and educational facilities should be made accessible in both government and private institutions in source and destination states.
- » Ensure that migrant workers have access to comprehensive health coverage, including preventive care, treatment for occupational illnesses and injuries, and mental health services.

- » The operationalization of One Nation One Ration Card should be expedited to ensure that migrant workers can avail of PDS benefits in their destination areas.

### ***Extension of Services to Migrant Workers***

- » Ensure that legal aid and assistance to migrant workers is adequate to help them understand their rights and navigate legal processes in the destination regions.
- » The challenges faced by migrant workers in opening bank accounts due to address discrepancies arising from their different state origins need to be addressed to ensure their financial inclusion.
- » The right of every citizen to participate in the electoral process through voting must be ensured for migrant workers.

### ***Prevention of Distress Migration***

Local governments in out-migration areas must ensure that workers migrating out for work are not driven out by distress migration. Any household affected by distress migration should be provided with livelihood options through MGNREGA or other public works programmes on a priority.

## **Construction Workers**

The construction sector is the second highest employment provider in India after agriculture, accounting for 13% of the total workforce as per the Periodic Labour Force Survey 2022-23. In rural India, it provides employment to 19% male and 4.2% female workers whereas in urban India, it provides employment to 12.6% male and 3.1% female workers. However, the construction sector, like most other sectors, relies primarily on unorganized labour with more than 83% of all construction workers in the country being casual labour, 12% self-employed, and less than 5% being regularly employed.

Construction workers in India face myriad challenges that impact their livelihoods, safety, and overall well-being. Firstly, since many workers are employed informally, this leads to low wages, lack of job security, and limited access to benefits like health insurance and paid leave.

Unsafe working conditions further exacerbate their situation, with inadequate safety standards on construction sites resulting in a high risk of accidents and occupational hazards. Moreover, lack of social security benefits such as pensions and healthcare leaves workers vulnerable to financial hardships in times of illness or injury.

Health risks are prevalent due to exposure to hazardous materials and physical strain, compounded by limited access to healthcare services. Seasonal employment adds to their instabilities, with workers facing irregular income and job insecurity during lean periods. Many construction workers also lack formal training and opportunities for skill development, limiting their earning potential and job prospects in the industry.

Comprehensive efforts are needed to improve this situation, including providing construction workers fair wages, safety regulations, social security benefits, skill development programmes, formal employment opportunities, and enforcing labour laws to ensure the well-being and rights of construction workers in India. The Agenda for Construction Workers is an effort to outline comprehensive measures aimed at establishing a regulatory framework that guarantees construction workers their rights and grants them access to social security benefits.

### ***Definition of Construction Workers***

The definition of construction workers in the Building and Other Construction Workers Act, 1996 should be amended and expanded in line with supply and value chains in the construction world. This must be done to include more types of workers such as brick kiln and stone quarry workers.

### ***Registration of Construction Workers and their Oversight***

- » There is an urgent need to speed up the registration process for construction workers under the Building and Other Construction Workers Welfare Board to ensure that they can avail of the benefits and protection under the act. The labour departments should take strong steps for the registration process. The process of registration should not be limited to online submissions. Support should be

taken from unions and civil society groups to reach out to those not registered. The focus should be on ensuring that all women working alongside male members also get registered.

- » Ensure stringent implementation of the Building and Other Construction Workers Act, 1996, and the subsequent rules. The government's Labour Department should oversee the implementation of the BOCW Act and its rules on construction sites by appointing dedicated monitoring officers to ensure compliance and addressing any violations promptly.
- » Help desk support centres should be made operational in every central location for construction workers.

### ***Occupational Safety, Precautions, and Amenities at the Workplace***

- » Strict adherence to the provisions in the Code on Occupational Safety and Health, 2020 to ensure protection of construction workers from accidents at the workplace.
- » All construction workers should receive comprehensive safety training before starting work. This includes training on how to use safety equipment, identifying hazards, handling materials safely, and responding to emergencies.
- » Employers must provide appropriate personal protective equipment such as helmets, safety goggles, gloves, steel-toed boots, and high-visibility vests. Workers should be trained on the correct use and maintenance of PPE.
- » The Labour Department should conduct regular inspections of construction sites to identify and address safety hazards.
- » Provide fire safety training, install fire extinguishers, and establish evacuation plans on the construction sites. Ensure that electrical systems are properly installed and maintained to prevent fire hazards.

- » Conduct regular health checks for workers exposed to hazardous materials or working in physically demanding conditions. Monitor and address any health issues promptly.
- » Clean toilets, safe drinking water, and other sanitation facilities should be maintained at the worksite and employers should be fined in case of gaps.

### ***Women in the Construction Sector***

- » Women's labour in the construction sector is not considered skilled labour and is not adequately compensated. There should be policies, public campaigns, and support mechanisms to break the gender division of labour in the construction sector to ensure active support to women's role in all aspects of construction work.
- » A stock-taking committee with support from the local civil society groups should be formed and a ward level survey should be done to assess the situation of women workers in this sector. This is important for addressing their grievances and sexual harassment of women engaged in construction work. Moreover, awareness drives regarding the local committees as stipulated in the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013 must be carried out to address complaints of sexual harassment.
- » Construction sites should be provided with crèche facilities, adequate sanitation facilities including separate and clean toilets and menstrual hygiene products for promoting women's dignified employment in the sector.
- » All women construction workers should be provided with maternity benefits of paid leave for 26 weeks.

### ***Social Security and Compensation Due to Ban on Construction***

- » All construction workers should be provided with a comprehensive social security cover that includes a life and health insurance cover, old age and disability pension, and educational assistance for children.



- » It should be ensured that construction workers have access to comprehensive health coverage, including preventive care, treatment for occupational illnesses and injuries, and mental health services. The ESI scheme should be made available to all construction workers.
- » Full compensation should be provided when construction work is stalled due to pollution, heat waves or other such factors. Immediate cash transfers should be made to affected construction workers.

## Stone Quarry Workers

The 2019 CAG report once again highlighted the issue of illegal quarrying and violations that are happening in the sector. Beyond the ones that are operating with permission, the Department of Mines and Geology and the Indian Institute of Science estimated in 2019 that there were more than 500 illegal stone quarries that were operational and in violation of the law.

The condition of workers employed in the stone quarries is precarious. The impact that stone quarries have on the lives of people around the sites and on the ecosystem is devastating. Safe zone regulations (500 metres from habitation and others) are regularly violated, and despite sustained pressure from environmentalists and civil society on the social, economic, and ecological damage such unregulated quarrying is causing, it continues unabated.

### ***Conduct a Survey and Close All Unauthorized Mines***

On the basis of an updated survey and assessment, there is need to close all unauthorized and illegal stone quarries. Workers in such quarries need to be registered and given adequate compensation and alternative employment options in state run enterprises.

### ***Consider Stone Quarry Workers Under BOCW and Set Up Miner Welfare Boards***

Stone quarries are part of the building and construction work value chains. Compulsory registration of quarry workers to avail of the benefits of BOCW schemes is urgently needed.

From the resources earmarked for the District Mineral Trust (from the district mineral fund), each licenced stone quarry needs to develop a welfare plan for workers employed in stone quarries to cover social security, health, housing, education, and other developmental needs of families of stone quarry workers.

Mine labour welfare boards need to be formed in the states.

### ***Ensure Occupational Safety and Health of Stone Quarry Workers***

Robust safety policies should be implemented to prevent health hazards for stone quarry workers. This includes measures such as providing protective gear (like helmets, ear plugs, masks, gloves, and safety boots), ensuring proper ventilation, and conducting regular health screenings. For developing SOPs for protecting workers against occupational health hazards, improving access to occupational health diagnostics and medicine for all mineworkers, a roundtable consultation on the subject with doctors, government officials, and experts should be organized at the state level to enable concrete action. Quarry owners are required to follow the requisite provisions of the Code of Occupation Health and Safety and this needs to be ensured for all quarries. This includes but is not limited to rest breaks at regular intervals of 2 hours to protect from heat conditions, provision of safe drinking water at the site, separate rest rooms for men and women, creche and childcare centres, first aid box, and regular medical check-ups.

### ***Special Care for Workers Suffering from Silicosis***

Silicosis is a lung disease caused by inhaling crystalline silica dust, which is found in sand, quartz, and other rocks. Mines, where workers are affected by silicosis, should be closed immediately, as it shows insufficient concern for workers occupational health and safety. The pension of silicosis victims should be determined as half the minimum wage. We should plan an alternative livelihood for silicosis affected mineworkers and their families. They should link silicosis victims to skill development training and employment as per their health proficiency. A safe working environment should be ensured for the silicosis affected at the workplaces. Nutritious food should be given in the diet for silicosis patients. Families of silicosis victims should get 200 days of work under MGNREGA/the urban employment guarantee scheme.

### ***Insurance Coverage***

Stone mining workers should be provided with insurance coverage that includes compensation in case of health issues and occupational diseases like TB and silicosis..

### ***Safety of Women Workers***

While the local complaints committees need to be activated, all measures including constitution of anti-sexual harassment committees at the quarry level need to be ensured.

### ***Worker owned Stone Quarries***

As a policy going forward, all new quarry licences should only be given to cooperatives and collectives of quarry workers. For quarries which are licenced and not illegal, and are deemed commercially viable, such licences need to be transferred in the name of the workers' collective developed for the purposes of operating and managing the quarry. All support including training, hand holding, and technical and financial needs to be given to the workers to make these successful.

## **Street Vendors**

Street vendors are an integral part of urban economies, providing affordable goods and services while contributing to the vibrancy and cultural diversity of cities. However, they often operate in a legal and social grey area, facing challenges such as lack of formal recognition, harassment by authorities, and vulnerability to exploitation. The absence of a clear legislative framework exacerbates these issues, leaving vendors without the protection and support that they need to thrive.

The demands highlighted in the People's Agenda for Street Vendor Protection and Support, such as the implementation of the Street Vendors Act, 2014, comprehensive vendor surveys, and the establishment of vending zones, are crucial for fostering a more inclusive and equitable environment for street vendors. These measures will not only legitimize their businesses but also equip them with the necessary infrastructure and social security benefits to operate safely and sustainably. Additionally, integrating street vending into urban planning

and ensuring the representation of women vendors in decision-making processes are vital steps towards ensuring that their voices are heard in policy discussions, leading to more informed and effective decisions that benefit both the vendors and the wider community.

Implementing these measures is crucial for safeguarding the rights, dignity, and protection of street vendors, providing them with the necessary support for a more secure and prosperous future in this vital sector of our urban economies.

### ***Effective and Immediate Implementation of the Street Vendors Act***

Immediate implementation of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 is crucial for providing a legal framework for the protection and regulation of street vending activities. It guarantees the recognition of street vendors' rights and sets out guidelines for allocating vending zones and issuing licenses.

### ***Survey and Identification***

- » A Comprehensive Vendor Survey: The government authorities should conduct a thorough survey of all existing street vendors to grasp the scope and scale of street vending activities. Such a survey will aid in identifying vendors and assist in the planning vending zones.
- » Issuance of Vending Certificates: Following the survey, vending certificates should be issued to all surveyed vendors, legitimizing their businesses and enabling them to operate within designated vending zones.

### ***Licensing and Identity Verification***

- » Simplified Permit Process: The process for obtaining vendor permits and licenses should be simplified and made more accessible. Permits should be provided at affordable costs to encourage compliance and reduce barriers to entry for aspiring vendors.
- » Provision of Identity Cards and Licenses: Identity cards and vending licenses should be provided to all street vendors, ensuring that they

have the necessary documentation to operate legally and access various government schemes and benefits.

### ***Zoning and Infrastructure Development***

- » Designation of Vending Zones: Areas with a significant presence of street vendors should be officially designated as vending zones, providing a structured space for vending activities.
- » Establishment of Well-Equipped Vending Zones: Vending zones should be equipped with essential infrastructure and facilities such as electricity, water supply, and sanitation to create a conducive environment for vending activities.
- » Amenities in Vending Zones: Clearly marked vending areas should be provided with appropriate amenities, including well-lit spaces, clean and well-maintained public toilets, secure storage options for overnight inventory, waste bins with training on responsible disposal, and easy access to public transport.

### ***Social Security and Welfare***

- » Social Security Enrolment: Street vendors should be enrolled in social security schemes like the Employees' State Insurance Corporation (ESIC) and provident fund (PF) to provide them financial security and healthcare benefits.
- » Access to Social Security: Ensure access to social security for street vendors, including healthcare schemes, maternity leave provisions, and pension plans, to provide a safety net and improving their overall well-being.
- » Provision of Housing: Public housing should be allocated specifically for street vendors, with additional rental housing options for migrant vendors, to ensure that they have access to affordable living spaces.
- » Establishment of Street Vendor Welfare Boards: Welfare boards should be established at both central and state levels to oversee the implementation of policies and programmes aimed at the welfare of street vendors.

### ***Market Regularization and Business Support***

- » Regularization of Weekly Markets: All weekly markets should be regularized, allowing street vendors to sell their goods in main markets and ensuring that they have access to a broader customer base.
- » E-Commerce Policy Development: An e-commerce policy should be developed to safeguard street vendors' interests in the digital marketplace and ensure their inclusion in the growing online retail sector.
- » Integration in Digital Commerce: Small businesses, including street vendors, should be integrated in the Open Network for Digital Commerce (ONDC) to facilitate their participation in e-commerce and expanding their market reach.

### ***Capacity Building and Empowerment***

- » Training and Skill Enhancement: Training programmes should be implemented to enhance street vendors' business skills and financial literacy, empowering them to manage their businesses more effectively.
- » Support for Livelihoods: Provide microloans, business development schemes, and access to bank accounts for financial stability. Government-supported programmes should be introduced to improve business skills, hygiene practices, and food safety for street vendors, as well as initiatives to promote street food culture and creating a brand identity for street vendors.
- » Access to Credit: Affordable microfinance and credit facilities should be introduced to support the capital needs of street vendors, enabling them to invest in and grow their businesses.
- » Digital Literacy and Payment Platforms: Promote digital literacy among street vendors and provide access to digital payment platforms to encourage cashless transactions, increasing convenience and security for both vendors and customers.

- » Grievance Redressal Mechanism: Establish a grievance redressal mechanism to address the concerns and disputes of street vendors, ensuring a fair and transparent process for conflict resolution.

### ***Environmental Sustainability and Inclusivity***

Promotion of Eco-Friendly Practices: Street vendors should be encouraged to adopt sustainable and eco-friendly practices to reduce their environmental impact thus contributing to a cleaner, greener urban environment.

Inclusive Policies for Marginalized Groups: Policies should be inclusive, addressing the specific needs of women, differently-abled, and other marginalized groups in the street vending community, ensuring equal opportunities and access to resources.

### ***Urban Planning and Governance***

- » Integration into Urban Planning: Street vending should be integrated into urban planning and design, with vending zones strategically located and accessible to ensure the seamless integration of vending activities in the urban landscape.
- » Representation in Governance: Street vendors should be represented in local governance and decision-making bodies to ensure that their voices are heard in policy formulations and their interests are adequately represented.
- » Partnerships with Municipalities: Develop partnerships with local municipalities and urban planners to integrate street vending into the city landscape, ensuring that vending activities are harmoniously incorporated in urban development plans.
- » Formation of Vendor Unions: Encourage the formation of street vendor associations, unions or cooperatives to strengthen their collective bargaining power and provide a unified voice for advocacy and negotiation.

- » Allocation of Spaces in Urban Development: Allocate designated spaces for street vendors in newly developed urban areas to prevent displacement and ensure their continued livelihood.
- » Access to Basic Amenities: Ensure that street vendors have access to basic amenities such as clean water, sanitation facilities, and waste disposal services in vending zones, improving their working conditions as also public health.
- » Inclusion in Policy Discussions: Advocate for the inclusion of street vendors in urban policy discussions and decision-making processes, ensuring that their perspectives and needs are considered in the formulation of urban development strategies.
- » Activation of Vending Committees: Activate dormant vending committees to facilitate a dialogue between street vendors, local authorities, and relevant stakeholders, ensuring the inclusion of street vendor representatives in discussions and decisions affecting their livelihoods.

### ***Protection and Security***

- » Protection from Harassment: The local government bodies and law enforcement agencies should collaborate to implement and enforce clear regulations and guidelines to ensure protection from harassment by authorities and customers and securing their goods and carts from arbitrary seizure by authorities.
- » Measures to Reduce Exploitation: Adopt and implement measures to reduce street vendors' exploitation by middlemen who control access to prime vending locations, ensuring fair access to vending spaces for all vendors.
- » Guidelines for Relocation: Establish clear guidelines for relocation in case of infrastructure development, with proper compensation for affected vendors, to ensure that their livelihoods are not adversely impacted.



### ***Public Health and Hygiene***

- » Health and Safety Guidelines: Introduce health and safety guidelines to ensure hygienic vending practices and consumer protection, promoting public health and safety.
- » Clean and Hygienic Public Sanitation: Instruct urban local bodies (ULBs) to maintain clean and hygienic public sanitation facilities and safe drinking water facilities in market spaces, ensuring a healthy environment for both vendors and customers.

### ***Gender-Sensitive Policies***

- » Gender-Sensitive Training Programmes: Implement training programmes specifically designed to address the needs of women street vendors, covering topics such as business management, financial literacy, and legal rights, to empower women street vendors in their entrepreneurial endeavours.
- » Safety Measures for Women Vendors: Develop and enforce safety measures in vending zones to ensure the security of women street vendors, including adequate lighting, CCTV surveillance, and the presence of security personnel.
- » Childcare Support: Provide childcare facilities or support services in or near vending zones to assist women vendors who are also primary caregivers, enabling them to work without compromising the care of their children.
- » Access to Sanitation Facilities: Ensure access to clean and safe sanitation facilities for women street vendors, including separate toilets and changing rooms, to maintain hygiene and privacy.
- » Representation in Decision-Making Bodies: Ensure representation of women street vendors in vending committees and other decision-making bodies to advocate for policies and programmes that address their unique challenges and needs.
- » Gender Mainstreaming in Policies: Mainstream gender considerations in all policies and programmes related to street vending, ensuring

that the needs of women vendors are integrated in the planning and implementation of initiatives.

## **Gig Workers**

Gig workers, constituting a significant segment of the unorganized sector, play an integral role in the modern economy by driving innovation and flexibility across various industries. Despite their crucial contributions, gig workers confront numerous challenges, including job insecurity, financial instability, and lack of access to social security benefits. This vulnerable workforce often finds itself without the same protection and rights given to traditional employees under conventional labour laws.

The gig economy, characterized by short-term contracts or freelance work, has witnessed rapid growth in recent years, particularly in sectors such as transportation, food delivery, and online services. However, this expansion has also underscored the necessity for regulatory frameworks to safeguard the well-being of gig workers. The absence of such frameworks raises concerns about the potential exploitation of gig workers and the absence of mechanisms to address their grievances effectively.

This Agenda for Gig Workers should outline comprehensive measures aimed at establishing a regulatory framework that guarantees gig workers' rights and grant them access to social security benefits. This framework should encompass legislative protection, governance, and welfare structures, measures for enhancing their working conditions and worker empowerment, regulatory oversight, and financial considerations. Implementation of these measures is imperative for upholding the rights and dignity of gig workers.

### ***Foundational Legal Framework***

- » Legislative Protection for Gig Workers: We should enact a comprehensive central law that addresses the specific needs of gig workers, ensuring fair treatment and protection. This law should define clear standards for working conditions and compensation, promoting a level playing field across different sectors, so that all gig workers can benefit from a just and secure work environment.

- » **Equal Treatment and Non-Discrimination:** Gig workers should be protected from discrimination based on race, gender, age, religion, or any other such characteristic. They should have the right to equal treatment and opportunities, including equal pay for equal work.
- » **Right to Collective Bargaining:** Gig workers should have the right to form associations or unions and engage in collective bargaining with aggregators or platforms to negotiate for better working conditions, wages, and benefits.
- » **Social Security Access to Gig Workers:** All gig workers should have the right to access both general and specific social security schemes, based on their contributions.
- » **Protection from Unfair Termination:** Gig workers should be protected from unfair termination or deactivation from platforms. There should be clear guidelines and due process for addressing performance issues or disputes.

### ***Governance and Welfare Structures***

- » **Establishment of the Gig Workers Welfare Board:** This board should function as a regulatory and supervisory body responsible for overseeing various aspects of gig workers' welfare. Its tasks should include the formulation and implementation of policies, monitoring compliance with labour laws, and ensuring access to social security benefits.
- » **Establishment of a Gig Workers Board:** A tripartite board for gig workers should be established, consisting of representatives from aggregator gig worker organizations, platform-based e-commerce operations, and the government.
- » **Establishment of a Welfare Fund for Gig Workers:** Set up a dedicated welfare fund for gig workers, financed through levies imposed on aggregators. This fund should provide financial assistance to gig workers during periods of unemployment or emergencies, ensuring a safety net for their financial stability.

### ***Working Conditions and Worker Empowerment***

- » Health and Safety Protection: Gig workers should be entitled to a safe working environment, with regulations in place to protect their health and safety. This includes the provision of necessary safety equipment and training, as well as compensation for work-related injuries and illnesses.
- » Fair Compensation and Travel Allowance: Gig workers should receive a minimum wage for the hours that they work, ensuring fair compensation. Also, gig workers should be provided travel allowances to help them cover transportation costs and accessibility to work locations.
- » Access to Training and Skill Development: Gig workers should have access to training and skill development programmes to enhance their employability and adapt to changing market demands. These programmes should be accessible and affordable, ensuring that gig workers can continuously upgrade their skills.
- » Participation in Decision-Making: All gig workers should be entitled to actively participate in decision-making processes related to their welfare by having representation on the board.

### ***Regulatory Measures and Financial Aspects***

- » Regulation and Oversight of Aggregators: Conduct a comprehensive audit of aggregators to evaluate their adherence to commitments made to gig workers, promoting transparency and accountability in their activities.
- » Mandatory Registration of Aggregators: Every aggregator must register with the government. This registration is essential for ensuring compliance with regulations and maintaining transparency in the gig economy.
- » Gig Workers Welfare Fee: We should establish a Gig Workers Welfare Fee. This fee should be charged from companies (aggregators) that use online platforms to connect gig workers with customers.

### ***Registration and Database Management***

- » Registration and Unique Identification for Platform-Based Gig Workers: It should be ensured that every gig worker has the right to be registered with the government on their engagement with any platform, regardless of the duration of their work, and should be issued a unique ID that is recognized across all platforms.
- » Database of Gig Workers and Aggregators: A comprehensive database of all gig workers, including their employment details with one or more aggregators should be maintained. This database should cover gig workers irrespective of their engagement duration with any platform. A record of all aggregators operating within its jurisdiction should also be kept.
- » Aggregators' Responsibility for Gig Workers' Registration: Aggregators should provide the state governments with a database of gig workers who are onboarded or registered with them, ensuring that every gig worker is appropriately registered with the government on their engagement with any platform.

### ***Access and Digital Empowerment***

- » Digital Literacy and Access: The government and aggregators should ensure that gig workers have access to digital literacy programmes and necessary technology to effectively participate in the gig economy.
- » Access to Financial Services: Gig workers should have access to financial services, including banking, credit, and insurance tailored to their unique needs and working patterns.
- » Transparency in Algorithmic Management: Aggregators should ensure transparency in the use of algorithms for managing gig workers, including clear communication on how work assignments are allocated and performance is evaluated.

### ***Work-Life Balance and Sustainability***

Sustainable Workload and Working Hours: Regulations should be put in place to prevent excessive workloads and ensure reasonable

working hours for gig workers, promoting work-life balance and preventing burnouts.

### ***Gender Equality and Women's Safety***

- » **Gender-Sensitive Policies:** Implement policies that recognize the unique challenges faced by women gig workers, such as gender pay gaps, safety concerns, and caregiving responsibilities. Ensure that these policies promote gender equality and empower women in the gig economy.
- » **Safety Measures for Women Gig Workers:** Aggregators should ensure the safety of women gig workers, especially those working late hours or in isolated areas. This includes providing safety training, emergency support services, and safe transportation options.
- » **Maternity and Childcare Benefits:** Women gig workers should have access to maternity benefits and childcare support, enabling them to balance their work and family responsibilities. This includes paid maternity leave, access to affordable childcare services, and flexible working arrangements.
- » **Addressing Sexual Harassment:** Establish clear policies and mechanisms to prevent and address sexual harassment at the workplace. Women gig workers should have access to safe and confidential channels to report harassment and seek redressal.
- » **Skill Development for Women:** Provide targeted skill development programmes for women gig workers, focusing on sectors where women are under-represented or have the potential for higher earnings. These programmes should aim to enhance women's employability and economic empowerment.
- » **Legal Protection Against Discrimination:** Enforce legal protection against discrimination based on gender, ensuring that women gig workers are treated fairly and have equal opportunities in the gig economy.

### ***Grievance Redressal Mechanisms***

- » Right to Voice Grievances and Access Redressal Mechanisms: Every gig worker should have the right to voice her/his grievances and access an effective grievance redressal mechanism.
- » Grievance Redressal Mechanism for Gig Workers: A transparent and accessible grievance redressal mechanism for gig workers should be established, ensuring timely resolution of grievances through a designated authority. This mechanism should provide legal assistance and maintain accessibility through online and physical platforms.

## **Domestic Workers**

### ***Legislative Action***

There is a pressing need to bring a legislation that recognizes domestic workers as workers, protects them from exploitation, clearly defines domestic work, prescribes decent wages, social security benefits and grievance redressal mechanisms. The legislation should keep the following in mind:

- » Domestic worker to be understood as an expression for a person who is above 18 years of age, and is employed for remuneration in cash, in any household or households directly or indirectly through any agency, on a temporary or permanent, part time or full-time basis to do household work, including for any relative of the employer.
- » The number of working hours and the nature of employment should define the employer-employee relationship in the case of domestic workers, further differentiating them as part-time, full-time, and live-in. However, keeping in mind the sector and nature of work, the state must define part-time, full-time, and live-in workers based on their working hours and their wages should be determined based on the landmark Supreme Court judgment in the Raptakos case.
- » The definition of an employer must be clearly defined, and should be understood as a person employing one or more domestic workers, who is directly or indirectly (if indirectly, then it should

be defined whether the payment is through cheque or in cash as decided by the worker) working for money, in whole or in part, as remuneration for the domestic work, irrespective of the number of domestic workers employed and the nature of employment or the time period for which this employment relationship exists.

- » Registration: Along with the registration of the worker, employers and the placement agencies which place domestic workers in specific private households, should be mandatorily registered with a prescribed fee, with the local bodies, especially in the case of live-in workers who are generally migrants.
- » Placement agencies should be registered with a prescribed fee under the Shops and Establishment Act and governed by regulatory mechanisms whether or not recruitment and placement is their core business.
- » Facilitate the registration of domestic workers' organizations in the Industrial Relations Code, 2020 and other laws where agencies of domestic workers' organizations are well recognized. It is pertinent to mention here that we must consider domestic workers' organizations as important stakeholders, and their views should be taken in all policy level matters. Their right to form associations must be protected.
- » The workers should be allowed to 'self-declare' at the time of registration and should be provided with an identity card. Online registration should also be encouraged.
- » The listing of placement agencies should be transparent in the labour departments, so that the vulnerability of migrant workers is protected and employers can do informed recruitments.
- » Age specification should be done under this act. Sixteen to 18-year-olds should be considered 'young' domestic workers and must be provided with protection.
- » There should be strict punitive action against employers who employ children as domestic workers and migrant labourers as bonded



domestic workers and there should be strict measures taken against employers who abuse their domestic workers.

### ***Amendment of Existing Legislation***

With a legislation in place, new amendments to existing laws/ policies accruing to domestic workers should also come into the framework.

- » Suitable amendments in the labour codes with a few for making domestic workers inclusive. For instance, there is need to include tasks like cooking, old age, and childcare, care of animals and provide a living wage to domestic workers. Also, amendments in the following laws are needed:
- » Sexual Harassment of Women at the Work Place (Prevention, Prohibition & Redressal) Act, 2013
- » Hazardous list under the Child Labour (Prohibition and Regulation) Act, 1986, (Child Labour Prohibition and Regulation Amendment Act, 2016)
- » Protection of Children From Sexual Offences (POCSO) Act, 2012
- » Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989
- » Juvenile Justice (Care and Protection of Children) Act, 2000
- » Bonded Labour System (Abolition) Act, 1976

### ***Minimum Wage***

- » There should be uniformity in the level of minimum wages at the central level, which must be consistent across all states and union territories.
- » Domestic workers should be ensured minimum wages, and the authority must ensure that such wages are paid as per their skill sets, under the Schedule of the Wage Code.

- » Minimum wages should be the living wages. Annual increment should be worked out considering the inflationary rate, along with one month's salary as bonus.
- » Compensation for overtime, and normal hours of work should be made applicable in the context of domestic workers.
- » While determining the wage on the central and state levels, the authorities must adhere to the 15th Indian Labour Conference guidelines and the Supreme Court's Raptakos order.
- » The wage must be based on the needs' expenditure of the worker, location and hours of work, size of the house, number of family members, and the number of tasks performed.
- » Wages should be paid through the banking system so that the amount paid is recorded and even if work is done for a few days, payment should be made and this process needs to be monitored at the local level.
- » Minimum wage should be fixed on an hourly basis and should be according to the nature of work and not time alone.

### ***Grievance/ Dispute Redressal***

- » The Ministry of Labour and Employment should establish a grievance redressal and dispute resolution mechanism to address violations of the rights of domestic workers.
- » The mechanism must address rights pertaining to social protection, social security, protection from harassment, violence, untouchability and abuse (sexual and mental) at the workplace (in this case, private households), and other disputes within the arena of the workers.
- » The Labour Department should be the sole authority for all matters relating to disputes.
- » Ensure that complaints of trafficking, abuse, harassment, and disputes are registered and investigated by the concerned authority

and this should be a tripartite body with decent representation of domestic workers' organizations.

- » In cases of domestic workers being trafficked for forced labour and servitude, the involved placement agency needs to be punished according to relevant section(s) of the IPC or the CRPC.
- » Set up a 24x7 helpline for grievances and support for migrant as well as other domestic workers, by setting interstate as well as international migration centres.
- » The police should not interfere in the dispute resolution process (in criminal cases, the correct enquiry process should be followed and fair settlement and fair access to justice should be provided).

### ***Establishing an Institutional Mechanism***

- » A tripartite institutional mechanism like a worker facilitation centre and a domestic workers' welfare board or localized ward/ panchayat/ neighbourhood committees which provide fair terms of employment, social security cover, social protection benefits, and grievance redressal and dispute resolution, should be established. These should be made easily accessible to the workers.
- » Inspection and enforcement agencies should be given autonomy to carry out detailed enquiries, along with the participation of local women's organizations and domestic workers' organizations and unions.

### ***Rest Intervals and Leave***

- » Weekly offs should be ensured for domestic workers.
- » Domestic workers must be given paid and sick leave.

### ***Social Security***

- » Maternity protection has mostly been denied to this sector of the workforce. Hence, social security benefits including maternity benefits and old age pensions (from the age of 50 years) and

facility of provident fund must be provided to them. In this area, amendments to the Maternity Benefit Act, 1961 should be brought about.

- » Access to entitlements such as adequate housing, quality education and health in public institutions, and schemes and benefits which are available or will be made available to other categories of workers, should be made available to domestic workers as well as their children.
- » To promote an appropriate work-life balance, crèches may be built to support the children of domestic workers who cannot leave them alone at home while at work.
- » Job security should be provided through establishment of model contracts of employment for domestic work and domestic workers' organizations, and should be made available free of charge to domestic workers, employers, and representative organizations.
- » Loans should be provided to domestic workers by the state.
- » Appropriate legal action should be taken on reportage, in cases of caste, creed or religion-based discrimination.
- » Providing a toilet to the domestic worker should be the responsibility of the employer.
- » The policy is gender blind, there are persons of third gender also working in this sector. The policy is silent on discrimination and exclusion faced by them. Necessary provisions must be made for the third gender.
- » A month's notice needs to be served to the domestic worker by the employer before annulment of services and this should be applicable to a worker leaving service too.
- » Medical insurance of up to Rs 2 lakh per worker is suggested.
- » In case of live-in workers, who are provided accommodation by the employer, no deduction may be made from the remuneration

with respect to that accommodation, unless otherwise agreed to by the worker; as the employer and employee have a power equation, therefore we demand that remuneration should always be in cash.

### ***For Employers/RWA Directives***

- » A directive should be published targeting all Resident Welfare Associations and employers to furnish all information about live-in domestic workers, and their health and working conditions.
- » Domestic workers must be accorded the right to collective bargaining.
- » Respective state governments must issue directions to RWAs to comply with the recommendations in the following section to ensure safety and stable livelihoods for domestic workers.
- » Domestic workers, like any other workers, are entitled to safe and dignified livelihoods. As per the government advisories on employee retention, we must institute norms against summary dismissal and in such an occurrence they must be taken back unconditionally. They must not be kept in the dark about their jobs or postponements, and adequate wage compensation must be given for the next three months.
- » Domestic workers must not be discriminated against or looked at as 'higher risk' individuals. They must not be advised to 'not take the lift' and no such discriminatory practices should be implemented.
- » Guards and facility managers must be trained on treating the domestic workers with due respect. Domestic workers must be given the contact number of a member of an internal/external complaints committee for escalating any matters regarding discrimination, exploitation, or violation of their dignity.

### ***Skill Training***

- » Skill development programmes providing basic as well as highly specialized skills, should be promoted to make domestic work professional, enable an increase in wages, and ensure a better livelihood for domestic workers.

- » Workers should be given the freedom of pursuing skill development and professional training/studies or distant education programmes in her/his leisure time.
- » In this context, the skill training providers should also be registered with the respective bodies set up by the Ministry of Skill Development.

### ***Budgetary and Financial Provision***

- » Stakeholders like the central government, state governments, respective ministries and departments, workers' organizations, and civil society who are directly responsible for implementing the policy on domestic workers should make suitable allocations in the budget to ensure regular flow of finances.
- » The financial provision for promoting the interests of domestic workers should be specified, one of the recommendations is that the funds can be generated by imposition of a tax on the source of income for the welfare of the workers (like cess for the Swachh Bharat Abhiyan).

## **Rural Domestic Workers**

In many parts of rural India, domestic workers face extreme forms of oppression as they work in households. In many cases they do so as bonded labour. In Punjab, women domestic workers are engaged in the specific arduous task of collecting cow dung and waste. These women, often from lower socioeconomic backgrounds like Scheduled Castes, find themselves in this occupation due to lack of alternative livelihood opportunities. Their work is not only physically demanding and unhygienic but also socially stigmatized. They face exploitation, bonded labour, and discrimination. They have no or very limited access to social security, healthcare, and education for themselves and their children. The challenges they encounter perpetuate a cycle of poverty and marginalization, trapping them in a life of hardships.

We should take the following steps to address the demands of rural women domestic workers in dung and garbage collection:

***Implement Policies for Freedom from Bonded Labour***

Implement Policies for Freedom from Bonded Labour: Enact and enforce policies to eradicate bonded labour among rural women domestic workers. Monitoring mechanisms should be established to ensure compliance with labour laws and provide immediate interventions in cases of bonded labour. Rehabilitation support, including legal assistance and vocational training, should be offered to the freed workers. Awareness campaigns should educate both workers and employers about the legal and human rights' implications of bonded labour.

***Ensure Fair Wages***

Ensuring fair wages for rural women domestic workers is crucial for their dignity and economic empowerment. We should mandate wages as per the Minimum Wages Act, 1948 and ensure regular monitoring for compliance.

***Launch a Debt Relief Campaign:***

Initiate a comprehensive campaign to provide debt relief for rural women domestic workers. This campaign should aim to alleviate the burden of debt that many of these workers face, often as a result of borrowing from informal sources at high interest rates.

***Debt Assessment and Settlement Programmes***

Conduct a thorough assessment of the debt levels among these workers to understand the magnitude of the problem and identify those in dire need of assistance. Implement debt settlement programmes that allow workers to negotiate with creditors to settle debts for a reduced amount, providing immediate relief.

***Protection from Microfinance Companies***

Government action is crucial in protecting rural women domestic workers from exploitation by private illegal microfinance companies. These companies often prey on the vulnerability of these workers, trapping them in cycles of high-interest debt that exacerbate their financial hardships. We should ensure that such companies operate within legal frameworks, offering fair and transparent financial services.

***Enhance Financial Inclusion***

Facilitate access to formal banking services, low-interest loans, and savings schemes to improve their financial stability and reduce dependence on informal lenders.

***Access to Formal Credit***

Facilitate access to formal credit sources, such as banks and microfinance institutions, which offer loans at regulated interest rates, reducing the reliance on informal lenders.

***Financial Literacy Training***

Provide financial literacy training to these workers, educating them about debt management, savings, budgeting, and the dangers of borrowing from informal sources.

***Legal Aid and Support***

Offer legal aid and support to workers who are victims of predatory lending practices, helping them negotiate fair terms or challenge exploitative contracts.

***Facilitate Registration***

Facilitate the registration of rural women domestic workers, which is essential for recognizing their contributions and ensuring their legal protection. The establishment of a simple and accessible registration system will allow the government to collect crucial data about these workers, leading to tailored policies and programmes. On registration, issuing an official identification card as proof of employment will grant these workers access to social security, health insurance, and legal aid.

***Establish a Welfare Board***

We should establish a welfare board to provide comprehensive social and economic assistance to rural women domestic workers. This board will serve as a centralized body to address the multifaceted challenges faced by these workers, including issues related to fair wages, safe working conditions, access to healthcare, and legal protection. The board will also facilitate the implementation of government schemes



and programmes tailored to the needs of these workers, ensuring that they receive the benefits that they are entitled to.

***Provide Housing and Toilet Facilities***

Implement the Pradhan Mantri Awas Yojana to provide them with housing and sanitation. Almost all of them are landless and without homestead land.

***Provide a Pension Arrangement***

Establish a pension system for rural women domestic workers in dung and garbage to ensure their financial security in old age. This initiative will acknowledge their hard work and contributions, providing them with a dignified life. It will also demonstrate a commitment to their well-being and alleviate fears of financial instability.

***Enhance Occupational Health and Safety***

Develop and enforce regulations to ensure safe working conditions for these workers, including access to protective gear and proper waste management training.

***Establish Grievance Redressal Mechanisms***

Set up dedicated channels for these workers to report issues, seek assistance, and resolve disputes related to wages, working conditions, and rights violations.

***Promote Skill Development***

Initiate skill development programmes to provide these workers with training in alternative livelihoods, empowering them to transition to more dignified and sustainable jobs.

**Accredited Social Health Activists  
and Anganwadi Workers**

Accredited Social Health Activists (ASHAs) and anganwadi workers play vital roles in India's rural healthcare and education systems, respectively. ASHA workers were introduced under the National Rural Health Mission (NRHM) in 2005, while anganwadi workers have been

part of the Integrated Child Development Services (ICDS) since the 1970s. These workers are grassroots-level functionaries entrusted with crucial responsibilities, yet they face numerous challenges in fulfilling their duties effectively.

ASHA workers serve as a bridge between communities and the healthcare system. They promote maternal and child health, facilitate immunization drives, conduct health awareness programmes, and assist in accessing healthcare services. Anganwadi workers, on the other hand, focus on early childhood care and education, providing nutrition, preschool education, and basic healthcare to children below 6 years of age and pregnant or lactating mothers.

Despite their critical roles, ASHA and anganwadi workers encounter several challenges. The most significant challenge is the lack of recognition as frontline workers. This leads to ASHA and anganwadi workers not being provided dignified wages, time-bound work hours, effective social security or other rights associated with dignified work. ASHA and anganwadi workers often work long hours without proper compensation or benefits, leading to burnout and demotivation.

Many workers receive minimal training and face difficulties in handling complex health or educational issues. Moreover, insufficient infrastructure and supplies hinder their ability to deliver quality services. Additionally, they face social stigma and sometimes encounter resistance from communities, particularly regarding cultural beliefs related to health practices or education.

ASHA and anganwadi workers are essential pillars of rural healthcare and education systems in India. Addressing the challenges that they face, such as lack of recognition, inadequate training, and workload issues is crucial for improving the effectiveness of their services and ensuring better health and education outcomes for rural communities. The Agenda for ASHA and Anganwadi Workers outlines what can be done to address these problems.

### ***Regular Employment Status***

ASHA and anganwadi workers are considered volunteers or part-time

workers, leading to unstable employment conditions. It is necessary to grant them regular government employee status, providing them with job security, social security benefits, and fair compensation for their invaluable contributions to public health and childcare.

### ***Living Wages and Incentives***

ASHA and anganwadi workers need to be provided a fixed monthly wage that reflects the nature of their work and their responsibilities at par with wages of skilled workers. The wages should be linked to inflation indices and updated every 6 months. Additionally, they should be given performance-based incentives to motivate and reward their efforts in achieving healthcare and education goals.

### ***Timely payment of wages and incentives***

ASHA and anganwadi workers often face delays in payment of wages and incentives. It should be ensured that all wages and incentives are paid in a timely manner every month, consolidating all incentives into a single monthly payment.

### ***Payment of night time compensation***

ASHA workers who have to attend to pregnant women in case of any emergency during the night or in case of accompanying them for institutional admission for delivery at night must be paid additional compensation and provided safe and secure transport facilities.

### ***Fixed working hours and overtime compensation***

Working hours of ASHA and anganwadi workers need to be fixed and capped at 8 hours daily. Any work beyond working hours arising out of an emergency must be fairly compensated at the rate fixed by the Code on Wages, 2019.

### ***Provision of paid leave and social security***

ASHA and anganwadi workers need to be provided paid leaves and social security benefits including EPF, pension, gratuity, health insurance, and maternity leave at par with those provided to auxiliary nurses and midwives.

### ***Reporting and Mobile Applications***

ASHA and anganwadi workers have to spend a significant time in compiling daily reports and feeding the data through mobile applications like the POSHAN tracker app. Time taken for preparing and submitting such reports should be accounted for in their daily work hours and they should be provided with allowances for expenses related to mobile phones and internet charges.

### ***Compensation for extra work***

ASHA and anganwadi workers are often tasked by district and block officials to conduct government sponsored surveys or provide their services in government run programmes, awareness and enrolment camps, and examination halls. In case of such work being done by them, they should be provided daily allowances and travel allowances.

### ***Training and Skill Development***

ASHA and anganwadi workers require continuous training and skill development programmes to enhance their knowledge and capabilities. They should be provided with regular and comprehensive training on healthcare practices, child development, nutrition, and community engagement strategies.

### ***Better Infrastructure and Resources***

Adequate infrastructure, including well-equipped healthcare centres and anganwadi facilities, is crucial for effective service delivery. They should be provided with sufficient supplies of medicines, educational material, nutritional supplements, and supportive equipment to meet the needs of their communities.

### ***Recognition and Respect***

Both ASHA and anganwadi workers often face a backlash from the communities that they serve when implementing certain interventions which might contradict the community's belief system. In such cases, the local government functionaries must carry out local level campaigns promoting and acknowledging their role as frontline workers and active participants in improving community health and education outcomes

and ensure that the ASHA and anganwadi workers are not threatened but respected for their contributions to society.

## **Choultry Workers**

Choultry workers are those who do the cleaning and sometimes assist in the work of cooking in 'choutries' or marriage halls that are rented out for marriages or any related religious and social functions. Choultry workers constitute a sub-section of domestic workers or self-employed home-based workers, and just as women dominate in terms of numbers employed in these sectors, a majority of choultry workers are also women. Most of the women who go to work in choutries are from urban slum communities and come from the most socially and economically marginalized communities – largely Dalit and the urban and rural poor.

A recent survey by ActionAid Association revealed that in Karnataka the average income of choultry workers was between Rs 500-Rs 700 for 2 days and they got work for a maximum of 15 days a month and there was no room for negotiations. Employer/employee relationships are vague and established through 2 or even 3 levels of contractors, therefore accountability becomes difficult to establish. Most of all, there is no kind of contract between the employee and employer and there is no basis for the workers to establish their identity as labour that can enable them to access basic rights and services as unorganized workers. It is this insecure, informal, and non-regulated nature of their work that makes the choultry workers susceptible to gender, class, and caste exploitation and discrimination. The following recommendations are made for restoring their dignity of labour and ensuring basic rights:

### ***Enumeration***

The first step towards recognizing and acknowledging this work will be for the related authorities in the administration and the Labour Department to do a ward/panchayat wise enumeration of the workers in choutries and other such establishments.

### ***Registration***

The second step is ensuring their registration through the district

administration as informal workers such that under the provisions of the Unorganized Workers Social Security Act, 2008 or the new Social Security Code whose rules still remain to be formulated, identity cards can be issued to them that will enable them to access all benefits due to them under law.

### ***Work contracts/employment letters***

There must be letters of employment issued by every contractor to the sub-contractor specifying the names and wages of each employee, which could be the basis on which they can also obtain labour identity cards to access benefits available for all unorganized workers.

### ***Registration of contractors***

All contractors should be registered ward wise or in panchayats or municipalities such that they can be held responsible and accountable for ensuring decent working conditions for workers in choultries.

### ***Workers Facilitation Centres***

Workers facilitation centres, as mandated under the 9th clause of Chapter 4 of the Unorganized Workers Social Security Act, should be set up to spread information about available social security schemes, assisting unorganized workers through all the registration steps, and helping in enrolment for suitable schemes.

### ***Registering choultries, marriage halls, and other similar institutions as work spaces:***

The muzhrai, labour and other concerned departments should take responsibility for not only registering all such choultries and marriage halls that come under their purview but also ensuring that there are no labour violations including minimum wages and proper working conditions.

### ***Minimum wages, overtime, and bonus bank accounts***

Minimum wages should be fixed for choultry workers and the same rate as for domestic work should be applied and this amount along with overtime should be specified and this should be paid along with overtime and bonus. Therefore, the minimum wage for the work should

be approximately Rs 1,000 for 2 days of work that they do apart from overtime and bonus. The contractor who makes the payment should transfer the money to the bank accounts of the employees and not hand the payment over to the sub-contractors who should be paid independently.

### ***Working Conditions***

Private rooms along with bathrooms should be provided to all the choultry workers along with uniforms and other protective equipment like gloves. There should also be provision of creches wherever possible or at least ensuring that the women are able to leave their babies in the nearest government set up community creches.

### ***Provision of transportation***

Given the vulnerability of the women who almost always go back late in the night after completing work, it is the responsibility of the contractor/choultry owner to provide them safe transportation back to their homes.

### ***Social Protection and Skill Development***

Strengthening access to social protection through the SC/ST commission, social welfare departments, Women's Commission, and labour departments to look into caste based discrimination and violations, provide appropriate protection measures with focus on old age pensions and health, housing, occupational health, and skill development to enable higher earnings. The children of choultry workers in particular must be supported with training and education such that they could be enabled to get out of the crushing cycle of poverty and degradation.

### ***Skill upgradation***

With the burgeoning of caterers and event management agencies, younger women from these areas are being employed with better working conditions including outfitting them in uniforms that gives them more dignity of labour. The scope for this should be widened with more systematic training of the young women so that they can handle themselves and the job more confidently and professionally.

***Public notices prohibiting discrimination***

All choultries and similar working places should have public notices stating that sexual harassment and caste discrimination are a crime and punishable under law. And if there are any such incidents, choultry owners must be held accountable and responsible.

***Access to Local Complaints Committees***

Under the provision of the POSH Act the district officer must form the Local Complaints Committee for the respective district that will receive and redress complaints of sexual harassment from women workers in the informal sector. Women must be made aware of the existence of LCCs and encouraged to seek redressal if they continue to suffer from harassment despite their own efforts or those of the local contractors and choultry owners to challenge the violators.

***Monitoring by the Labour Department***

Concerned labour officers should make routine visits to these places to ensure that there are no violations of basic labour rights, including decent and human working conditions.

***Collectivization***

It is the responsibility of civil society organizations and trade unions to ensure the collectivization of these workers in specific areas and ensure that they have knowledge about their rights, facilitate their registration as workers, and engender the necessary confidence to help them assert themselves in front of the concerned authorities.

***Welfare Committee***

A committee comprising of members from the departments of labour, social welfare, muzhrai, women and SC/ST commissions along with NGOs and unions working with the urban and rural poor must be set up to look into the different dimensions of this form of work that has gender, caste, and cultural dimensions. They must put in place codes to be followed in such work spaces with regard to proscribed, institutionalized, and discriminatory norms of gender and caste exploitation that are built into this work and ensure that these are widely publicized. Accountability mechanisms should be put in place



to ensure that these codes are followed and enforced in these work spaces. The committee must also look into systemic ways of helping restore dignity and rights of the workers, facilitate upgradation of their skills, and ensure educational opportunities for their children.

## **Sanitation Workers**

The notions of purity and pollution linked to the caste system and the practice of untouchability, underlie unsanitary practices in Indian society. These beliefs perpetuate the oppression of 'polluted castes,' who are forced to undertake manual scavenging, unclog manholes, and clean other people's filth. The cheap availability of Dalit labour to do these dehumanizing jobs is one of the reasons modern garbage and sewage management systems have been neglected so far. We need to recognize that delinking the relationship between caste and sanitation continues the exploitative order. Over 400 people died while cleaning septic tanks in 2018-23 according to a reply in Parliament, whereas in reality the deaths are many times higher.

At least 22,327 Dalits die doing sanitation work every year. Safai Kamgar Vikas Sangh, a body representing sanitation workers of the Brihanmumbai Municipal Corporation (BMC), sought data under the Right to Information Act in 2006, and found that 288 workers had died in 2004-05, 316 in 2003-04, and 320 in 2002-03, in just 14 of the 24 wards of the BMC or about 25 deaths every month. These figures do not include civic hospital workers, gutter cleaners or sanitation workers on contract. The average life span of a manhole worker is just 45 years.

### ***Enhancing Compensation for Deaths Due to Manual Scavenging***

Enforcing the Supreme Court's 14 directives issued in October 2023, which include increasing compensation to Rs 30 lakh for sewer deaths, Rs 20 lakh for permanent disability or injury, and Rs.10 lakh for disabilities is needed.

### ***Mechanization of Sewer Cleaning***

It is estimated that 3 sanitation workers die every 5 days in India. Toxic gases, such as ammonia, carbon monoxide, and sulphur dioxide build up in septic tanks and sewers and can cause workers to lose

consciousness or die. The task of sewer cleaning should be fully mechanized, and the workers involved in manual cleaning should be appropriately rehabilitated and provided with alternative employment opportunities. It should be made obligatory that the latest technology is provided for persons attending sewage disposal and it should be the responsibility of the union and state governments to provide sufficient funds for the purchase of machines and equipment under Article 266(3), read with Article 39(e), and Article 256 of the Indian Constitution.

***Prioritizing efficient and eco-friendly solid waste collection methods***

Incorporating segregation at the source, mechanized segregated collection using closed vehicles to prevent manual handling, containerized storage, local processing of biodegradable waste, recycling of dry waste, and scientifically disposing of rejects as outlined in the Ministry of Forest & Environment Rules, 2016.

***Formalization of Employment of Safai Karamcharis***

Safai Karamcharis (sanitation workers) should be given the status of government employees and provided with the same benefits as government employees. These include access to healthcare, retirement benefits, and job security.

***Safety Measures***

Proper equipment should be made available to the sanitation workers. Besides, regular health check-ups should be carried out by the municipalities once in 6 months.

***Recognition and Support for Waste Collecting Women:***

Women involved in waste collection (such as the Kachra Vechak Mahilaye in Maharashtra) should be recognized as employees and provided with social security benefits.

***Rehabilitation of Manual Scavengers  
As a Mission-based Programme***

Undertaking rehabilitation efforts for manual scavengers on a mission-

oriented basis, offering skilling opportunities, and providing alternative employment within a fixed timeframe.

### ***Housing***

Cooperative societies should be constituted at the behest of the state apparatus and land should be made available for housing projects for sanitation workers.

### ***Liberation and Rehabilitation***

Sewer workers' liberation will come only when necessary technological changes are brought about, which will then render the occupation humane, dignified, and safe in ways which completely avoid any direct human contact with excreta. The liberation of these workers cannot be conceptualized in isolation because they will lose their only source of income without a meticulous road map for their meaningful rehabilitation as proposed for manual scavengers. The workers in regular or contract employment must not be terminated; rather they must all be given regular employment.

## **Rag Pickers**

Rag pickers, often termed as Informal Waste Workers (IWWs), form an integral yet marginalized segment of society, silently shouldering the weight of urban waste management systems across the globe. Despite their indispensable role in recycling and waste collection, rag pickers face multifaceted challenges rooted in social stigma and hazardous working conditions. Their labour, ranging from sorting through roadside dumps to handling disposal grounds, exposes them to myriad health problems, including mental disorders, respiratory infections, musculoskeletal issues, and stomach infections. Moreover, within the realm of waste picking, there exists a stark differentiation in the degree of stigmatization, particularly evident among those engaged in tasks like handling animal waste. As cities burgeon and waste generation escalates, the need to recognize and safeguard the rights of rag pickers becomes increasingly paramount. This entails a paradigm shift towards formalizing their work, offering social security measures, and fostering inclusivity within waste management frameworks. Through concerted efforts aimed at mitigating health risks, ensuring fair compensation,

and combating societal prejudices, rag pickers can be rightfully acknowledged as environmental justice defenders, deserving of dignity, respect, and equitable opportunities for socioeconomic advancement.

***Protection and Recognition:***

- » Conduct city-based surveys to identify and assess working conditions, with urban local bodies leading participatory practices for the formalization and integration of rag pickers.
- » Identity cards should be provided to rag pickers and their management should be handled by urban local bodies.
- » Replace informal sector scavenging with organized recycling and recovery centres managed by municipal authorities.
- » Recognize rag pickers as environmental justice defenders and provide preferential access to waste sites.
- » Creation of ward-level recycling and recovery centres and their management by ULBs.
- » There should be strong monitoring in the value chain to ensure children are not made part of rag picking.
- » Link initiatives with Swachh Bharat Abhiyan.
- Ensuring strict compliance with laws for disposal of biohazardous waste.

***Social Security Measures:***

- Provide dignified living wages, access to financial systems, and social welfare services like provident fund.
- Provide compensation for injuries sustained while working and implement state schemes for support and transitioning out.
- Enforce laws against exploitation and trafficking, especially for vulnerable women working as rag pickers.

- » It is important to ensure that the existing extended producer responsibility should be strictly enforced and through such strict enforcement, a fund should be created to serve, professionalize and pay waste pickers.

***Safety from Occupational Hazards and Healthcare Access:***

- » Provision of uniforms, safety equipment like gloves, hats, boots, and other necessary items to mitigate occupational hazards.
- » Provide designated resting points with basic amenities like toilets, drinking water, kitchens, and first aid.
- » Address various health issues such as mental disorders, respiratory infections, musculoskeletal issues, and stomach infections through healthcare provisions.
- » Provide dedicated healthcare facilities including 24/7 clinic services and community health centres near informal settlements inhabited by rag pickers.
- » Dedicated women and children's health professional should be present at these clinics to ensure access to women rag pickers.

***Education and Empowerment:***

- » Ensure universal access to scholarships for rag picker children and prevent their involvement in rag picking through strict monitoring.
- » Establish mobile schools, tuition classes, and vocational training programmes for children of rag pickers.
- » Support women-led cooperatives of rag pickers.

It is imperative to recognize that transitioning out of rag picking requires comprehensive support systems that offer viable alternatives and choices to individuals involved in this informal sector. While skill development programmes like the PM Dakshta Yojana play a crucial role, it is equally essential to provide clear pathways to alternative livelihoods beyond mere skill training. Mechanization of certain waste

management processes can create opportunities for rag pickers to shift to safer and more sustainable occupations. However, this transition must be driven by the preferences and aspirations of the rag pickers themselves, ensuring that they have a say in shaping their future. By offering a range of options and empowering individuals to make informed choices, state schemes can facilitate a smoother and more dignified transition out of rag picking, ultimately improving the overall well-being and socioeconomic status of these workers.

## Sex Workers

It is estimated that India has over 3 million commercial sex workers. Approximately 2.9 million women or 1.1% of the adult women in India are commercial sex workers. The rest of India's sex worker population is comprised of male and transgender sex workers. Female, male, and transgender commercial sex workers in India often ply their trade within the confines of a designated red-light district, or they are 'flying' sex workers without a fixed place of operation. The Immoral Trafficking (Prevention) Act, 1956 (ITA) of India defines prostitution as 'sexual exploitation or abuse of persons for commercial purposes or for consideration of money or in any other kind.' ITA, 1956 also criminalizes living off sex workers' earnings, and as a result, a sex worker's children and family members can be imprisoned for subsisting on his or her income.

Sex workers in India constitute a severely deprived segment of the population, which lacks access to services and support from the health sector. Ascribing a criminal status to sex work often results in an increase in violence against sex workers who have little recourse against such acts of aggression.

The issue of sex work in India is multifaceted, encompassing social, economic, and legal complexities. While legitimate concerns about exploitation, trafficking, and the vulnerability of sex workers persist, it's crucial to also recognize and address their rights, health, and safety. Implementing comprehensive policies that prioritize decriminalization, destigmatization, and offering support and alternatives to sex workers can prove more effective in tackling the challenges that they encounter and safeguarding their well-being. Moreover, raising broader societal

awareness and promoting education are vital steps towards fostering a more compassionate and informed perspective on this issue, ultimately contributing to a more equitable and just society.

In India, sex work is technically legal, yet workers report facing significant stigma, harassment, and violence, particularly at the hands of law enforcement. To address these issues, sex worker collectives have emerged, advocating for the complete decriminalization of sex work and the acknowledgment of their labour as deserving of protection and rights. These efforts seek to empower sex workers and ensure their safety, dignity, and access to essential services.

It is imperative to refrain from using terminology that conflates human trafficking, sexual exploitation, and consensual sex work. Such conflation is inaccurate, as trafficking individuals into forced or coerced labour, including sexual exploitation, cannot be equated with consensual sex work. This misrepresentation not only undermines the rights of sex workers but also perpetuates further policing and abuse against them, despite being wrongly characterized as 'victims' of trafficking.

It is essential to ensure a distinct separation between women and girls, as they should not be grouped with adult women. Moreover, in the Indian context, terms like 'prostitution' and 'prostituted women' are not appropriate. The Supreme Court of India (SCI) has provided guidance through its Handbook on Combating Gender Stereotypes, advising against the use of harmful gender stereotypes. Instead, the term 'sex worker' should be used in place of 'prostitute.'

The state machinery must refrain from using terms such as 'prostitute' or 'prostituted women,' and avoid grouping minors with 'sex workers,' which typically refers to adults engaged in consensual sex work. Additionally, it is important to differentiate between trafficking and voluntary engagement in sex work. To ensure a dignified and safe practice of sex work as decent work, a rights-based approach rather than a victim based approach is required.

### ***Legislative Action***

Review of the Immoral Trafficking Act, 1956

In its current form, the act assumes that all trafficking is done for the purpose of prostitution. Rather than prioritizing the prevention of trafficking, this legislation concentrates on its underlying motivations. Instead of addressing the diverse reasons behind human trafficking, it confines itself to addressing only one aspect of this multifaceted issue.

Sections 3(1) and 3(2) of the legislation criminalize the operation and provision of brothels, highlighting a paradoxical situation. While India doesn't criminalize prostitution itself, it targets the means through which prostitutes earn their livelihood. By outlawing brothels, the law fails to recognize them as potential sources of income for individuals engaged in consensual sex work.

This oversight pushes the profession underground, depriving sex workers of legitimate avenues to manage their businesses and attracting more clients. The criminalization of brothels also risks driving the establishment of illegal brothels, perpetuating criminal activities and undermining the rights of consenting sex workers.

Sections 4 and 6 of the law target individuals who knowingly benefit from the earnings of prostitutes, aiming to punish pimps or touts who may be facilitating prostitution. However, this fails to distinguish between those aiding voluntary sex workers and actual traffickers. As a result, traffickers may escape punishment while individuals such as children of sex workers face legal repercussions.

Section 4 of the Immoral Traffic (Prevention) Act (ITPA) stipulates that individuals above the age of 18 who depend on the earnings of a sex worker may face imprisonment of up to 2 years. However, this provision fails to consider the circumstances of children of sex workers who are over 18 and may be pursuing higher education. Under this act, these individuals are essentially compelled to work to support themselves or continue their studies, unlike children of parents in other professions who may have more support. This is discriminatory and unjust, denying the children of sex workers above the age of 18 years the opportunity to lead normal lives and pursue their aspirations. They deserve equal rights and opportunities like any other individual.



Moreover, law enforcement practices often result in indiscriminate detention or arrest of all sex workers during brothel raids. This not only perpetuates the re-victimization of trafficked individuals forced into prostitution but also violates the right to life, particularly for voluntarily consenting sex workers exercising their agency.

### ***Protection and Rehabilitation***

- » Prevention of Trafficking: Serious efforts should be made to prevent the trafficking of women and children into sex work.
- » Alternative Employment Opportunities: Programmes should be developed to provide alternative employment options for sex workers who wish to leave the profession. This could include vocational training, job placement assistance, and support for entrepreneurship initiatives.
- » Police Sensitization: The police often harass sex workers and pose a threat to their well-being. They must be sensitized and trained and punitive action should be taken against police officers who harass sex workers.
- » Sex workers who face violence also do not go to the police to register complaints out of fear of being harassed and arrested, thereby making them even more vulnerable to facing crimes. The police must be instructed to register FIRs in the event of violence against sex workers.

### ***Protection and Social Security***

- » Enumeration and provision of ID cards to enable smooth access to schemes such as the public distribution system by sex workers.
- » Measures should be taken to end discrimination against sex workers in accessing public welfare services, including healthcare, education for children, and job opportunities.
- » Allocate funds for the welfare of sex workers.

- » Pension After the Age of 45 Years: Sex workers who reach the age of 45 years or older should be eligible to receive a pension.
- » Access to health is often hindered due to stigmatization. Sex workers also may not have safe access to abortions which can lead to unsafe practices. Access to healthcare must be ensured.

### ***Children of Sex Workers***

Children of individuals involved in prostitution often confront a host of difficulties, such as social stigma, financial insecurity, and the risk of being exposed to unsafe or exploitative conditions. To mitigate these challenges, it is imperative to concentrate on delivering support, education, and resources aimed at enhancing their welfare and prospects. This may necessitate the implementation of government initiatives, community-based programmes, and social services tailored to meet their needs. Additionally, efforts to diminish the demand for prostitution through educational campaigns and policy reforms can play a crucial role in safeguarding the rights and well-being of these vulnerable children.

- » Scholarship for Children's Education: The welfare board should offer scholarships or financial assistance programmes to support the education of children of sex workers.
- » Secure right to health and education for all children: Children of sex workers endure psychological trauma, harassment, and discrimination, especially within school environments.
- » Robust anti-bullying and anti-discrimination policies in schools must be established.
- » Accessible mental health services must be provided to support children coping with trauma and harassment.

# DEPRIVED URBAN COMMUNITIES



**I**ndia's urban population surged from 114 million in 1971 to an estimated 470 million in 2021, and is projected to surpass 50% by 2050. Rapid urbanization poses challenges, as noted by the World Bank in 2015, including 'messy urbanization' around major cities. Factors driving urbanization range from migration in the post-independence period to present-day rural-urban and urban-urban migration due to limited rural opportunities and better economic prospects in cities. However, urban centres face issues of infrastructure deficits, inadequate service provision, and vast social and economic inequalities. The urban poor often reside in informal settlements lacking basic amenities and tenure rights, exacerbating challenges of climate change's impacts and necessitating prioritization of housing, job security, health, and education for marginalized urban residents.

Efforts should be made to make the Right to the City real for all city-makers. This means ensuring that every urban dweller, regardless of background or socioeconomic status, has meaningful access to and participation in shaping the urban environment. To achieve this, we must implement policies and initiatives that prioritize equitable access to urban resources, decision-making processes, and the benefits of urban development. Through inclusive urban planning, affordable housing initiatives, accessible public services, and meaningful participation in governance, we can create cities where every city-maker can thrive and contribute to a vibrant, inclusive urban landscape.

### ***Inclusive Urban Planning***

- » Promote regional planning approaches that prioritize connectivity between urban and rural areas while safeguarding the unique character and resources of rural hinterlands. Adopting a dual model of urban development that accommodates both industrialized and non-industrialized regions is essential for fostering balanced growth.
- » Implement sustainable practices such as eco-industrial parks, invest in infrastructure which facilitates the circular economy, and industrial symbiosis to promote environmentally friendly and inclusive economic development across urban and rural areas.

- » Preservation and Promotion of Urban Green Spaces: Protect and enhance urban green spaces, including parks, playgrounds, forests, lakes, and water bodies, as essential recreational and social assets.
- » Incorporate disaster resilience considerations in urban planning and development processes. This includes zoning regulations, building codes, and infrastructure development that prioritizes resilience to climate-related hazards. Integrate green infrastructure, such as urban parks and green roofs, to mitigate the impacts of extreme heat and flooding.
- » Prioritize climate resilience to protect vulnerable communities, particularly those living in urban informal settlements. City-makers bear the brunt of extreme weather events such as urban flooding, heat island effects, and desertification. Due to limited material capacities, they face heightened risks and challenges. Therefore, housing, job security, health, and education must be prioritized for these communities to ensure their safety and well-being in the face of climate change's impacts.
- » Incorporate international frameworks of inclusivity to make cities more gender-friendly.

### ***Access to Shelter and Affordable Housing***

- » The housing programme should adopt a comprehensive approach within a housing rights continuum, facilitating the transition of working homeless individuals from shelters to eventual homeownership.
- » Guaranteeing Shelter for All: Ensure the unconditional right to shelter for every individual.

### ***Social Housing:***

- » Reserve 25% of the city for planned housing to prevent the proliferation of slums and ensure access to adequate housing for the urban poor.
- » Utilize vacant private housing stock by leasing out unoccupied

properties to homeless individuals, thereby maximizing housing resources.

- » Repurpose buildings constructed on encroached land for social housing purposes, effectively utilizing available infrastructure for housing initiatives.
- » Rental Subsidies: Introduce rental subsidies for low-income individuals and families to promote access to affordable accommodation.
- » Accelerate the Implementation of the Affordable Rental Housing Scheme (ARHS). ARHS should be viewed within the broader framework of addressing the workers' housing needs, particularly those employed in industries and related sectors. As these establishments develop their enterprises, they must prioritize the implementation of ARHS to provide affordable housing options for their workforce.
- » Hostels and Shelters: For the city makers, ensure provision of adequate shelters such as workers' hostels and permanent 24-hour shelters. Such hostels and shelters should be made operational by the government and may later be handed over to NGOs and other agencies. There can be a minimal access fee levied on the use of such hostels and shelters.
- » Homeless shelters' capacity should be in line with the national Scheme of Shelters for Urban Homeless. For every one lakh urban population, provisions should be made for permanent community shelters for a minimum of 100 persons.
- » Increase the number of homeless shelters in line with the growing urban population to ensure adequate coverage and protection for vulnerable individuals.
- » Implement the Supreme Court guidelines for establishing homeless shelters to protect vulnerable populations during cold and heat waves. Construct permanent, all-weather shelters in urban areas to accommodate homeless individuals, adhering to norms set by the Ministry of Housing and Urban Affairs.

- » Hostels should be strategically located near transportation hubs and employment centres to enhance accessibility and convenience.
- » These facilities should be affordable, clean, and habitable, meeting the basic standards of hygiene and comfort.
- » Ensure the availability of essential amenities such as washing and cooking facilities in workers' hostels.
- » Prioritize safety, security, and adequacy in women's hostels.

***Formalizing Informal Settlements:***

Regularize land tenures and land use for dwellers living in informal settlements which are on tenable land.

- » Title deeds should be given to inhabitants and entered in the Records of Rights documents.
- » Implement a moratorium on all forced evictions, ensuring that such action is minimized and only resorted to in exceptional circumstances for public welfare and safety.

***In-Situ - Redevelopment:***

- » Ensure in-situ upgrading of slums unless they are deemed uninhabitable.
- » Inclusion should be the guiding principle, with decisions made through consultations with the affected communities.
- » Relocation: Relocation should be considered only for those living on non-tenable and hazardous land such as waste-disposable grounds, river-bed areas, and storm drains.
- » No displacement should occur without prior consultations and preparation of a resettlement plan.
- » When relocation is necessary, relocation sites should be conveniently located within the same ward zones or adjoining areas, taking into account the residents' current work sites and livelihood.

***Steps to be taken for preparing housing plans:***

- » Mandatory consultations with slum dwellers on both tenable and untenable (hazardous) land in the development of housing action plans for every slum; a mandatory consultation with at least 90% of the slum dwellers in the individual slums, to be developed guided by the UBL, where the appropriate authority presents the proposals on the contours of the housing and community amenities, and public service plans. Such plans should be published at local sites for wider consultations.
- » Redevelopment of housing plans after slum dweller consultations and seeking informed consent of at least 70% slum dwellers to the overall plan, including one for housing and common amenities and other municipal facilities and common spaces.
- » Written agreements with individual families on the plan for each family, including timelines and manner of relocation, if a move is necessitated to new housing sites.
- » Revision of Pradhan Mantri Awas Yojana-Urban (PMAY-U) Guidelines: It is recommended that the Pradhan Mantri Awas Yojana-Urban (PMAY-U) guidelines are upgraded, focusing on the subjective nature of affordability in housing.
- » Clear norms should be developed for subsidies tailored to different vulnerable communities, along with criteria and varying subsidy levels.
- » Emphasis should be placed on planned housing, promoting mixed land use, and environmentally sustainable practices for a more integrated urban landscape.
- » A minimum of 600 square feet pucca houses should be provided. This standardized size ensures adequate living space for the occupants and promotes dignified housing conditions.
- » Identify and reclaim government land encroached by the land mafia and real estate developers, thereby expanding the availability of land for housing projects.



***Shelter and Government Aid for Natural Disaster-Affected Houses:***

- » Identify and designate buildings in urban areas as cyclone and flood shelters, particularly in vulnerable areas such as slums. Where such buildings are lacking, construct new cyclone shelters near slum areas to provide safe refuge during disasters. Ensure that designated shelters are well-equipped with generators, food supplies, and other essential amenities.
- » Establish a responsive system to address housing damage caused by rains, floods, cyclones, earthquakes, and landslides, providing essential government assistance to affected residents promptly.
- » Ensure timely and adequate compensation or support for repairing and rebuilding damaged homes, assisting affected individuals and families in recovering from the impact of natural disasters.
- » Renovation of dilapidated city administration housing for EWS: The houses constructed under in-situ redevelopment/relocation initiatives have become dilapidated in many locations, necessitating the construction of new homes.

***Urban Mobility***

- » Encourage a multi-modal approach to urban mobility, with public transport as the backbone supplemented by pedestrian and cycling infrastructure, followed by private modes of transport.
- » Urban planning should prioritize pedestrian-friendly infrastructure and cycling networks, ensuring safe and convenient options for non-motorized transport.
- » Rethink the construction of flyovers and road widening projects that prioritize private vehicles.
- » Increase investments in public transport infrastructure, including the expansion of bus and rail networks to provide efficient and reliable alternatives to private vehicle usage. Increase the number of general compartment bogies in trains.

- » Implement progressive taxation measures for private vehicles to discourage their use and incentivize the adoption of sustainable transport options.
- » Enhance last-mile connectivity options such as bike-sharing programmes, e-rickshaws and feeder services to public transit hubs, making it easier for people to access public transport.
- » Prioritize equitable access to transportation services, particularly for marginalized communities. Provide provisions for free or subsidized public transportation, including buses, metros, and local trains, for informal sector workers, including construction workers, domestic workers, and daily-wage earners. This measure will ensure that no one is left behind due to lack of affordable and accessible options.
- » Launch public awareness campaigns and educational initiatives to promote sustainable mobility behaviour, such as carpooling, ride-sharing, and mode shifting towards public transport, cycling, and walking.
- » Ensure that urban mobility infrastructure is designed to be inclusive and accessible for persons with disabilities, with features such as wheelchair ramps, tactile paving, and accessible public transport vehicles.
- » Urban mobility policies should prioritize environmental sustainability, aiming to reduce greenhouse gas emissions, air pollution, and congestion through the promotion of low-carbon modes of transportation.

### ***Accessible Public Services***

#### Public Control and Equitable Access

- » Ensure that urban commons remain under public control, guaranteeing equitable access for all residents, particularly those from marginalized communities. Any attempts to restrict access to public commons such as parks by housing societies, Resident Welfare Associations (RWAs), should not be permitted.

- » Ensure a regular supply of clean drinking water through government-installed taps in informal settlements.
- » There should be a provision for free electricity up to 200 units and a reduced rate beyond that for low-income households.
- » Invest in services like childcare and elderly care facilities and services.

### ***Accessible Public Toilets***

Establish and maintain free 24-hour public toilet facilities, with a particular focus on informal settlements and homeless populations. Charging fees for using public toilets, along with a shortage of open safe public toilets at night, disproportionately affects women's health and well-being.

### ***Repair and renovate public infrastructure***

Ensure construction and maintenance of basic infrastructure. Construct tarred roads and renovate and resurface roads. Additionally, potholes need to be filled.

Invest in technology that ensures round the clock monitoring of utility provisions, service delivery, and potential risk assessment due to various reasons.

### ***Health and Well-being***

- » Implement comprehensive measures to rationalize and standardize health provisioning for all individuals, paving the way for universal health coverage.
- » Set-up neighbourhood clinics in all localities. For instance, the mohalla or community clinics in Delhi, aim to provide basic health services to the underserved population in urban settings.
- » Create an emergency helpline to access mental health facilities and ensure the availability of psychiatrists in primary healthcare centres.

- » Ensure the availability of an adequate number of hospital beds in government hospitals and provide essential medicines free of cost to all patients.
- » Reserve 25% of both in-patient department capacity and OPD for free treatment for persons from the EWS category in all private hospitals.
- » Ensure cleanliness and hygiene in food markets, especially open food markets which sell fresh meat, fish, and produce.
- » Designate car-free areas to increase walkable urban commons; can be used as spaces for physical activities and community gathering.

### ***Access to Livelihood***

- » Enactment of the Urban Employment Guarantee Act: This act should not only ensure job creation but also serve a broader social purpose by engaging individuals in various sectors, including:
  - » Public Works: Offering guaranteed employment opportunities in the construction, maintenance, and enhancement of civic infrastructure such as roads, footpaths, bridges, public housing, monuments, and laying of cables.
  - » Green Jobs: Promoting the creation, restoration, and maintenance of urban commons, green spaces, parks, and forested areas. This includes tasks like rejuvenating degraded land, cleaning water bodies, water conservation, disaster management, and enabling urban agriculture for subsistence.
  - » Monitoring and Surveying Jobs: Providing employment in the gathering, classification, and storage of information on environmental quality and public goods. This data can help prioritize necessary work and relieve teaching or medical staff currently performing these tasks.
  - » Care Work: Offering opportunities in assisting child-minding services, providing care for the elderly, and supporting individuals with

disabilities, including activities like reading to the visually impaired or assisting those with mobility impairments.

- » Link people in the informal sector and platform economy with existing social protection schemes.
- » Link people in the informal sector and micro-entrepreneurs to greater markets and larger value chains using new information and communication technologies.
- » Enrol those who are unemployed in skill development and re-skilling programmes as per current and emerging demands.
- » Encourage entrepreneurship by providing support and resources for urban green jobs in cities, offering a variety of opportunities spanning environmental conservation, sustainable development, and green technologies.
- » Facilitate access to low-interest loans from government banks for slum dwellers and youth aspiring to start businesses or pursue entrepreneurial ventures. By offering affordable financing options, this initiative will deter individuals from resorting to exploitative private loan sharks, thereby safeguarding their financial well-being.

### ***Women and the City***

- » Ensure a minimum of 50% representation of women in all government structures, including ULBs.
- » Launch comprehensive campaigns to train bystanders as active first-responders against street harassment, prioritizing women's safety. By empowering the community to intervene, we can create safer public spaces for everyone.
- » Install adequate street lighting to eliminate dark spots and enhance visibility, particularly in areas frequented by women.
- » Establish and maintain a sufficient number of One-Stop Crisis Centres to provide comprehensive support services to victims

of gender-based violence. These centres should offer crucial assistance, including medical care, counselling, and legal support, to survivors in need.

- » Women-Friendly Public Transport: Introduce initiatives to promote women's participation in the transportation sector, such as training and employment programmes for female auto-drivers, bus drivers, and e-rickshaw drivers. Introduce Pink Auto schemes such as those in Delhi, Maharashtra, and UP.
- » Law Enforcement Sensitization: Thorough sensitization programmes implement law enforcement agencies to address the specific issues faced by women in urban areas.
- » Strengthen Local Complaints Committees: Ensure the effective functioning of local complaints committees formed under the Prevention of Sexual Harassment (POSH) Act.

### ***Culture and Identity***

- » Undertake initiatives to restore and enhance public infrastructure by incorporating various forms of public artwork.
- » Organize social gatherings where people can present their own culture and traditions through food, art, and performances which celebrate diversity and strengthen communal harmony and mutual understanding.
- » Designate common areas in the city for cultural activities such as music, art exhibitions, and peaceful protests. These spaces will serve as dynamic hubs for community engagement, creativity, and expression.
- » Create multiple fora of people from different communities, ages, and gender identities to foster exchange of ideas and collaborations which can strengthen communal harmony and mutual understanding.

***Participation in Local Governance***

- » Implement the provisions of 74th constitutional amendment and pass on the three Fs to local governments -- functions, finances, and functionaries.
- » Create separate cadres for the local governments that should be at par with the Indian and state administrative services.
- » The planning process should be structured in a way that development plans are built by the communities in a bottom-up approach.
- »• Ensure public availability of data related to consultations, policies, finance, activities, and output of all public works and programmes at all levels of local governance.
- » Revise the governance architecture to incorporate migrants in local governance processes. Recognize the diverse needs and contributions of migrant populations and ensure their representation and participation in decision-making forums. Providing voting rights to migrants in local body elections. Granting migrants the right to vote will enable them to have a voice in local governance and ensure that their interests are considered in policymaking processes.

# TRIBAL COMMUNITIES





**T**he Socioeconomic Caste Census (SECC) highlights the precarities faced by tribal communities or Adivasis. Despite lower landlessness and less reliance on manual labour as compared to the Dalits, 79% of rural tribal households are deprived, surpassing national averages and Dalits. Educational gains exist, yet disparities persist; Scheduled Tribes' (ST) literacy stands at 73.6%, below the national average. Healthcare access in remote areas remains limited, leading to high mortality rates. Despite legislative efforts like Panchayat Extension to Scheduled Areas (PESA) Act, 1996 and the Forest Rights Act, 2006, implementation hurdles persist, leaving Adivasis marginalized politically and economically. Colonial legacies and land alienation exacerbate poverty, forcing migration for subsistence. Preserving cultural identity amid socioeconomic changes is vital, requiring inclusive policies respecting tribal autonomy and traditions.

### ***Protection from atrocities and bondage***

Mechanisms for swift resolution of tribal exploitation cases should be set up under the Prevention of Atrocities Act.

Local administrations in tribal areas should ensure social security and livelihood support to prevent bondage. They must prevent exploitation by money lenders and safeguard tribal assets.

Vigilance committees in potential bondage areas should monitor workplaces for exploitation. Task forces in work destinations should promptly rescue bonded individuals.

Rescued tribal members must receive repatriation and rehabilitation support under the Central Sector Scheme for Rehabilitation of Bonded Labourers, 2021.

### ***Food security, livelihood, and economy***

All tribal families must qualify for the Antyodaya Category in PDS, following the Supreme Court's directive for automatic inclusion of STs.

Forest-dwelling tribal families deserve individual and community rights over habitation and agricultural land.

Tribal communities in reclaiming traditional and resilient food sources should be supported.

Gaon sabhas should manage local markets to promote tribal products and ban exploitative money lending. They should control common resources for revenue generation and village development.

Gaon sabhas should regulate local liquor production in line with PESA. These measures will empower tribes economically and preserve their cultural integrity.

### ***Access and Control over Land and Common Resources***

Committees should be appointed at the state, district, and block levels to enforce the Forest Rights Act (FRA) provisions for forest-dwelling tribes, recognizing their dependency on forest resources. Individual and community rights, including self-cultivation, habitation, grazing, and fishing, should be implemented effectively.

PESA enforcement is crucial, ensuring tribal autonomy over local resources with the gaon sabha's consent. Operational rules must empower the gaon sabha in land decisions.

Protective provisions in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (LARR) Act, 2013, especially the social impact analysis should ensure that tribal displacement does not happen, ensuring proper rehabilitation with housing, land, and livelihood provisions. Widows among tribes need land transfers, and those on revenue land without pattas require documentation. Land allocation beneficiaries should receive possession and pattas promptly.

### ***Participation in and Control over Local Governance and Preserving the Identity***

Through the effective implementation of the PESA Act, 1996, we must ensure that the gaon sabhas in Scheduled Areas are functional. Overall, PESA's provisions must be upheld to preserve tribal autonomy and heritage.

Gaon sabhas should be empowered to safeguard tribal traditions and culture, allowing customary laws in marriage, divorce, and inheritance.

Local dispute resolution and common property management must respect gaon sabhas' traditional systems.

Permission for land acquisition must be sought from the gaon sabhas. Members should have access to minor forest produce.

Gaon sabhas should control land restoration, tribal welfare activities, and local development plans. Means for cultural promotion must be provided.

### ***Education and Health***

District and state administrations must ensure accessible healthcare and education in tribal villages, combating isolation and lack of essential services.

The number of schools should increase and meet the Right to Education Act's standards. Each settlement should have a bal kendra and an anganwadi kendra for pre-schooling and nutrition.

Scholarships and hostels must be easily accessible for tribal students. School closures should occur after thorough surveys and alternatives for impacted students. More Adivasi school ashrams are needed.

Education should include tribal history and culture, with vocational training for employability. Tribal languages, arts, and culture preservation measures should be implemented, alongside a research centre for tribal studies.

Mobile schools can aid girls' education in nomadic communities. Free computer training centres should be available at the taluka level.

Primary healthcare systems must operate effectively with adequate resources and staff.

## Nomadic Pastoralists Agenda for Just Futures

Nomadic pastoralism, an ancient profession, embodies cooperation, mobility, and respect for nature. India's rich tradition of nomadic pastoralism involves millions, yet faces challenges like pasture land loss, climate change, and social marginalization. Pastoralists struggle with economic vulnerabilities, declining market values, and restricted migration routes. Patriarchal values further marginalize women, limiting their educational and economic participation. Despite women's significant contributions, they face discrimination and lack recognition. Legal and policy support for them is inadequate, perpetuating a cycle of poverty and marginalization. Addressing these challenges requires a holistic approach to ensure the sustainability and well-being of nomadic pastoralist communities.

Protecting nomadic pastoralists' rights is crucial for India's cultural diversity, sustainable development, social justice, and environmental protection. Nomadic pastoralism sustains millions, offers dignified livelihoods, and contributes significantly to India's GDP. Ecologically, pastoralists conserve biodiversity, aid farming, and promote symbiotic relationships. Culturally, pastoralism fosters cooperation, solidarity, and gender equality, which is essential for sustainable economies.

### ***Enumeration***

- » Special measures are needed for accurate data collection of Pastoral Nomadic and Semi-Nomadic Tribes, including a dedicated census and enumeration.
- » Priority should be given to issuing UIDs and other IDs to nomadic groups. District administrations should actively provide caste, birth, and death certificates to ensure access to services. Simplified documentation processes are crucial for geographically isolated pastoral communities. Programmes should streamline acquiring essential documents like birth certificates and Aadhar cards.
- » Special identity cards should facilitate mobility and access to services for migrating pastoralists.

### ***Legislative measures***

- » We must have legislative measures that ensure the security of migratory communities, extending protections under the Atrocities Act akin to SC and ST communities.
- » Nomadic pastoralists, pasture lands, and migration routes require legal recognition and protection.
- » National and state laws should acknowledge pastoralism as a valid land use, emphasizing its productivity and sustainability.
- » Pastoralists must have the right to move freely with their livestock across districts, states, and borders for grazing and accessing water.
- » Ensure that legislation exists that safeguards pastoralists' access to essential resources for their livelihood, such as grazing land and water sources.

### ***Reservation for Nomadic Pastoralist Tribes***

- » Nomadic and Semi-Nomadic Tribes have been historically marginalized and neglected communities in India. Despite various government initiatives, nomadic communities continue to face discrimination and exclusion in various aspects of life. To address this issue, we demand a new category for nomadic tribes with a separate 4 to 5 % quota to ensure special reservation for them as citizens belonging to socially and educationally Backward Classes.
- » There should be a reservation in higher education institutes, colleges, and universities for students from nomadic pastoralist communities to the extent of 4 to 5%.

### ***Social Security for the Pastoralists***

Increased government budget allocations and expenditure in social services and infrastructure, such as education, healthcare, and transportation facilities, should be ensured in areas where nomadic pastoralists are found.

### ***Education***

- » Special efforts are needed to educate children of nomadic pastoral communities, including residential and mobile schools.
- » Enrolment and retention of girls in schools requires a focused campaign.
- » Residential schools, especially for girls, should be established for children above Class V.
- » Scholarships should support their education. Concessional loans and skill development programmes should be facilitated through national finance and development corporations.
- » NGOs running awareness campaigns and vocational training centres for pastoral nomads should receive financial assistance for sustainability. These measures will empower and uplift nomadic pastoral communities through education and skill development.

### ***Health Services***

- » State governments should introduce mobile dispensaries to provide health services to nomadic pastoral communities, ensuring their accessibility.
- » Balwadis, anganwadis, and creches should be provided on a priority basis for nomadic pastoral communities and their availability should be ensured.

### ***Women and Girls***

- » Special measures are essential to prevent child marriage and bride purchase among pastoral nomadic communities.
- » Women should receive priority in getting loans, training, and asset building for inclusion. Their health, education, and protection, especially for girls, requires special attention.

- » Facilitating women's access to information and economic empowerment is crucial through training, financial support, and networking opportunities.
- » Supporting women-run small businesses, understanding value chains, and accessing markets are vital.

### ***Banking Services***

- » Banks and post offices should ensure access to members of nomadic pastoral communities to banking services.
- » Banks need to set an appropriate percentage of priority sector lending for pastoral communities.
- » The Department of Financial Services should add pastoral nomadic communities as a distinct category in the list of weaker sections eligible for priority sector lending and ensuring financial inclusion.

### ***Registration and Social Security***

- » All pastoralists should be registered within their origin panchayat, at the source.
- » Their livestock should also be recorded in the villages and panchayat village registers.
- » They should have access to all social security schemes meant for the universal population and/or for marginalized groups, including education facilities, health services, PDS, ICDS, and PMAY.
- » Access to all social security schemes should be maintained during migration through mobile education for children and health services for pastoral communities and their livestock.
- » Claims should be processed in the panchayat where they are registered, even if any mishap occurs along migratory routes.

### ***Livelihood and Economic Challenges***

- » National programmes must be introduced for improving the livelihoods of pastoral nomadic communities, ensuring access to markets and access to veterinary services.
- » Dairy farming groups should have representation in local unions.
- » Committees should set minimum support prices for livestock products, ensuring fair profits. State agencies must procure products at or above these prices.
- » Marketing connections should be established, and wool cutting supported under MSME schemes. Wool and milk federations can aid in marketing and quality control.
- » A dedicated budget sub-plan and comprehensive fodder policy are needed. Animal health services and processing skills training should also be prioritized.
- » Development plans must integrate nomadic pastoral interests and leverage their traditional knowledge for conservation efforts.

### ***Addressing Social and Cultural Marginalization***

- » We must recognize and protect nomadic pastoralist communities' cultural rights, language, and heritage. Legal protection for cultural self-determination should allow them to maintain traditional practices in line with human rights conventions.
- » Policies should support the preservation of the pastoralist culture, including languages and heritage sites.
- » Efforts to document and preserve their unique practices and knowledge systems are vital.
- » Legal safeguards for traditional knowledge, including animal husbandry and resource management practices, are necessary.



- » Mobility networks should be recognized as sociocultural system in law.
- » Cultural exchange programmes should facilitate knowledge sharing.
- » Government departments should support cultural events. Institutional backing for research and documentation initiatives is crucial for understanding pastoralist heritage and traditions.

### ***Securing Mobility***

- » Ensure that legislation ensures mobility to nomadic pastoralists by granting access to land, resources, and livestock corridors, especially in areas with competing land uses.
- » The government should ensure their safety during migratory journeys through designated routes and resting points, with a national helpline for emergencies.
- » Participatory planning involving pastoralists is crucial. Bans on grazing should be reviewed, and laws recognizing local resource-sharing arrangements should be adopted.
- » Legal protection against land alienation is necessary, with environmental impact assessments for development.
- » Buffer zones for both livestock and wildlife should be ensured, along with recognition of social relationships governing resource access.
- » Pastoralists integration in decision-making processes is essential, emphasizing customary systems.
- » Legislation providing security against violence for pastoralists is imperative, with punitive measures against perpetrators. Movement tracking and prohibiting developmental activities at resting point is essential.

### ***Land Rights***

- » Ensure legal protection to safeguard nomadic pastoralists' rights

to their land, including grazing and cultivation areas. Recognizing and documenting traditional grazing lands, like gauchar, is vital for preventing disputes and encroachments.

- » Creating legal measures to protect common lands should be enforced, ensuring that pastoralists retain access to the common land.
- » Institutional processes should integrate pastoral needs with development planning. Policies must balance pastoralists' needs with other land users, compensating them for unavoidable land conversion.
- » Encroachment on pasture lands must be prohibited, with penalties for violations. Addressing land disparities will empower pastoral women.
- » Planting native grasses and shrubs along pastoral routes, supported by initiatives like MGNREGA, will foster sustainability.

### ***Conflict Management***

- » Establish a robust dispute resolution system for nomadic pastoralists to address land and resource conflicts efficiently.
- » Special provisions be made which safeguard them from discrimination and violence, ensuring conflict-sensitive policies.
- » Accessible mechanisms, including traditional systems, must cater to all, including women and vulnerable groups.
- » Decentralization and integration of traditional systems will enhance collaborations.
- » Active involvement of pastoralists in designing mechanisms will ensure their effectiveness. Legal support will aid pastoralists in understanding their rights within the legal framework.

### ***Livestock Health and Management***

- » Establish well-equipped veterinary hospitals and clinics in nomadic pastoralist regions, staffed with trained professionals and essential supplies.
- » Introduce insurance schemes covering risks like death, disease, and theft.
- » Conduct training programmes on modern husbandry techniques and disease management, integrating indigenous knowledge.
- » Provide subsidies for veterinary services. Invest in research for breed improvement and disease prevention.
- » Establish specialized animal healthcare centres for diagnosis and treatment.
- » Ensure access to quality feed and supplements at subsidized rates for livestock health and productivity.

### ***Mitigating the Impact of Climate Change***

- » We must recognize that nomadic pastoralists are crucial for ensuring climate resilience, and consult them while formulating climate policies.
- » Urgent climate impact assessments are needed to aid mitigation and adaptation efforts.
- » Compensation for climate-induced losses, including livestock and pasture reduction, is crucial.
- » Enhance the pastoral system's resilience through early warning systems, drought-resistant breeds, and sustainable practices.

### ***Institutional Framework***

- » Create a unified institutional mechanism to streamline support for

nomadic pastoral communities. The existing Pastoral Cell, while a step forward, requires clearer delineation of roles.

- » Due to differing state classifications, uniform protective measures are lacking. National commissions akin to those for Scheduled Castes/Tribes should be set up, alongside state-level welfare boards.
- » A National Policy for Grazing and Nomadic Communities should be made, with an institutional setup for their participation in decision-making.
- » Technical assistance from relevant government bodies is essential, integrating traditional knowledge and community-based management. Local devolution of authority, involving customary institutions where applicable, is also needed. Strict coordination across departments and vertical levels is imperative, with pastoralist representation ensuring inclusive decision-making.
- » State-specific welfare boards are recommended for community welfare, while transnational pastoralism requires collaborative frameworks, incorporating pastoralist inputs for effective implementation.

## **Nomadic Tribes and De-notified Tribes**

In 1871, the British enacted the Criminal Tribes Act, extending its reach across territories like Punjab, Oudh, Bengal, and Madras. Nearly 200 nomadic groups were labelled 'criminal tribes,' including traders, performers, pastoralists, artisans, and healers. The act disrupted traditional relationships between settled and nomadic communities, mandating reporting of suspected members and forcing settlement. Rooted in European prejudices, the act aimed to sedentarize Indian society. Repealed in 1949, its legacy persists in discrimination against De-notified Tribes (DNTs) and Nomadic Tribes and De-Notified Tribes (NTDNTs), despite official liberation on August 31, 1952. Socioeconomic vulnerabilities persist due to societal stigma, oppression by officials, and challenges in adapting to a modern, market-driven economy.

Nomadic tribes and de-notified tribes (NTDNT) in India face enduring social and economic marginalization due to historical discrimination, socioeconomic factors, and ineffective policies. Despite the repeal of the Criminal Tribes Act, stigma persists in law enforcement and new legislation perpetuates their marginalization. NTDNTs remain 'invisible' to policymakers, hindering their recognition and access to benefits. A fragmented categorization further limits their access to resources, exacerbating their exclusion and poverty. Though efforts like the Renke Commission and subsequently the Idate Commission have proposed recommendations, challenges persist, including lack of documentation and landlessness. Petitions highlight urgent needs for infrastructure, housing, education, and recognition, underscoring the ongoing struggles of the NTDNT communities.

### ***Fast-track Urgent Development Interventions for Particularly Vulnerable Amongst Nomadic Tribes and De-notified Tribal Communities***

Fast-track development interventions for specific communities amongst NTDNTs are needed because vulnerabilities among NTDNT communities in India vary due to factors like location, socioeconomic status, and cultural practices. Some face extreme poverty, lack of services, and social exclusion. However, resilience and access to support networks differ within NTDNT groups. The government identifies Particularly Vulnerable Tribal Groups (PVTGs) based on pre-agricultural tech, low literacy, and economic backwardness. Specific challenges vary among NTDNT sub-groups, exemplified by communities like Pardhis, Vasudevs, Mhasanjogis, Madaris, Boom Boom Mattukarans, and tribes engaged in community-based sex work. Discrimination, poverty, displacement, erosion of cultural heritage, and reliance on unsustainable livelihoods are common issues, demanding targeted policies for inclusive development. Despite recognition efforts, challenges persist due to historical biases and systemic neglect, emphasizing the need for comprehensive and immediate interventions.

### ***Legislative Actions***

- » A new law modelled after the 1992 Statute on Minorities should explicitly recognize de-notified communities. Legislation akin to the

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, must address offenses against NTDNTs.

- » There is a need to abolish the Habitual Offenders Act, 1952, to stop police atrocities and stigma.
- » The Prevention of Begging Act, 1959 and similar laws require re-evaluation to prevent discrimination against NTDNTs.
- » Similarly, wildlife and forest protection laws should be revised to ensure NTDNTs' sustainable resource use.
- » Excise laws prohibiting traditional liquor brewing and selling by NTDNTs should be revisited to respect cultural traditions.

### ***Statutory Enumeration of Nomadic Tribes and De-notified Tribal Communities***

- » A special census for de-notified, nomadic, and semi-nomadic tribes is crucial.
- » NTDNTs should receive priority in the upcoming census and issuing of IDs.
- » States unaware of nomadic communities should consult provisional lists made by the National Commission.
- » Districts must actively issue caste and birth certificates to NTDNTs for entitlements.

Mainstreaming Nomadic Tribes and De-notified Tribal Communities in All On-going Programmes and Schemes

### ***Special NTDNT sub-plan***

The implementation of a special NTDNT sub-plan in both union and state budgets is necessary to improve the socioeconomic conditions of the NTDNT communities. This plan should be accompanied by proper safeguards to prevent any diversion or underutilization of funds and should be given legislative strength to ensure adequate support for NTDNT communities.

### ***Education and Child Rights***

- » All out efforts need to be made to educate NTDNT children through residential schools, requiring data on school attendance. The National Commission for the Protection of Child Rights (NCPCR) and the Sarva Shiksha Abhiyan (SSA) should lead this effort, with block-level education planning.
- » Special focus is needed on girls' education.
- » Multilingual teaching under Right to Education (RTE) Act, scholarships, and vocational training are vital.
- » Access to creches and Integrated Child Development Services (ICDS) centres on migratory routes is essential.
- » Acrobatic and entertaining communities' children should receive specialized training and support. Establishing national schools of arts and a working group on NTDNT children are crucial.
- » Concessional loans and skill development programmes should be organized, along with financial support for NGOs aiding NTDNTs.

### ***Health Services***

- » Ensure that the health authorities deploy mobile dispensaries for nomadic communities' healthcare.
- » NTDNT women should be trained as ASHA workers
- » Free rationing through PDS should be extended to expectant mothers and young children, along with supplements.
- » NTDNT-focused facilities should be ensured under ICDS.
- » Free medical services should be accessible in government hospitals and private hospital admission should be facilitated with government recommendations.
- » NTDNTs should receive free public transport for medical travel.

- » A medical insurance scheme covering families and livestock should be implemented.
- » Traditional healers and birth attendants should receive basic healthcare training.
- » Medical colleges should conduct sensitization programmes for awareness among and about NTDNTs.

### ***Women and Girls***

- » NTDNT women should receive priority for loans, training, asset building, and land distribution, recognizing their pivotal role as breadwinners.
- » Towards ensuring women's well-being, special attention is needed for their health, education, and protection, with dedicated cells in national and state commissions.
- » Special rehabilitation programmes are essential for NTDNT women engaged in sex work, with state-level action plans focusing on preventing trafficking and rehabilitating victims in these communities.
- » Coordination between police stations and relevant ministries can enhance protection measures for NTDNT women and children, addressing their specific challenges and rights.

### ***Employment and Livelihoods***

- » Ensure that panchayats oversee MGNREGA implementation for NTDNTs, relaxing address requirements.
- » Priority in MGNREGA jobs should be given to homeless NTDNTs, with flexible banking options for wage disbursement.
- » DAY-NRLM should promote NTDNTs' self-employment.
- » Under the Street Vendors Act, NTDNTs should receive special licenses for vending nationwide and access to government-organized markets.



- » The Building and Other Construction Workers Act should enroll NTDNTs like Vaddar, Patharkatani, and Lodha as traditional workers, granting them benefits.

### ***Banking Services***

- » Ensure that banks and post offices simplify procedures for NTDNTs to open accounts, ensuring banking access. They should allocate a portion of priority sector lending to NTDNTs.
- » The Department of Financial Services must recognize NTDNTs as a distinct category for priority sector lending, ensuring their financial inclusion.

### ***Revitalizing the Cultural Heritage of NTDNT Communities***

- » Ensure that the Lalit Kala Academy promotes NTDNTs' art and culture, destigmatizing traditional performances by communities like Jadugars and Bazigars.
- » Dance groups should receive financial support akin to theatre groups.
- » Annual NTDNT cultural festivals funded by the Ministry of Culture and Tourism should be organized at state and central levels, featuring performing arts, crafts, and exhibits.

### ***Special Reservation for Nomadic Tribes and De-notified Tribal Communities***

- » Establish a distinct reservation category for NTDNTs, separate from existing backward class classifications. This will recognize their unique challenges. Currently, they can be classified under SC (DNT), ST (DNT), and OBC (DNT) till a dedicated Third Schedule is created. Sub-reservations should be implemented for the most vulnerable de-notified communities.
- » Additionally, a 10% quota in educational institutions and government jobs should be reserved for NTDNTs, facilitating their access to opportunities and narrowing the gap with other communities.

***Creating an Institutional Framework for Promoting the Rights of Nomadic Tribes and De-notified Tribal Communities***

- » Establish a dedicated ministry at both the state and central levels for DNTs and NTs to address their unique needs and challenges. This ministry should ensure focused attention and resources for their development and protection.
- » Additionally, there is a need to create permanent statutory commissions at both the central and state levels to provide institutional support to their concerns.
- » Ensure representation of NTDNT communities in decision-making bodies, along with state-level welfare boards, to further facilitate their empowerment and socioeconomic development.
- » Collaboration among these entities will ensure coordinated efforts and effective implementation of policies and programmes tailored to their requirements.

***Economic Empowerment and Upliftment of Nomadic Tribes and De-notified Tribal Communities***

- » Actively promote crafts produced by nomadic and de-notified communities, encouraging agencies to design specialized schemes for their skill enhancement.
- » Additionally, the traditional performing arts of these communities should be promoted by the Ministry of Tourism.
- » Members of relevant NTDNT communities should serve as forest guides. Their expertise in forest flora can contribute to conservation efforts.
- » NTDNT youth should be provided with alternative livelihood options through skill development programmes.
- » Alternate viable livelihood options should be promoted, especially for those involved in illicit activities like brewing liquor, and special

excise rules can be enacted to ensure that their means of livelihood remain within the law.

***Protection and Rehabilitation of Nomadic Tribes and De-notified Tribal Communities in Forest Areas***

- » Forest officials must be given mandatory training to understand the history, culture, and challenges of NTDNT communities, ensuring sensitivity towards their livelihoods.
- » Strict action should be taken against officials harassing these communities during poaching incidents.
- » Special protection must be provided to NTDNT women and girls working in remote forest areas.
- » Land titles should be granted to relocated nomadic communities under the forest rights acts for securing their livelihoods.
- » Additionally, pastoralist NTDNTs' rights, like grazing and water access, should be recognized to ensure sustainable livelihoods amid forest preservation efforts.

***Shelter and Infrastructure Development Programmes***

- » A nationwide survey to assess the housing needs of both temporary and permanent settlements of NTDNT communities needs to be conducted, on the basis of which tailored shelter programmes can be designed.
- » An inclusive policy design is crucial, integrating NTDNTs into PMAY with dedicated sub-schemes addressing their unique challenges.
- » Free or subsidized housing should be provided to eligible households, prioritizing long-term tent dwellers.
- » Habitation planning should align with NTDNT livelihoods, considering factors like proximity to markets for Gadia Lohar blacksmiths.

- » Earmarking funds in PMAY can ensure financial assistance for NTDNT housing.
- » Resettlement of nomadic fishing communities near water bodies is vital to sustain their traditional occupations.
- » An integrated infrastructural development programme is essential, delivering basic amenities to existing settlements, ensuring dignified living conditions for NTDNTs.

### ***Police Sensitization and Training***

- » Ensure that the police staff have mandatory training to address biases and prejudices towards NTDNT communities, focusing on caste discrimination and cultural sensitivity.
- » Sensitization workshops at national police academies are essential to equip officers with necessary skills.
- » Engaging the police in development programmes will foster an understanding, building stronger community relationships.
- » Exemplary disciplinary action against officers engaging in abuse is imperative to deter misconduct.
- » Establishing special cells for NTDNT women will ensure support and protection against harassment.
- » Updating prison manuals nationwide to eliminate caste-based discrimination for fair treatment of incarcerated NTDNT individuals

# DALIT COMMUNITIES



**S**cheduled Caste (SC) or Dalit communities constitute 16.6% of India's population. They continue to face persistent social, economic, and political marginalization. Dalits who convert to Christianity and Islam, but continue to endure similar discrimination, add another 2% to this group.

Despite constitutional safeguards, Dalits encounter systemic bias and exclusion, reflected in high poverty rates, with 33.3% living below the poverty line. Predominantly, 71% of the SC farmers work as labourers on others' land, limiting ownership to 16% SC households. Bonded labour is prevalent, and labour force participation rates have notably declined since 2016, especially affecting SCs and OBCs. Discrimination persists, evidenced by rising crime rates against SCs. Their literacy rate, at 66.1%, lags behind the national average. Yet, SC farmers contribute significantly to the nation's economy. Legislative measures are crucial for ensuring dignity and equitable opportunities for Dalit communities of all faiths.

### ***Land and Livelihoods***

- » Given that a vast majority of Dalits work as agriculture labour or share croppers, available cultivable wastelands or unused or surplus land acquired by the state in name of the public domain and not being used for any purpose should be allotted to landless Dalit families. A minimum of 5 acres of land with joint ownership to the husband and wife should be provided.
- » Similarly, homestead land pattas of minimum 10 decimals should be provided to all landless Scheduled Caste families.
- » Status of Shamlat land /panchayat land should be preserved as 'common land' and should be protected from transferring for any other purpose. A part of this land should be reserved for Dalit communities (for example, one-third by the Punjab Village Common Land Act) and made available to them for cultivation purposes.
- » Dalit families who earn their living through livestock rearing, should be provided access to pasture land.

- » Small and marginal Dalit farmers should be provided credit support for farm inputs along with training on farming for better outputs.
- » The current scheme for subsidy on credit for promoting enterprises should be raised to 50%.
- » To promote and encourage traditional occupations (that is not forced and not inhuman), provisions should be made for subsidies or for loans at low rates of interest. Dalit women SHGs should be supported and promoted with support for market linkages.
- » Minimum wages must be ensured at all workplaces including agriculture where there are gross violations. Ensure equal wages for the same work to Dalit men and women agricultural workers.
- » As most informal workers are Dalits, strong social security provisions should be made for them such as education for their children, housing, and livelihood for their family members.
- » The grant given for intercaste marriage should be increased to Rs 5 lakhs and the couple should get protection till 2 years after the marriage.
- » Contractual labour systems should be abolished.
- » Reservation should be extended to the private sector.

### ***Protection from atrocities and discrimination***

- » Given that there has been an increase in atrocities and attacks against Dalits, strict implementation of the provisions of SC/ST (Prevention of Atrocities) Act must be ensured to deter crimes against Dalits. Exclusive special courts as per Section 14 of the SC/ST POA Act must be mandatorily established in each district. Also, fast track courts must be established where needed for speedy justice in cases involving atrocities against Dalits.
- » The SC/ST POA Act must be further strengthened with provision for regular review and its purview must be expanded to include Dalit Christians and Dalit Muslims.

- » The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Amendment Act, 2015 (Act No. 1 of 2016) must be included in the IX Schedule of the Constitution.
- » Dalit children continue to face discrimination in public and private schools. This should be strictly dealt with and appropriate punishment should be imposed in line with the POA Act.

### ***Recognition and legal protections***

- » It is a fact that despite various constitutional and legislative protections, a majority of the Dalit communities remain poor and discriminated against in various spheres. While certain castes may have advanced in some domains, a majority have not experienced equal growth. A caste census should be done at the earliest to provide accurate and up-to-date data on various vulnerable and excluded communities. This will allow tailoring of welfare policies and affirmative action that may be required with customised budgets and targeted interventions to address the issues and challenges faced by Dalits. The weaker sub- castes within the Dalits must have reservations within the larger reservation quota meant for Dalits. Availability of socioeconomic data disaggregated on the basis of categories that exist in society will inspire a broader nationwide conversation on the dynamics of social hierarchies, encouraging efforts towards social justice and equality.
- » The Scheduled Caste and Scheduled Tribes Sub Plan Component (SCTSP) scheme must be made into a central legislation for the Scheduled Castes component and the Scheduled Tribes component with clear monitoring mechanisms for their implementation.
- » The SCTSP legislation by the central and state governments must ensure that the budgeting and expenditure requirements of the group are proportionate to their population and that they can meet the developmental requirements of the specific groups.
- » There needs to be legislation for the protection of intercaste married couples. Strict action against perpetrators who conspire to kill such couples in the name of 'honour,' must be ensured.



- » Seats reserved under the SC quota in various institutions must be filled by SCs only and not by any other castes even if they remain vacant at any point of time.
- » Trainings and orientation programmes should be organized for Dalit community leaders across institutions like panchayats/ULBs, colleges and universities about various legislative protections and provisions available to the community to ensure that reserved seats are filled by Dalit candidates only.
- » There are Dalits/untouchables among Muslims in India but they are not included in the Scheduled Caste category. Their castes should also be included in the SC list.
- » There should be representation of members of Scheduled Castes in decision- making bodies at all levels of governance/administration.

### ***Education and Access to Services***

- » Problems such as difficulty in getting caste certificates need to be addressed by simplifying the procedure. Caste certificates obtained by one parent should be valid for their children. It should not be mandatory for every person in the family to obtain a caste certificate to access any scheme.
- » Dalit students must get scholarships to facilitate their education.
- » There is lack of schools close to Dalit settlements. More schools need to be opened in these areas so that Dalit children, particularly the young ones can get primary education.
- » Appointment of regular teachers rather than ad-hoc teachers and shiksha mitras need to be ensured in all schools to enhance the quality of education.
- » Vocational training courses for Dalits should also include support for marketing linkages.

- » Social security pension of at least Rs 1,000/pm for landless Dalit families should be provisioned.
- » Dalit families continue to face challenges in accessing public sources of water. Special attention is required to ensure that Dalit households get household-based drinking water.



**MINDRITY  
COMMUNITIES**



**T**he protection and promotion of rights of religious minorities in India, including Muslims, Christians, Sikhs, Buddhists, and others, is needed to safeguard the country's secular fabric as given in our Constitution. We need to foster inclusivity and diversity and uphold constitutional guarantees of freedom of religion. We need to recognize historical marginalization and contemporary challenges that the minorities face and strive to ensure their rights and prevent discrimination, violence, and social exclusion and promote social harmony, strengthen democratic values, and enable everyone to contribute to the nation's progress by harnessing the talents and contributions of all citizens, regardless of their religious affiliation.

### ***Ensuring Equality and Security***

- » **Ensuring Protection of Minority Rights:** Ensure the protection of minority rights, including safeguarding religious freedom and preventing discrimination based on religion. This is essential for upholding the principles of equality and justice and for fostering an inclusive society where all individuals can practice their faith freely and without fear of discrimination.
- » **Formulating Anti-Discrimination Laws:** Formulating comprehensive laws against discrimination, untouchability, atrocities, social boycotts, mass violence, hate crimes, and mob lynching of religious minorities. These laws are essential for safeguarding the rights and dignity of all individuals, particularly those belonging to religious minorities, and for creating a society where everyone is treated with respect and equality.
- » **Enactment of Central Law Against Mob Lynching:** A central law should be enacted against mob lynching that includes provisions for adequate compensation and rehabilitation measures for victims, disciplinary action against negligent officials, establishment of dedicated fast-track courts, and public awareness campaigns. This law will be crucial for ensuring justice for victims, accountability of the authorities, and the promotion of a culture of tolerance and respect for the rule of law.

- » **Implementation of Supreme Court Directions:** The directions given by the Supreme Court in the case of Tahseen S. Poonawala vs. UOI must be followed to prevent and address mob lynching, police action guidelines, preventive measures, and legislative recommendation. Adhering to these directives is important for establishing a legal framework and guidelines for effectively tackling such incidents and ensuring the protection of vulnerable communities.
- » **Training for Law Enforcement Agencies:** Comprehensive training programmes for law enforcement agencies must be conducted to enhance their capacity to prevent, investigate, and prosecute cases of communal violence effectively. This training should focus on recognizing early warning signs, protecting vulnerable communities, and promoting a culture of zero tolerance of communal violence.
- » **Enacting Anti-Discrimination Legislations:** Enacting a comprehensive anti-discrimination law and establishing an equal opportunity commission to ensure its effective implementation. This law is crucial for safeguarding the rights of all citizens, particularly those from marginalized communities. The establishment of an equal opportunity commission will further ensure that the law is enforced effectively, promoting equality and justice for all individuals.
- » **Healing Touch for Minorities:** Provide a healing touch to minorities by reassuring them about their equal citizenship in a secular democracy. This can be achieved through political statements, legal action, compensation to survivors, and programmes for social harmony.
- » **Ensuring Political Representation for Muslims:** Ensure political representation of the Muslim community through a proper constitutional mechanism. This measure is vital for promoting inclusivity and an equitable and just society.

### ***Promoting Socio Economic Development***

- » **Implementing a Special Minority Development Plan:** Draw up a special minority development plan with a committed budgetary allocation to meet the special development needs of the minorities.

This plan should include a legislative guarantee of basic services such as clean drinking water, sanitation, roads, electrification, nutrition, and primary healthcare in all Muslim-dominant villages, rural hamlets, and urban slums, ensuring equitable development and access to essential services.

- » **Reinvigorating the PM's 15 Point Programme for Minorities:** The PM's 15 Point Programme for Minorities should be revived with systematic updates on the status of the multi-sectoral development programme and the PM's 15 Point Programme for Minorities. This must include year-wise expenditure, number of scheme-wise beneficiaries, monitoring mechanisms, and steps to sensitize functionaries to the poverty, exclusion, and backwardness faced by Muslim citizens. The budgetary spending must be monitored to measure its reach to minority citizens, ensuring transparency, accountability, and effectiveness in the implementation of the programme.
- » **Implementing the Sachar Committee's Recommendations:** We should implement the Sachar Committee's recommendations for the benefit of Muslims. The Sachar Committee's findings highlighted the socioeconomic and educational disparities faced by Indian Muslims, and its recommendations provide a roadmap for addressing these. A follow-up on the implementation of these recommendations is necessary to ensure that the status of Muslims improves and that they have equal opportunities for advancement.
- » **Promoting Inclusivity in Social Welfare Schemes:** Special steps must be taken to raise awareness and increase access to and inclusion of minorities, including Muslims, in social welfare schemes. These schemes, including ICDS, health, livelihood, scholarships, and education programmes play a vital role in improving the quality of life for individuals and communities.

### ***Enhancing Educational Opportunities***

- » **Reinstating and Expanding Scholarships for Muslim Girls:** Not only should the Begum Hazrat Mahal Scholarship be made functional again but we should also provide additional scholarships to support the education of Muslim girl students. We should help alleviate

financial barriers and encourage academic pursuits of these students, contributing to their socioeconomic empowerment.

- » **Reviving the Maulana Azad National Fellowship:** Reinstate the Maulana Azad National Fellowship (MANF) for researchers from minority communities. This fellowship is crucial for ensuring that students from minority backgrounds have continued access to higher education and research opportunities, which is essential for their professional development and the advancement of their knowledge.
- » **Implementing Pre-Matriculation Scholarship Schemes:** Implement a pre-matriculation scholarship scheme for students of minority communities across all states. This initiative will provide financial support to students from an early stage, encouraging them to continue their education and pursue higher studies, thus addressing the educational gaps among different communities.

### ***Empowering Muslim Women and Girls***

- » **Inclusion in Poverty Alleviation Schemes:** Include provisions for Muslim women and girls in all poverty alleviation schemes to ensure their socioeconomic empowerment. This inclusion is essential for addressing the specific challenges faced by Muslim women and girls, ensuring that they have equal access to opportunities and benefits.
- » **Support for Home-Based Women Workers:** Initiate special measures to support home-based women workers, providing them with living wages, social security, skill training, credit facilities, and marketing support.
- » **Establishment of Girls' Schools in Muslim Neighbourhoods:** Establish more government girls' schools with women teachers in Muslim neighbourhoods to promote education and empowerment among Muslim girls. Access to education is a fundamental right, and establishing schools in Muslim neighbourhoods will ensure that Muslim girls have an opportunity to pursue education in a supportive and inclusive environment.

- » **Safeguarding Bodily Autonomy and Rights:** Unequivocally respect and safeguard the rights of Muslim women and girls regarding bodily autonomy, freedom, and choice.
- » **Enactment of a Muslim Family Law:** Pass a Muslim Family Law to enable legal protection for women, ensuring that their rights are recognized and upheld within the legal framework. Legal protection is crucial for empowering Muslim women and providing them with recourse in matters of family law.
- » **Establishment of Women's Health Clinics:** Establish women's health clinics in predominantly Muslim areas to provide accessible healthcare services, including reproductive health, to Muslim women and girls. Access to healthcare is a basic human right, and establishing these clinics will ensure that Muslim women and girls have access to essential health services.
- » **Implementation of Vocational Training Programmes:** Implement targeted vocational training programmes for Muslim women to enhance their employability and entrepreneurship skills, promoting economic independence.
- » **Introduction of Legal Aid Services:** Introduce legal aid services for Muslim women to assist them in navigating legal issues and securing justice.
- » **Promotion of Inclusive Policies:** Promote inclusive policies that recognize the diverse needs of Muslim women in different sectors, such as employment, education, and healthcare. Inclusivity is key to addressing the multifaceted challenges faced by Muslim women.
- » **Encouraging Representation and Participation:** Encourage representation and participation of Muslim women in decision-making processes at all levels, from local governance institutions to national governance institutions.
- » **Strengthening Social Security Measures:** Strengthen social security measures for Muslim women, particularly for widows and single mothers, to ensure their financial stability and well-being.



### ***Protection of Waqf Properties***

- » **Reviving the Legal Framework for Waqf Properties:** We should revive the Waqf Properties (Unauthorized Occupants Eviction) Bill, 2014 to provide a legal framework for protecting Waqf properties. This revival is crucial for ensuring that these properties, which are meant for the socioeconomic welfare of the Muslim community, are safeguarded from unauthorized occupation and misuse.
- » **Enacting Provisions Against Unlawful Occupation:** Enact provisions to prevent the unlawful occupation and encroachment of Waqf board land, ensuring the preservation of these assets for the community. These provisions are necessary to maintain the integrity and purpose of Waqf properties, which are dedicated to religious and charitable activities.
- » **Implementing Stringent Measures for Protection:** Implement stringent measures to deter unauthorized occupants and reclaiming illegally occupied Waqf properties, safeguarding them for their intended purposes. These measures are vital for the effective management and utilization of Waqf properties, ensuring that they serve the community's needs.
- » **Expediting Resolution of Waqf Land Disputes:** Expedite and resolve cases pertaining to the Waqf board land disputes promptly to ensure justice and effective management of these properties. Timely resolution of disputes is crucial for preventing prolonged legal battles and ensuring that Waqf properties are used for the intended purposes of community welfare and development.

# CHILDREN



**C** hildren have a right to their childhood – the opportunity of having a secure upbringing. Yet challenges like climate injustices are increasing existing precarities and disparities. India has made strides in poverty alleviation, child health, and protection. NFHS-5 reveals improved indicators: sex ratio at birth rose to 929, mortality rates decreased, and maternal care increased. Despite progress, issues remain: child marriages and violence persist, exacerbated by COVID-19. NFHS-5 highlights the decline in postnatal care and stagnant low birth weight rates. The crime report shows an 8.7% rise in child crimes. Digital access remains limited, with only 33.3% girls having internet access. Educational programmes like Samagra Shiksha Abhiyan aim to improve enrolments, but dropout rates, especially among girls, remain concerning. Legislative frameworks often fail to protect children adequately. Reforms to laws like POCSO and PCMA are essential for safeguarding the children's rights and well-being.

### **Protection**

- » Brought necessary amendment in the Child Labour Prohibition and Regulation Act to ban child labour up to the age of 18.
- » Ensure enumeration of orphans, children with single parents, children in street situations, rag pickers and child labour and develop strategic action plans to bring them back to mainstream society through a community-based approach.
- » Brought necessary amendments to the POCSO Act to provide a safe legal space for teenagers and extend all necessary support to the teenage pregnant and adolescent mothers.
- » Ensure setting up drug de-addiction centres separately for children and adolescents in all the urban local bodies.
- » Ensure developing targeted intervention plans for specific vulnerable groups like teenage pregnant and adolescent mothers, children with special needs, children affected by a crisis and emergency situations, children of nomads and NTDNTs, children of sex workers, and LGBTQIA++.

- » Empower child rights bodies like commissions to ensure robust monitoring and review of the effective implementation of the laws related to child rights.
- » Expand the scope of 'Eco Clubs' to all the elementary schools and provide adequate resources to discuss, experiment, and act against environmental degradation and climate change.
- » Legislative protection for street children and children in childcare institutions to be extended, with focus on adequate preparation for life outside the institution. This will include job training, vocational training, life skills training, and education.

### ***Nutrition and Well-being***

Provisioning of food and nutrition free of cost to all the children up to the age of 18 years.

### ***Education***

- » Ensure free of cost quality education at least up to the secondary level for all children in the neighbourhood locality and up to post graduation and other higher/ technical education for girls.
- » Ensure enactment of legislation to regulate private owned creches, pre-primary education centres, play schools, and coaching centres to curb the commercialization and privatization of education. This will also be helpful in ensuring quality and safety measures and accountability.
- » Ensure psycho-social and career counselling arrangements, appointment of special educators and therapist in all the schools to protect the children from mental ill health and cybercrimes and increase life skills and better career options.
- » Ensure integration of a gender transformative approach in textbooks and teaching, build mechanisms to retain students especially girls and children with special needs to check dropout rates.

- » Incentivize girls' education through cash transfer schemes especially for girls delaying their marriages showing interest in STEM.

### ***Child Rights and Governance***

- » Ensure a policy to establish creches by the local government in every ward of ULBs and panchayats.
- » Ensure creating localized opportunities for skill/ vocational training and employment opportunities for adolescents and youths.
- » Ensure digital facilities for all children by setting up rural hubs at the gram panchayat level.
- » Increase the percentage of resources under the central finance commission and state finance commission to the gram panchayats for the purpose to make these panchayats child friendly.
- » Provisioning of land rights to the children in childcare institutions.

# WOMEN AND GIRLS



**I**ndia ranks 127th out of 146 countries on gender parity, especially in economic participation. Female labour force participation remains low despite recent increases, with fewer women in salaried jobs due to office-centric work post-pandemic. Wage disparities persist, with women earning only 60% of men's wages in casual work. Unpaid care work burdens women disproportionately, with 92.3% of the women engaged in it compared to 28.9% men. Limited land ownership hampers women's economic empowerment, influenced by legal, societal, and cultural barriers. Women also face healthcare disparities, higher rates of violence, and increased risks for single women due to societal abandonment.

Violence against women has shown an increasing trend with NCRB Report, 2023 finding that crime against women in India was up by 4%. As per the National Family Health Survey (NFHS-5), around 30% women in India between the ages of 15-49 years have experienced physical, sexual or domestic violence. In the absence of a male partner and/or abandonment by their families, single women are at an increased risk of sexual and gender-based violence.

Urgent action is needed to address these multifaceted challenges.

### ***Protection from Gender-Based Violence***

#### **■ Legislative lacunae**

While recent enactments and amendments have strengthened the legal framework for protecting women from violence, we need legislation to protect women from marital rape. Furthermore we need a central law against honour killings.

A dedicated law targeting honour killings is essential for effective deterrence as the existing laws are inadequate in addressing the complexities involved. A specific legislation will safeguard couples marrying outside religion, caste, or community, including unmarried couples and sexual minorities, punishing acts like harassment, intimidation, and assault. Additionally, it will streamline data collection, making tracking and analysis more efficient.

### ***Reforms in the Anti-trafficking Law***

To address the issues of trafficking, there is a need to have a comprehensive law that considers the differences that exist between existing laws on the issues of trafficking, migration, and bonded labour.

### ***Alternate Mechanisms for Addressing Domestic Violence***

There should be mechanisms for arbitration and mitigation of domestic violence against women at the village level with panchayats and the district administration actively involved.

#### **■ Strengthening the Enforcement Machinery**

Provide regular training on gender equality values to law enforcement officials.

Increase the representation of policewomen and women lawmakers to ensure a gender-balanced approach in tackling violence against women.

The Social Justice and Education Department's personnel involved in women's programmes should be trained to enhance their sensitivity and effectiveness in addressing gender-based violence.

Establish all women's police stations in each district to create safe spaces for women to report incidents of violence without fear of judgement or stigma.

Establish independent mahila courts dedicated to addressing women's issues in all states, providing a supportive and accessible legal framework for survivors of violence.

Ensure that cases of violence against women are adjudicated in fast-track mode to expedite justice and provide timely resolution for survivors.

The provisions of the Prevention of Sexual Harassment (POSH) Act need to be strictly implemented at all workplaces. Local complaints committees need to be made functional. Any violator should be prosecuted in a fast track mode.



Strengthen efforts to eradicate the practice of dowry, including enforcing existing laws and raising awareness about the negative consequences of dowry-related violence.

### ■ **Support for Survivors**

Ensure the availability of comprehensive support services for survivors of violence, including shelters, counselling, legal aid, and healthcare. These services should be accessible, sensitive to survivors' needs, and free from discrimination.

#### *Establish One-Stop Centres in each district*

Every district should have one-stop centres, providing a lifeline for women affected by violence, abandonment, or homelessness. These centres must offer safe and secure shelters equipped with legal, medical, and counselling services. Additionally, they should provide guidance on government schemes and short-stay accommodations. Regular monitoring and review mechanisms should be established to maintain the quality and effectiveness of these shelters.

#### *Rehabilitation Measures*

Beyond immediate support, a robust rehabilitation framework is also essential. This includes holistic interventions aimed at empowering survivors to rebuild their lives. Rehabilitation efforts should encompass vocational training, education, employment opportunities, and psychosocial support.

### ***Child Marriages and Early Pregnancy***

- » Implement free education programmes and direct cash transfer schemes to incentivize girls' education and discourage child marriages. Ensure that these initiatives extend beyond primary education and support girls to complete their education up to at least the post-graduation level.

- » Integrate comprehensive sex education in the school curricula, covering topics such as safe sex practices and contraception methods. Equip teachers with the necessary training and resources to facilitate open and informed discussions about these critical subjects, empowering students with knowledge to make informed decisions about their sexual and reproductive health.
- » Ensure strict implementation of rules and regulations under the POCSO Act to safeguard the rights and well-being of young girls.
- » Hospitals must adhere to the reporting protocol for underage pregnancies, and immediately inform the child helpline at 1098, district child protection officer, the police, and the social welfare department.

***Equal and active representation of women  
across all forms of governance***

- » Provide a reservation of 50% for women in all tiers of governance to ensure that they have representation at all levels.
- » Immediate implementation of the 33% reservation under the Women Reservation Act, 2023 for women in the assemblies and Parliament, irrespective of the need for fresh census and delimitation of constituencies.
- » Ensure that elected women representatives actively participate in governance and decision-making processes. Unfortunately, there are instances where the power lies with their husbands or male relatives, undermining the essence of women's representation.
  - » The 'Pradhan-Pati system' being practised across the country under different names must be stopped to uphold the principles of democracy and ensure that women elected to office are empowered to fulfil their roles effectively and independently.
  - » Continuous capacity building efforts are needed for women office bearers and representatives to help them discharge their functions and exercise their powers.

### ***Gender Responsive Public Services***

- » Governments should develop and enforce comprehensive policies that ensure gender-responsive public services at the household level, in public spaces, and in the workplaces. These policies should address the specific needs and challenges faced by women.
- » Ensure equitable access to free, clean, and functional toilets for women in public areas, workplaces, and households.
- » Implement nationwide initiatives to enhance women's mobility and safety in public spaces by providing safe and secure public transport options. This could include introducing pink taxis with women drivers, dedicated women-only sections in public transport, and improving lighting and surveillance in transportation hubs.
- » Install CCTV cameras and ensure adequate lighting in public spaces to prevent sexual harassment and violence against women. Additionally, establish train bystanders and sensitize law enforcement personnel to respond effectively to incidents of harassment and violence.
- » Ensure the provision of affordable and accessible childcare and elderly care facilities, including crèches and day-care centres, to support women's workforce participation. This initiative should cater to women working in both formal and informal sectors, addressing the specific needs of low-income and marginalized communities.

### ***Healthcare***

- » Women and girls face challenges in accessing healthcare services, including reproductive healthcare, maternal health services, and treatment for specific health issues like menstrual health or reproductive cancers.
  - » Ensure the provision of comprehensive gynaecological services at neighbourhood clinics and PHCs, staffed by female medical professionals proficient in conducting scans and providing essential care.

- › Offer free health check-ups for women, including regular screenings for common health issues and diseases. By prioritizing preventive healthcare and early detection, these check-ups can significantly improve health outcomes and reduce the burden of illness among women.
- › Provide free sanitary napkins to women from BPL families, ensuring access to essential menstrual hygiene products without a financial burden. Ensure the availability of free of cost sanitary napkins at every anganwadi centre, particularly for adolescent girls.
- › Provide support services for teenage pregnancies and adolescent mothers to ensure their safety, security, and well-being.

### ***Addressing Socioeconomic inequalities***

- » Protect and promote women's rights to autonomy and self-determination within the family. This includes measures to prevent the forced imposition of customs and traditions on women, ensuring their freedom to make independent choices and decisions regarding their lives and futures.
- » Recognition and Redistribution of Unpaid Care Work: Implement policies to recognize and value the women's significant contributions in unpaid care work, such as childcare and household responsibilities. This could involve creating support programmes and incentives to alleviate the burden on women and promote a more equitable distribution of caregiving responsibilities.
- » Gender-Segregated Social Security Budget: Segregation of social security budgets by gender with an increased allocation for women workers. Comprehensive social security provisions tailored to women's needs, including maternity benefits, sickness benefits, disability benefits, dependents benefits, unemployment benefits, and provident fund and pension.
- » Targeted Skill Building Programmes: Set-up and expand specialized skill-building initiatives aimed at enhancing the employability of

women in both formal and informal sectors. Prioritize training for single women, survivors of violence, and marginalized community members to empower them economically.

- o Interest-Free Loans for Self-Help Groups (SHGs): Provide interest-free loans of up to Rs 2 lakhs to SHGs, enabling them to access financial resources for entrepreneurship and livelihood development.
- o Support for Women Entrepreneurs: Provide financial support to women entrepreneurs by providing grants of Rs 5 lakhs, facilitating their entry into business ventures. Additionally, ensure that these entrepreneurs are connected with market access opportunities to sustain their enterprises.
- » Reservation in allotment: 50% reservation for women in allotment of shops/sites/vending machines/eatables shops/ dhabas.

## Single Women

Social reformers like Raja Ram Mohan Roy and Ishwar Chandra Vidyasagar played crucial roles in addressing the plight of widows in India, leading to the abolition of the practice of sati by the British in 1829. However, widows continued to face marginalization and discrimination, prompting the Widow Remarriage Movement in the 19th century. Advocates pushed for legislative changes, resulting in the Widow Remarriage Act in 1856. In modern India, activists highlight the challenges faced by various categories of single women, including widows, separated, divorced, deserted, and unmarried women. Despite localized efforts by some states, single women remain largely unrecognized at the national level, with their needs unaddressed in governmental policies and programmes. Moreover, single women often encounter the harrowing practice of witch branding, rooted in superstition and patriarchal beliefs, leading to social ostracism, violence, and even murder. Combating this injustice requires legal reforms, community education, and support networks to empower single women and challenge regressive attitudes.

### **Recognition of Single Women**

Without proper recognition, single women are at risk of being overlooked and underserved by existing legal frameworks and social welfare

programmes. A national policy is crucial, with focus on impoverished single women, especially from marginalized groups. Policies must address single mothers' needs and ensure access to benefits like pensions and housing. Establish dedicated funding, specialized commissions, and grassroots committees for comprehensive support.

### ***Definition and Identification of single women***

Clarify the term 'single woman' across administrative, legal, and social spheres, encompassing widows, divorced, separated, abandoned, never-married, and those with missing spouses. Establish a registration process with local authorities issuing identification. Standardize the eligibility period for deserted women, enabling certification by local governance or NGO representatives. For 'half-widows,' offer interim certification after one year of absence of the husband, providing clarity and support until conclusive determination. On a missing spouse's return, update the status accordingly, involving local bodies for verification. Rural certification can rely on community affirmation or evidence of absence.

### ***Prioritizing single women in on-going programmes and schemes***

Single women face obstacles accessing benefits due to legal and administrative barriers. In Tamil Nadu, deserted women are excluded from family pensions. Lack of documents like ration cards bars them from social security. Register them with local governance bodies. Prioritize single women in welfare schemes. Allow them to form single households for entitlements like ration cards. Ensure them access to all social security schemes. Implement sub-classification for reservation in government services, mirroring Rajasthan's model. Establish a single-window system for streamlined access to government schemes and benefits.

### ***Women's Right to Property***

Single women face significant obstacles in securing property and inheritance rights, perpetuating economic dependence and vulnerability. Discriminatory laws and societal pressure exacerbate the issue. Reforms must ensure daughters' equal inheritance rights and wives' entitlement to husband's property. Separation should guarantee fair asset division. Reduce stamp duty for property in single women's names. Provide

financial and legal literacy programmes for the empowerment of these women. Clarify laws to protect single women living on unregistered land. Enforce consent for property sale involving dependent women. Treat post-marriage acquisitions as joint assets, regardless of financial contributions. Training programmes can empower single women to assert their rights effectively.

### ***Economic Empowerment***

Single women face employment hurdles due to social biases, limited resources, and traditional gender roles. They often resort to informal work, leaving them vulnerable. Measures like job preference, vocational training, and financial aid can boost their economic independence. Policies should prioritize single women in job schemes and financial assistance programmes.

### ***Addressing Violence Against Single Women***

Single women are vulnerable to sexual and gender-based violence, as they are often perceived as weak without a male partner. They face discrimination even within family homes and are targeted by practices like witch-branding. Urgent measures are needed, including comprehensive laws to abolish such practices, outlaw widow oppression like the Devadasi system, and improve legal mechanisms and police sensitivity through training and fast-track courts for speedy justice.

### ***Addressing Stigma and Discrimination***

To empower single women, societal perceptions must change to recognize their strengths and resilience. Efforts are needed to combat stereotypes and promote inclusion through gender-responsive education, awareness programmes, and sensitivity training for officials. Special attention should be paid to address the rights of women in live-in relationships, often overlooked by existing laws. Awareness campaigns must inform single women about their legal rights and available government support. Training programmes for civil servants and stakeholders will enhance understanding of gender issues, enabling better responses to challenges like gender-based violence and economic disparities perpetuated by cultural norms and climate change.

***Social Security for single women from marginalized sections***

Single women from marginalized communities face heightened vulnerability to violence and exploitation due to their marital status. They need robust support, including pensions at least half the national minimum wage, rehabilitation services, and education opportunities for their children. Reforms in eligibility criteria are essential for ensuring their inclusivity.

***Access to Healthcare Services***

Single women often encounter significant barriers when attempting to access healthcare services. One prominent issue is the failure of relief packages and healthcare schemes established by the government to adequately reach single women. This lack of targeted support leaves many single women without the necessary resources to access healthcare.

Provide free health services and financial aid for critical illnesses for single women and their children. Establish a helpline for counselling and referrals. Introduce life and health insurance schemes for single women and their children, including those in hazardous occupations.

***Provision of Homestead Land and Shelter***

Allocate at least 15 cents of rural homestead land to marginalized single women, ensuring clear possession. Involve women representatives and SHGs in land distribution. Provide integrated housing assistance including electricity and water. Prioritize homeless single women in housing schemes, offer housing loans with deferred repayment, and combat discriminatory renting practices. Implement rotational housing to ensure on-going access. Provide shelters for single women in need, including those recovering from addiction or trafficking. Establish working women hostels at the district level for economic independence, proposing at least one hostel per district.

***Single Women in Vulnerable Situations***

Single women migrants often work in precarious sectors, facing exploitation and lacking access to entitlements. Support services and maintained access to social security schemes are crucial for them.



Efforts are needed to prevent school dropouts among their children. In agriculture, recognize single women as farmers for full support and prioritize land allocations. Address discrimination against sex workers, ensuring access to welfare, education, and alternative employment opportunities while preventing trafficking.

### ***Witch Branding***

Witch branding persists as a grave human rights violation, resulting in murders and atrocities, often targeting marginalized women. Superstitious beliefs, patriarchal norms, and caste discrimination fuel this practice, with victims facing severe physical and psychological trauma. Legislative action is essential, requiring a comprehensive national law to address prevention, protection, rehabilitation, and punishment uniformly across states. Institutional mechanisms, including high-power district committees and active involvement of commissions for Scheduled Castes and Tribes, are necessary for effective implementation. Protection measures involve immediate police action, community retribution mechanisms, and legal aid. Social security measures encompass microfinance initiatives, counselling services, and universal access to healthcare, education, and employment opportunities. The responsibility for this lies with both state and central governments to enact legislations, allocate budgetary resources, and conduct awareness campaigns to eradicate this abhorrent practice and ensure the rights and dignity of vulnerable women.

# PEOPLE WITH DISABILITIES



**I**n India, there are approximately 26.8 million persons with disabilities (PWDs), facing challenges in education, health, and employment. Despite initiatives like the Sarva Shiksha Abhiyan, many children with disabilities struggle in education, limiting future job prospects. In employment, barriers persist despite reserved seats. Health sector shortcomings exacerbate disabilities, and societal attitudes contribute to marginalization and discrimination. COVID-19 worsened these inequalities. ILO standards advocate for disabled workers' inclusion in labour market policies.

### ***Working arrangements need to be accessible and inclusive***

Accessibility does not just mean that a building entrance has been ramped for use by wheelchair users. Rather it requires that persons with disabilities are provided with accessible or alternative transportation systems to allow them to get to work or school; that sidewalk curbs have been lowered; that Braille indications have been added to elevators and buildings; that washrooms are accessible to persons who use wheelchairs; that carpets whose pile density provides an obstacle to wheelchair mobility have been removed; that visually impaired persons are provided with technical aids such as large-print manuals and audiocassettes, and hearing-impaired persons are provided with optical signals, among other measures.

While designing and implementing alternative working arrangements or reviewing onsite working arrangements, accessible environments and reasonable adjustment based on individual needs should be ensured. In the digital spaces content should be made accessible and where possible sign language should be available.

### ***Employers' accountability***

Employers should be accountable for hiring, rehiring, and building capacities of disabled workers. Employers need to be encouraged to give compensation payments during the lockdown phases to their disabled workers and ensure continuity of work in post lockdown periods. Employers should be obligated to provide special benefits for disabled persons like transitional allowances, technical adaptation of workplaces, payment of housing costs, assistance in acquiring a special vehicle or additional special equipment.

***Financial Support to the employers***

Financial supports to the employers may be required to incentivize employers to be disability inclusive. Subsidies can be provided to cover costs related to reasonable workplace adjustments and wage subsidies; these can be prioritized for a disability inclusive business response.

***Livelihood and income rehabilitation program***

An assessment is necessary of job losses of the disabled people- so in congruence with the disability federation, the government needs to introduce online courses/ offline courses for the disabled workers. These workers can accordingly equip themselves for the job market. Identify jobs that people with disability can do from home and they can earn .

***Skill mapping and enhancement***

There is a need to collaborate with the industries to reconstruct employment opportunities for disabled workers who are stranded in relief camps across the nation as well as reached in their native places. For this, it is imperative to lay down a procedure of mapping their skills and creating a database. There needs to be an online portal by the government and work needs to be provided to the mid-point workers.

Those workers, whose skills are mapped and matched with suitable work, can then be sent to the factories and work sites, in the areas with close proximity to their relief camps or to their home sites with the state using its transportation. If carefully and diligently done, this can prove to be a useful repository of data of totally disabled workers in India, and can be used for tracking their work patterns across the nation.

The skill mapping can also be used as a tool for analysing the present skill gaps within disabled workers and specific training can be arranged to enhance the level of competencies and abilities which will improve their employment opportunities.

### ***Social Protection***

The coverage and adequacy of social protection needs to be increased. It is critical to significantly increase social protection coverage and amount of social support given to disabled workers. In disability benefits there should be focus on disability related extra costs and there should be compatibility with also receiving income from work. Work related peer support schemes can be introduced targeting persons with disabilities.

### ***Cash Transfers***

Increased or extra payments for the disabled workers in the form of cash transfers should be included in the policy imperatives. The government needs to subsidize the cost to the employers.

### ***Mental Health Support***

Mental health support to these workers should be ensured by the employers, with particular attention to persons with psychological disabilities while avoiding stigma and discrimination.

### ***Workers' Assistance Centres***

Set up workers' assistance centres for disabled workers with special attention to women workers at the ward level. Accessible reporting mechanisms and victim assistance services for women with disabilities need to be ensured.

Long Term:

Policies should be aligned with the international frameworks and labour standards for disabled workers.

### ***Ensuring Participation in Public Life***

- » Ensuring adequate budgetary allocations for the effective implementation of the Rights of Persons with Disabilities Act, 2016 and the Mental Health Care Act, 2017.
- » Allocating 5% of the budget specifically for the disability sector, with funds not being allowed to lapse.

- » Conducting a nationwide census of PWDs promptly as mandated by the act.
- » Participation in decision-making: Reserving 3% of all electoral constituencies for PWDs.
- » Mandating disability audits for all government policies and schemes.
- » Accessibility of public spaces: Ensure accessibility of public spaces and transport for PWDs. All the government buildings must be accessible in all respect for persons with disabilities. The access audit of all government buildings must be ensured with immediate effect to remove all the architectural barriers and access audit committee with involvement of PWDs.

### ***Access to Livelihood***

- » A special recruitment drive with at least 3% reservation for PWDs to fill up all the current and backlog vacancies in all the government establishments and public sector industries.
- » Granting PWDs precedence in all land distribution programmes and ensuring their inclusion in employment guarantee schemes.
- » Reservation in allotment of shops/sites/vending machines/eatables shops/ dhabas/ PCO booths should be strictly enforced.
- » The government should organize camps for PWDs at the block level once every three months.

### ***Social Security***

- » Providing caregiver allowances as per the Rights of Persons with Disabilities Act, 2016 and extending caregivers' coverage under social security schemes. Additionally, offering mental health support and counselling services for caregivers.
- » Reservation quota of 5% for PWDs both under PMAYG and PMAYU should be strictly implemented and PWDs should be given a

legitimate share of pucca houses built. Universally accessible housing under the Pradhan Mantri Awas Yojana should be ensured.

- » Ensure a minimum disability pension of Rs 3,000 per month. Currently there is a wide variance in the amount of pension. Persons with disability are provided less than Rs 500 as monthly pension from the government in states such as Bihar, Chhattisgarh, and Nagaland, while in states like Tamil Nadu and Delhi it is Rs 2000 per month.
- » All PWDs should be covered under the Antodaya Anna Yojana in a time bound manner as most of them are living in insecure and distressed conditions due to acute poverty and abandonment and many of them are begging without getting a meal every day.
- » Ensure inclusion of all PWDs under the Ayushman Bharat Scheme and Chief Ministers Comprehensive Health Insurance programmes adopting a zero-rejection policy.

### ***Children with Disabilities***

- » Implementing reservations, providing childcare for disabled persons, and integrating all disabled children effectively into ICDS.
- » Every special school, both government and private should have a mandatory child tracking system with individual registration IDs for each individual along with a strict monitoring mechanism.
- » All school buildings must be accessible in all respects for children with disabilities to convert them to truly inclusive schools. The access audit of all schools should be done with immediate effect to remove all the architectural barriers.

# OLD PERSONS





**I**ndia's elderly population is growing rapidly and could reach one-fifth of the total population by 2050. However, over 40% of them are among the poorest, facing socioeconomic disparities affecting their quality of life and access to healthcare. About 18.7% lack a income, especially in certain states. The COVID-19 pandemic has exacerbated their vulnerabilities. With longer life expectancies and fewer deaths, elderly individuals face health issues like heart diseases and mental health challenges. A comprehensive approach to care delivery is needed, integrating healthcare services and addressing their unique needs, including disabilities and cognitive decline in India's changing demographic landscape.

### ***Strategic Interventions***

- » Set up a National Commission for Older Persons, on the lines of National Commission for Women to protect the rights and interests of older people.
- » Implement Supreme Court Orders 2018:
  - › State governments must identify pension beneficiaries under the National Old Age Pension Scheme (NOAPS) and ensure regular payments by the 7th day of every month.
  - › The scheme cannot be discontinued without the Supreme Court's permission.
  - › Union of India must collect data on old age homes and medical facilities in each district and submit a Status Report.
  - › Geriatric care availability for senior citizens should be included in the report.

These measures will ensure timely pensions and access to necessary facilities for elderly citizens as mandated by the Supreme Court.

### ***Promoting Active Ageing***

**Lifelong Learning:** Provide accessible learning opportunities tailored to older adults' interests and preferences for enhancing cognitive

functions, stimulate creativity, and promoting personal fulfilment. Invest in skill training and re-skilling retired and older individuals, providing economic independence through gainful engagement opportunities.

**Recreational Activities:** Providing avenues for leisure and recreation will foster social interactions, mental stimulation, and physical well-being.

**Volunteer/Employment Opportunities:** Promoting opportunities for older adults to remain active and engaged will enhance their sense of purpose and belonging while fostering their financial independence.

### ***Access to Social Security***

Old aged persons, widows, and physically challenged individuals without social security should receive a pension, at half the national minimum wage. Eligibility age for women should be 50 years and for men 55 years. Pension for widows and disabled must be increased. Ensure timely disbursement of the pension. Childless couples from marginalized communities should get Rs 5000 each as pension for dignity in old age. Remove PAN card requirement for senior citizens for accessing government services, allowing access without specific documents.

### ***Income Security***

Establish a universal and non-contributory old age pension system, providing Rs 3000 per month or half the minimum wage to all elderly above 60 years, except pensioners and taxpayers. Revise pension every 3 years based on inflation. Proactively identify beneficiaries in each state as per the National Social Assistance Programme's (NSAP) guidelines.

### ***Food Security for the Elderly***

Introduce a National Food Security Scheme (NFSA) tailored for the elderly, prioritizing them as a vulnerable group. Incorporate nutrition supplementation with cooked meals for vulnerable groups. States should be held accountable for any inadequate entitlements under NFSA.

### ***Health and Well-being***

Develop an elderly care policy akin to ICDS to address the diverse needs of the elderly. Establish day care centres and care homes at the ward level for holistic support. Introduce a programme for bedridden and isolated elderly with home-based care and social engagement to enhance their quality of life.

### ***Health Security***

Ensuring the health security of the elderly is vital for their overall well-being. The MWPS Act, 2007 mandates at least one geriatric care facility in each district, along with beds in government hospitals. However, full implementation is lacking nationwide. Free geriatric care facilities with specialized staff and medicines at all levels of the government health system are essential. Despite the launch of the National Programme for Health and Care of Elderly (NPHCE), its objectives remain largely unfulfilled, with many states reporting unspent funds. Including home care in the national policy of older persons could address the increasing dependency rate among the elderly. Community-based geriatric services, coupled with training for healthcare professionals and caregivers, are crucial for comprehensive elderly care.

### ***Protection***

Preventing elder abuse and exploitation requires collaborative efforts involving law enforcement, NGOs, and communities. Combatting cybercrimes against the elderly demands digital literacy programmes and partnerships with tech firms. Awareness campaigns on elder rights and helplines will empower older adults to report abuse. Promoting intergenerational understanding will foster respect for elders through educational initiatives. These efforts will help build cohesive communities where older adults are valued and included, enhancing their well-being and contributions to society.

### ***Security of Shelter***

- » Access to old age homes under the MWPS Act, 2007 is a right of every elderly in the country.

- » Under the act it is obligatory for the state to ensure at least one old age home (OAH) in each district, in every state across all states in the country.
- » Each OAH with capacity for 150 elders as mandated under Section.19 of Chapter III in MWPS Act, 2007.

As on date only 9 of the 30 States/UTs have a minimum of one OAH per district (including OAHs under the Integrated Programme For Older Persons (IPOP). Most lack the 150 bed capacity as mandated.

# **MINDORITY SEXUALITIES**



**I**n India, the LGBTQIA+ (Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, and other diverse sexual orientations and gender identities) community has for long grappled with social, legal, and cultural challenges. Historically, same-sex relationships and non-binary gender identities have existed in various forms across India's diverse cultural landscape. However, colonial-era laws criminalized consensual same-sex relations, contributing to the stigma and discrimination faced by LGBTQIA+ individuals. These laws perpetuated discrimination, harassment, and violence against LGBTQIA+ individuals and inhibited their ability to live openly and truthfully.

Despite these challenges, India has seen significant progress in recent years for recognizing and affirming the rights of LGBTQIA+ individuals. In a landmark judgment in 2018, the Indian Supreme Court struck down Section 377, decriminalizing consensual same-sex relations and affirming the rights of LGBTQ+ individuals to love and live without fear of persecution. These, along with the enactment of the Transgender Persons (Protection of Rights) Act, 2019, have played a crucial role in the advancement of LGBTQ+ rights.

Over the last decade, India has embarked on a transformative journey towards empowering and including LGBTQ+ individuals. The Supreme Court's 2018 ruling decriminalized consensual sex between adult homosexual men and the Transgender Persons (Protection of Rights) Act, 2019 has also been pivotal in advancing LGBTQ+ rights.

However, while the legal landscape has evolved, societal attitudes and cultural norms often lag behind. LGBTQIA+ individuals continue to face stigma, discrimination, and violence in various aspects of their lives, including family rejection, employment discrimination, lack of access to healthcare, education, and social exclusion.

### ***Legal Recognition***

- » Repeal the discriminatory laws faced by the queer community in India. Enact legislations to ensure equality in marriage, inheritance, and housing rights.

- » Ensure prompt legal recognition and validation of partnerships, relationships, and sexual identities of transgender and queer individuals, guaranteeing their fundamental right to self-determination in sexuality, relationships, and partner choices.
- » Establish streamlined, non-discriminatory procedures for changing names and gender markers across all identity documents, including birth certificates and educational certificates, ensuring parity, simplicity, and freedom from harassment.
- » Conduct a survey and socioeconomic mapping studies of gender and sexual minority individuals to assess the health, educational, social, and economic status of the transgender community.

### ***Marriage and Family***

- » Destigmatization of LGBTQIA+ Relationships: Ensure that romantic relationships between consenting LGBTQIA+ adults are not criminalized or stigmatized based on their faith or religion.
- » Recognition of LGBTQIA+ Couples: Grant LGBTQIA+ couples equal access to the social and legal benefits of marriage, including inheritance rights, adoption opportunities, insurance coverage, pension benefits, and other privileges enjoyed by heterosexual couples.
- » A minimum financial assistance of Rs 75,000 should be given as marriage assistance to legally married transgender couples to lead a normal family life after a sex reassignment surgery (SRS)/gender affirmation surgery.
- » Safety of LGBTQIA+ Couples: Ensure the safety and security of transgender and LGBTQIA+ couples.
- » Inclusion in Domestic Partnerships: Extend legal recognition and protections to LGBTQIA+ couples in domestic partnerships and live-in relationships.

- » Amending the requirement of specifying the father's name and include the mother's name.
- » Taking action to curb violence and harassment perpetrated by police against street-based sexual minorities.

### ***Employment and Livelihood***

- » Transgender individuals should be ensured work mandatorily. Provision for special reservation for the transgender community in government/contract/MGNREGA services should be made.
- » Self-help groups of transgender people should be included in the National Rural Livelihood Mission and the National Urban Livelihood Mission.
- » Promote self-employment opportunities:
  - › Providing grants-in-aid.
  - › Schemes for a special interest-free loan facility, micro financial schemes, and making available financial services, should be designed and implemented for transgender persons.
  - › Financial assistance should be given at the minimum interest rate.
  - › Loan of at least Rs 3 lakh to transgender persons to start their own businesses.
- » Skill development and vocational training should be organized for the transgender community at the district and block levels as well as zonal and ward levels.
- » Candidates should not be disqualified from job opportunities due to discrepancies in gender markers in their documents.
- » Sustainable income-generation programmes, skill-building initiatives, and efforts to combat workplace discrimination can help create an



inclusive environment where transgender people can thrive and lead fulfilling lives.

### ***Social Security***

- » Arrangements should be made for special monthly public hearings under the supervision of the District Transgender Welfare Board and in the presence of the state board's members.
- » A state-level online platform or portal should be established to facilitate the application process for transgender identity cards.
- » Transgender persons should be included in the Pradhan Mantri Social Security Insurance Scheme, the Pradhan Mantri Jeevan Jyoti Insurance Scheme, and the Family Insurance Scheme.

#### Safe Shelter:

- › Safe shelter homes and community centres should be established for distressed transgender youth, where nutritious food and counselling facilities are available free or at minimal rates.
- › Old age homes and rest homes for transgender people facing the problem of ostracism at home should be established at the district level.
- › Garima grih should be established in every district.

#### Access to Housing:

- › Five per cent houses should be reserved for the transgender community in the housing schemes of the authority, Pradhan Mantri Awas Yojana, and the Chief Minister Awas Yojana.
- › The transgender community should be given financial assistance of Rs 10,000 for rent to find hostel facilities/accommodation.
- › Loans should be arranged at minimum rates for the construction of houses for the transgender community.

### Inclusion in Direct Benefit Transfer Schemes

Transgender individuals should have equal access to direct benefit transfer schemes such as the Gruha Laxmi Scheme in Karnataka. Additionally, offering free bus transport can facilitate their mobility and access to essential services.

### Access to PDS:

Socioeconomically marginalized LGBTQIA+ community members should be entitled to free and quality foodgrains under the Public Distribution System. Antyodaya ration cards should be issued to the transgender community.

### Access to Basic Amenities:

The transgender community should be given water and electricity connections free of cost or at minimum rates.

At least two seats in transport corporation buses should be reserved for transgender persons.

### Access to Relief Measures:

LGBTQIA+ community members should have equal access to government and non-government relief measures during pandemics or natural disasters. Discrimination or harassment based on sexual orientation or gender identity should not be tolerated in the distribution of aid.

- › Transgender persons should be clearly included in all types of social security schemes. Government schemes targeting socially underprivileged groups should be inclusive of transgender and economically underprivileged LGBTQIA+ community members.
- › A certain portion of CSR funding should be earmarked for working on the queer community.

### ***Access to Education***

- » Schools and colleges should have strict policies on bullying related to sexual orientation and gender identity.

- » Life skills education (including issues related to gay people) should be included in the school curriculum.
- » Schools with inclusive facilities should be set up for skill development to address the educational challenges faced by transgender individuals. This will help address the issue of transgenders dropping out of schools due to the lack of a supportive and inclusive environment.

Guaranteeing high-quality education for gender non-conforming children is imperative. It is essential to ensure that every child, irrespective of her/his gender identity, has access to an inclusive educational setting. This inclusivity is vital for their individual growth and for providing them with equal opportunities for their future endeavours.

- » Introduce reservation for transgender persons in public higher educational institutions.
- » Provision of special scholarships should be made for transgender students for education till Class 12. A separate scholarship should be considered for those who desire to pursue higher education.
- » Transgender students should be given financial assistance of at least Rs 1 lakh per year for pursuing professional courses at degree, diploma, and postgraduate levels through regular education or distance education.
- » Continuing education programmes should be started for transgender persons to ensure continuity in learning for those who have discontinued their education after facing stigma and discrimination in school.

### ***Health and Well-being***

- » All transgenders should be included in the Ayushman Bharat Yojana.
- » Sex (gender) affirmation surgery should be either free or subsidized by the government. The PMJAY scheme should cover the services provided to the transgender community to provide safe and secure

gender confirmation surgeries including SRS, MTF, and FTF methods, consultations, laser treatment, hormone replacement therapy, and the treatment of other health related problems in private hospitals as well.

- » AllMS in the states and at least medical colleges at the divisional level should be equipped to provide safe and affirming surgeries, counselling, and hormone replacement therapy including all MTF and FTM modalities to the transgender community.
- » Separate OPDs and wards should be ensured for the transgender community in all district hospitals and all medical colleges.
- » A provision of Rs 5000 per month should be made for at least 12 months for counselling, food, treatment, and other expenses during the recovery period after a sex reassignment surgery.
- » Mental healthcare: A state level helpline should be arranged to provide necessary assistance to LGBTQIA+ individuals in a crisis and to provide them information and counselling. Make mental healthcare services available and affordable to address the unique mental health challenges faced by LGBTQIA+ individuals. Individuals belonging to sexual and gender minorities typically have higher rates of mental ill health compared to the rest of the population.
- » Criminalize conversion therapy practices aimed at changing a person's sexual orientation or gender identity. Protect LGBTQIA+ individuals from the harms of pseudoscientific and unethical practices that seek to erase their identities.
- » Medical and legal curricula should include chapters on the LGBTQIA+ community.
- » Ensure stigma-free access to HIV and other sexually transmitted disease services for LGBTQIA+ individuals and access to antiretroviral therapy (ART) facilities in all district hospitals should also be provided.

***Addressing Violence and Discrimination***

- » Conduct training programmes and awareness sessions to sensitize the general public and government officials on gender and sexuality issues.
- » Media houses and professionals should be sensitized towards the portrayal of the queer community.
- » Establish cells in the police departments to address violence and discrimination against LGBTQIA+ individuals, ensuring prompt action and support.
- » There should be an online transgender complaint portal.

**FOR CLIMATE  
JUSTICE**



**M** Market-based solutions to climate change often overlook the disproportionate responsibility and effects faced by vulnerable communities. Mitigation, adaptation, and compensation efforts must prioritize these communities. Affluent nations, responsible for a significant portion of emissions, must be held accountable. Corporate accountability is crucial, considering their significant contribution to emissions and lobbying against climate measures. Vulnerable countries, especially Small Island Developing States, face existential threats. Efforts to combat climate change must prioritize both nature's conservation and human protection. Developing nations' needs, particularly technology access, must be addressed. Displacement due to climate events affects millions in India, especially vulnerable communities, necessitating a focus on climate justice in global climate action.

### ***Create a Strategic Framework for Climate Action***

- » Ecological documentation and monitoring must be done and a comprehensive survey conducted to assess ecosystems, ecosystem services, and human activities in them, to inform future development efforts.
- » Create a framework for compensation and rehabilitation: We need to fully compensate and assist communities affected by climate change, including habitat loss, occupation displacement, and reduced yields, with resettlement and rehabilitation tailored to their needs.
- » Ensure that infrastructure adheres to the pledges: Ensure that all infrastructure projects meet international standards and India's emission reduction pledges, accounting for environmental costs and the pollution generated.
- » Ensure effective environmental regulations: Corporations and individuals should be held accountable for environmental damage, regulating terms like 'carbon-neutral' to prevent greenwashing.
- » Establish nature's rights: Recognize that rivers, forests, and other natural entities have a right to exist without harm for safeguarding valuable natural assets.

- » Set up institutional mechanisms: Establish a national ministry dedicated to climate action, conducting monitoring, assessments, and policy updates.
- » Set up Climate Commissions: Form statutory commissions at national and state levels to monitor climate action plans and private sector compliance, addressing citizens' grievances.
- » Government Assistance for Disaster-Affected Housing: Develop a responsive system to assist residents affected by natural disasters with necessary government aid for housing repairs.

### ***Address Issues Faced by Communities and Sections of People***

#### **■ Construction Workers:**

Ensure stringent implementation of the Building and Other Construction Workers Act, 1996, and subsequent rules. The Labour Department should oversee the implementation of the BOCW Act and its rules on construction sites by appointing dedicated monitoring officers to ensure compliance and addressing any violations promptly. Adverse effects on climate change on workers, such as heatwaves must be addressed through proper methods such as adequate drinking water and shady areas.

#### **■ Coastal Fisher Folk:**

Local climate action to support climate refugees and people on the verge of displacement due to coastal and river erosion and natural disasters need to be prioritized in addition to global action.

Proper rehabilitation of affected individuals is crucial. A coastal resettlement initiative should be implemented, with defined compensation based on thorough loss and damage assessments in coastal areas.

In any village rehabilitation efforts, we should prioritize the preservation of common lands for grazing and forests to maintain the green cover and meet the villagers' needs.



A coastal employment programme, similar to the Mahatma Gandhi Employment Programme, should be established, which can facilitate a green cover and land development initiatives in these areas.

There should be a coastal livelihood programmes for promoting alternative livelihoods.

The government should prioritize social security programmes such as pensions, anganwadi services, and PDS for vulnerable populations residing in vulnerable areas.

Special attention must be given to resettled individuals to ensure that they receive adequate support and assistance in acclimating to their new surroundings after being displaced from their original habitations.

Handholding initiatives are crucial and must be implemented to ensure comfort and stability to those undergoing relocation.

Provisions for a coastal drinking water supply need to be strengthened.

Schools and health centres need to be equipped properly to cater to the needs of displaced people. The health centres need to have psychosocial counselling units because displaced people always carry mental trauma.

There are 16 million people engaged in fishing and allied activities in India. Even before COVID-19, the sector needed reforms as small scale and traditional fisherfolk communities were constantly facing the threat of being marginalized by the commercial and industrial units. Most communities lack access to credit and modern technology and were forced to quit and distress migration was a common feature in once known fishing enclaves.

Therefore, apart from credit facilities and other relief aid there is need for policy shift.

The fish workers, particularly small-scale vendors and fisheries, suffered major losses and are in deep debt. We should waive off loans

of the workers and notify private entities and money lenders also to do the needful.

The fisheries welfare board need to be re-vamped and there should be greater participation of women in governance.

#### ■ **Sugarcane Workers**

Without medical insurance, without formal documentation as contract workers, with neither the labour contractor or the sugar factory liable to follow any labour laws in their relationship with the sugarcane workers, a rapidly growing number of sugarcane labourers are vulnerable to more frequent accidents, climate-related health risks, unforeseen healthcare expenses, and work and wages lost to these events. Legislation that covers workers' rights specifically for sugarcane workers are essential, with emphasis on preventing the workers from being held responsible for low yields due to climactic events through debt bondage, provision of schemes and benefits to migrant workers, coverage of medical expenses in the event of an accident or caused at work, and provision of shelters during extreme weather events.

#### ■ **Pastoral communities**

Measures should be taken to assess, compensate, and address climate change-induced losses and damages faced by nomadic pastoralist communities, including the implementation of a comprehensive policy framework for addressing loss and damage caused by climate change, providing financial and other forms of support to help the communities recover from the impacts of climate change such as loss of livestock, reduction in pastures, displacement, and establishing a loss and damage framework to account for any deaths that occur due to climate change's impacts such as heatwaves and cold waves.

### ***Climate Action in the World of Work***

- » Those who suffer daily from climate change must have proper representation, for example, Dalits and agricultural workers who lose their daily wages due to extreme climate conditions.

- » At the workplace level, enhanced information about on-site weather conditions, the adaptation of workwear and equipment, and technological improvements should be made available to make it easier for workers and other employees to cope with higher temperatures.
- » Social protection instruments, including social insurance and social assistance (for example, weather index-based insurance and cash transfers), can compensate for the loss of income experienced by households as a consequence of heatwaves; ensure adequate access to healthcare.
- » Urban and rural governance mechanisms need to be strengthened and capacitated to address the needs of local communities in the face of an impending climate crisis.
- » Efforts should prioritize participatory approaches that empower marginalized communities, strengthen local capacities, and address underlying social, economic, and environmental vulnerabilities.

### ***Climate Action for Cities***

Re-evaluate cities and see urbanization as a process, not a static site.

The way urbanization has typically taken place over the last few decades in India has been relatively non-cohesive and energy-inefficient. Cities are also some of the country's most significant sources of waste and pollution, and this entire process must be re-evaluated and modified. Some suggestions for this are:

- › Create climate action plans in cities, disaster mitigation, adaptation, and development plans, which should be embedded in a risk-informed paradigm, specifically concerning vulnerable regions and areas.
- › Create Non-Polluting Public Transport Systems: Traffic in cities is one of the most significant sources of pollution. Therefore, urban mobility must be reconsidered to become more environmentally friendly. This can be done by emphasizing fuel-efficient

and environment-friendly public transport, creating shaded cycling paths, and planting more trees for natural shade and temperature reduction.

- › Revive Urban Commons: All cities and towns in India, on priority, undertake local body-led programmes to restore, develop, and maintain urban commons such as urban water bodies, urban forests, and natural green zones. This must be done with the best interests of the public and the vulnerable city makers in mind.
  - › Monitor all Sources of Air Pollution: Control programmes must look beyond vehicular emissions to tackle dust from construction sites, industrial emissions, and solid waste disposal systems. These can be tackled through simple measures such as adequate tarpaulin to cover construction sites, tighter regulations on industrial emissions, and systemic waste disposal systems with adequate monitoring.
  - › Red Flag Energy Consumption in Review of Building Design: When buildings are constructed, their energy consumption and efficiency must be optimized, both post-construction and during construction.
  - › Create Greening Plans Based on Agro-climatic Zones: Promoting and reserving land for urban agriculture based on agro-climatic zones to mitigate climate change impacts and promoting sustainability in the cities must be emphasized and undertaken.
  - › Infrastructure Support: Electricity will slowly transition to renewable sources. This can be done by generalizing the solar rooftop scheme, with the technology decentralized by controlling panchayats and individual households.
- » Energy Transition: Transitioning from fossil fuel-based energy to renewable sources is paramount for ensuring urban green transitions. In such matters, urban local bodies should look to invest in and gradually shift to sources like solar energy, wind energy, and green hydrogen, among others.

- » Green Spaces to combat heat: Ensure that more green public spaces that are inclusive and accessible to vendors and others are created.
- » Drinking Water for urban workers: Provision of free and clean drinking water to reduce the effects of heat in urban areas.
- Construction of shades and shelters: Constructing shelters in urban areas to temporarily escape heat or rain.
- » Legislate temperature-affected working hours: Implementing a law that prohibits employers from making workers work during peak heat hours.
- The focus must be on cities to build climate resilience among people, with particular emphasis on disaster preparedness, risk mitigation, and contingency plans. This must be adapted at city and town levels, prioritizing coastal habitats.

### ***Climate Action in Rural Areas***

- » Climate resilient agriculture: Agricultural extension support, budgeting, and subsidies must be emphasized to promote climate resilient agriculture.
  - › Agricultural Support: Appropriate seeds must be provided at subsidized costs, irrigation systems that are climate appropriate must be set up, training must be provided to farmers to use new technology efficiently, and choice of crops must be made following climate resilience and keeping in mind that losses may occur. Ecological valuation processes must be carried out to incentivize climate-resilient agriculture.
- » Village-level data on changes in agricultural patterns, fishing patterns, pastoral movements and other weather-dependent activities must be maintained to make data-driven policies.
- » Traditional knowledge to adapt to the situation must be promoted to make agriculture and horticulture more sustainable in the wake of climate change, and promoting organic farming is also required.

- » Developmental activities in eco-fragile areas should be considered after conducting the carrying capacity of those areas to know the cumulative impact of the activities. This will involve extensive work by the monitoring agencies.
- » Disaster-affected communities in coastal and Himalayan regions that are constantly under threat of displacement need to be rehabilitated in safer places with all basic amenities.
- Social protection policies must be framed and implemented in the context of climate change.
- » Ensure communities with natural resource rights for farmers, forest dwellers, pastoralists, and tribal communities to protect nature and nurturing it.

# FOR DISASTER RESILIENCE



**I**ndia's diverse geography exposes it to a wide range of natural disasters, including earthquakes, floods, cyclones, droughts, landslides, and tsunamis. The country's location on the seismic zone and its extensive coastline make it particularly vulnerable to natural disasters. The world is experiencing the adverse effects of climate change, leading to increased frequency and intensity of extreme weather events such as floods, droughts, and heat waves globally. Rapid urbanization and infrastructure development have led to encroachment of natural habitats, disruption of ecosystems, and increased vulnerability to disasters. Urban areas, in particular, face challenges such as inadequate drainage systems, unplanned construction, and weak building codes, making them more susceptible to floods, urban flooding, and other disasters. India saw a disaster nearly every day in January-September 2023. These disasters claimed 2,923 human lives, affected 1.84 million hectares (ha) of crop area, destroyed over 80,563 houses and killed close to 92,519 livestock, as per 'India 2023: An assessment of extreme weather events' brought out by Down To Earth (DTE) and the Centre for Science and Environment.

Emergency situations and disasters affect vulnerable communities disproportionately. The general living conditions and the precarious locations of these communities often make them the first affected by a crisis and its impact is more devastating. Most often, disaster response efforts — rescue, relief and rehabilitation -- do not reach them or they are not able to access them immediately. In recent years, there has been a growing recognition of the importance of community resilience and local-level initiatives in disaster preparedness and response.

### ***Preparedness***

- » Mapping of vulnerable populations: There should be a mapping of vulnerable populations especially single women, aged persons, people with disabilities, children, and pregnant women. Prioritization needs to be done accordingly in rescue and in providing support for their specific needs. These populations should be involved in disaster preparedness committees and further linkages with social security.



- » There should be mapping of the people, especially youth, with skills such first-aid, swimming, fixing electricity problem, and driving boats, to provide them with further training to improve their skills so that they can effectively respond to any disaster situation.
- » State governments should undertake periodic audits of cyclone shelters and phase out the insecure ones and ensure proper maintenance of those shelters which require major repairing and undertake the construction of new cyclone shelters where the population has exceeded the capacity of the cyclone shelters. The roads leading to cyclone shelters must be made resilient to disasters, ensuring safe access for people during emergencies. Cyclone shelters need to be designed in a manner to ensure the needs of women.

### ***Rescue***

- » Focus on rescue of people with disabilities, women, elderly people, children, and other vulnerable sections of society, as these sections suffer more during disasters. This is in line with Section 8 (1 to 4) of the Rights of Persons with Disabilities Act, 2016.

### ***Rehabilitation***

- » Focus on a fast and prompt rehabilitation process through a single window (within 6 months) fast track system. This step will prevent tremendous distress and the resultant forced migration among disaster survivors.
- » Provide compensation packages to women as the heads of the families. In the case of single women, the cash compensation must be higher.
- » Ensure that livelihood compensation covers activities other than agriculture such as drying fish, vegetable selling, and running small shops etc. as women are disproportionately involved in small economic activities.
- » Human-animal interactions are increasing in a number of areas. Crop damage was the most reported negative impact in the interactions

that affects the livelihood of the communities badly. Also, there have been reports of human deaths, animal deaths, and property damage and the people have not been fairly compensated for this. Hence, this issue needs to be dealt with properly to reduce the losses and also providing better habitat for animals and for ecological benefits.

- » Proper post disaster information sharing and coordination system (District Disaster Management Authority (DDMA) up to village/ panchayat) should be in place and an emergency operation centre should be made functional entrusted with all the information for larger use of the affected communities. There should be effective coordination among the various government departments for assessing damages and loss and the process of providing compensation and rehabilitation of the people.
- » Transparency and accountability mechanisms should be in place and the practice of putting sign boards and sharing expenditure details about emergency work should be done at the gram panchayat level for better transparency.

### ***Resilience***

- » Ensure that disaster preparedness plans consider the concerns of adolescent girls and women belonging to Dalit, tribal, and minority communities. It is recommended that there should be at least 50% representation of women in the village and district level committees for dealing with emergencies.
- » Resilience building work in urban areas should focus on the vulnerabilities and the needs of unorganized labour. Safe shelter, livelihood options with skill building, and social security should be a part of the disaster risk reduction efforts. Damage of temporary shelters is not considered for compensation that puts a burden on the effected households. Hence, compensation should focus more on the vulnerable population rather than the extent of damage.
- » There is an urgent need to create child friendly spaces and involve children to contribute to the resilience building process and ensure child friendly safe schools through the development of safe

infrastructure that is resilient to any disaster. The children should be trained in disaster preparedness and response. Promotion of a culture and practice of safety through the school curriculum is vital in making the school disaster resilient. There is also a need to strengthen the community care mechanism for children who survive disasters.

- » Promotion of sustainable livelihood and climate resilient agriculture as part of a long-term method for resilience building: Rain water harvesting measures should be undertaken as a long-term measure to mitigate drought situations. Relevant local climate resilient varieties of seeds and drought resilient millet based mixed cropping should be promoted to increase land productivity. The government needs to proactively undertake an immediate assessment in drought situations by enhancing its forecasting procedures and using technology. Drought declaration and action like releasing the fund for quick action should be done in the aftermath of a disaster.
- » As part of the process of building the community's disaster resilience, the government should focus more on the building women and youth's capacity through convergence with different programmes and involve the local civil society organizations in long term disaster preparedness work.
- » The Disaster Risk Reduction component needs to be integrated in the planning and budgeting process of the infrastructure development work being undertaken in different spheres for public purposes so as to reduce the risk of the disasters.
- » A strict monitoring mechanism should be in place involving community members to make the village level institutions like anganwadi centres, gram panchayat offices, and community centres safe and accessible to women, children, and the most vulnerable populations. Creating safe spaces should be a long-term goal to address the issue of safety of women and children in a disaster as well as in normal times.
- » Water sanitation and hygiene (WASH) is one important area which needs resources. Long term work needs to be undertaken through

involving the women and youth. The specific needs of adolescent girls and women should be prioritized unless that will demotivate a large chunk of people from accessing the shelter and subject them to multiple vulnerabilities.

- » There should be amendments to panchayat laws like the Odisha Panchayat Laws (Amendment) Act, 2022 which gives power of disaster management at the GP level and involves PRI members and community leaders in local climate action, disaster response and assessment of damages after a disaster along with revenue authorities.
- » There is also a need to enhance the compensation given under NDRF and SDRF and include compensation based on loss and damage of land, shelter, and livelihoods, especially for vulnerable communities in vulnerable coastal areas.
- » Alternative livelihood options that are based on indigenous knowledge and skills and are climate resilient and sustainable should be created for the most vulnerable populations through establishing a single window fast track system, skill building, and use of low cost and user friendly technologies.
- » Training on disaster risk reduction to the members of the village level committees should be undertaken at regular intervals through refresher training. Revisit the members in different committees and ensure that the cadre that has been developed is available to support people during disaster.
- » People who are being rehabilitated from disaster prone zones should be placed in conflict-free-areas with all the access to health, education, safe drinking water, electricity, and other essential amenities unless it will further enhance their risks to disasters.
- » The resources of national and state-level livelihood missions should be used for making the vulnerable population as well the disaster-prone people disaster resilient. For this, the disaster preparedness plan needs to be referred and implemented effectively with accountability.

- » Shelter management should be a regular process otherwise the already built structures will become dilapidated and will be of no use as they will not be safe during a disaster. A separate room for pregnant and lactating women in shelters is very vital and that should be consciously done to ensure a safe space for the most vulnerable.
- » A national policy on commons should be developed as commons are vital for climate change mitigation and adaptation. Conservation, rejuvenation, and development of mangroves along rivers and the sea coast; protection of flood plains, drainage streams and water bodies from encroachment by the land mafia; and plantation of trees need be done as resilient building action to reduce the risk of disasters like floods and cyclones.

***Rights of refugees, internally displaced persons and climate migrants***

- » There is a need to promulgate a comprehensive national legislation to protect and ensure the rights of refugees, internally displaced persons (IDPs), and climate migrants. As climate change induced disasters and conflicts increase, it is imperative to formulate policies to:
- » Ensure that refugee, IDP, and other forcibly displaced communities are provided with adequate identification, which will enable them to access subsidized hospitals and schools. It is also important that community members, especially women, are provided with bank accounts through which they can access credit and other financial services and engage in economic activities.
- » Ensure that refugee, IDP, and other forcibly displaced communities, especially the women among them, are supported through skill-building and that they are provided with ancillary support such as market linkages to become self-reliant.

***An Alternate Model for the Himalayas***

The Himalayas, spanning over 2,500 km, regulate climate and host diverse flora and fauna, including vital medicinal and edible plants.

Glaciers and snow cover are essential water sources, sustaining millions. The Indian Himalayan region faces environmental degradation and socioeconomic challenges, requiring sustainable development interventions to balance economic growth with ecological preservation. Climate change exacerbates these issues. Global efforts emphasize integrated approaches addressing both human and natural ecosystem needs in mountain regions. In the Indian Himalayan region, a heavy reliance on natural resources coupled with unsustainable practices and population growth, exacerbate poverty. Sustainable development involves utilizing ecological systems to meet present needs while safeguarding future options, relying on comprehensive data and traditional knowledge to enhance human well-being without harming the environment.

### ***Strategic Framework For the Himalayan Region***

- » Engage with the recommendations of the 16th Finance Commission for sustainable growth, devolution to states, and third-tier governance.
- Re-evaluate mega infrastructure projects. Strengthen democratic decision-making on large infrastructure. Conduct terrain-specific disaster and climate risk studies.
- » Implement land reforms and protect resource rights. Strengthen laws supporting decentralized governance. Protect pastoral and marginalized communities. Enhance biodiversity through community forest rights.
- » Involve local bodies in disaster governance.
- » Ensure transparency and accountability in climate projects.
- » Promote financially viable agro-ecological livelihoods and responsible tourism.
- » Implement waste management rules.
- » Revive collective resource management systems.

- » Formulate state climate action plans.
- » Protect riverine ecosystems and explore the possibilities of reorganizing panchayats based on watershed boundaries.

***Disaster Preparedness***

Create a dedicated disaster response fund, reinforce post-disaster relief and rehabilitation, and ensure timely central government support to Himalayan states during extreme events. Implement time-bound exemptions under the Forest Conservation Act for treating disaster-affected land and support decentralized disaster response initiatives. Enforce accountability through the Dam Safety Act and strengthen environmental norms for developmental projects

**FOR  
REFUGEES**





**I**ndia, despite its historical acceptance of refugees from neighbouring countries and African nations, has not ratified the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. The convention's definition of refugees is considered Eurocentric, and the associated rights regime is viewed as overly burdensome for developing countries like India. Nevertheless, India has been hosting refugees from various Asian and African nations, with Sri Lankan Tamils, Tibetans, Afghans, Chin, and Rohingya from Myanmar being the most prominent refugee groups in India.

Refugees in India are typically governed by the Indian Foreigner's Act, 1946 and the Citizenship Act, 1955, amended multiple times, most recently in 2019. These laws classify refugees and asylum seekers as foreigners, immigrants, or tourists based on their citizenship documents or lack thereof. Despite this classification, India has granted certain rights to specific refugee groups, such as the Tibetan community and Tamil refugees from Sri Lanka.

While not a party to the 1951 Convention, India has signed various United Nations and World Conventions on Human Rights and refugee issues, which shape its obligations toward refugees. India's membership of the Executive Committee of the High Commissioner's Programme (EXCOM) since 1995 demonstrates its significant interest and commitment to refugees' matters. Additionally, India has affirmed its dedication to human rights by adopting the Universal Declaration of Human Rights and ratifying the International Covenant on Civil and Political Rights, the UN Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination.

The absence of a comprehensive legal framework for refugees in India has resulted in numerous challenges for them in accessing fundamental human rights such as education, nutrition, housing, and sustainable livelihoods. Many refugees are compelled to seek employment in the informal sector under harsh conditions, including child labour and workplace violence. This lack of viable livelihood options can significantly impact a community's educational and health outcomes. Additionally, refugees were disproportionately affected by the COVID-19 pandemic due to their inability to provide the necessary documents for accessing welfare schemes related to food and healthcare.

Refugees in India face difficulties in accessing formal employment and education due to the absence of legal documents typically issued to Indian citizens. The Government of India assesses refugee status on a case-by-case basis, requiring refugees and asylum seekers to register with UNHCR offices in India. However, despite registration, refugees only receive a 'blue-coloured' document from UNHCR indicating that their refugee status is being considered. Unfortunately, the documents provided by UNHCR do not facilitate access to essential services such as housing, financial assistance, or communication services.

### ***Protection and Recognition***

- » There is a need to draft a model refugee law or domestic asylum law as was done in the 1990s by the National Human Rights Commission. This law should include aspects of reception, rehabilitation, and voluntary repatriation.
- » NHRC should actively take cognizance of refugee related matters and work on grievance redressal possibly by including them on their grievance redressal portal. Furthermore, a refugee board or any other such institutional mechanism can be formed. This board will facilitate a deeper and case by case understanding of issues faced by different refugee groups.
- » A refugee forum should be set up wherein refugees from different groups are able to meet and voice their concerns. The forum can also act as an effective mechanism to disseminate important information amongst refugees related to the change in document procedures. This will circumvent the spread of misinformation and the exploitation of refugees such as the case of refugees from Pakistan who often reported that they had to part with large sums of money to touts who promised to fast track the acquisition of citizenship documents.
- » A working group for refugee related grievances may be set up by NHRC. This group may contain officials from UNHCR, representatives from civil society organizations, refugee spokespersons, academicians as well as members of local administrations from districts inhabited by refugees.

- » Refugees must be included in the advisories relating to human rights, access to services, government schools, government healthcare, and benefits for informal workers as the study brings out that a significant percentage of refugees rely on the informal sector as a source of livelihood.
- » It is important for a national level commission to draft standard operating procedures and briefs on specific refugee groups in coordination with the Ministry of Home Affairs to ensure that all agencies interacting with refugees, such as the Foreigners Regional Registration Office, are updated with latest developments in laws impacting refugees. This has been done for Tibetan refugees by the Ministry of Home Affairs on the Tibetan Rehabilitation Policy, 2014. This will lessen the chances of refugees getting into trouble with the law.
- » A recommendation to the Ministry of Home Affairs could be made to process and expedite exit permits and the issuing of long term visas as well as citizenship for the appropriate groups.
- » The Ministry of External Affairs may be urged to set up information desks, helplines and other sources of information dissemination in states to ensure smooth procurement of documents by refugees. This will keep refugees out of unnecessary detentions or evictions.
- » The Ministry of External Affairs may be urged to issue travel permits to refugees who have long term visas. This will ease the challenges faced by Tibetan and Afghan refugees who were found to be fairly mobile during the course of the interviews for this study.
- » NHRC could recommend to the Ministry of Home Affairs to facilitate the institutionalization of collaborations between civil society organizations and the district administrations or state governments to work with refugee communities for information dissemination, relief work, and education and skilling.
- » The Ministry of Home Affairs could be asked to issue temporary and renewable ID cards to refugee groups such as Rohingya, Afghans, and African refugees so that they are able to access their entitlements.

- » It is recommended to set up a middle agency for passport collection of Hindu refugees from Pakistan living in Rajasthan. There should be some middle agency between the Pakistan High Commission and Hindu refugees from Pakistan so they do not spend so much money in going and submitting or collecting their documents.

### ***Education and Health***

- » The Ministry of Home Affairs may be urged to sanction medical insurance for refugees while they are in India. An equivalent based on the Ayushman card may be considered to ensure inclusion of refugees in health-related schemes wherein financial incentives are given. This will improve health seeking behaviour and lead to a longer lasting impact on the refugee population.
- » It is recommended to the Ministry of Education to include UNHCR card numbers in place of Aadhaar card numbers in the UDISE portal so that refugee children may also be included in school records and be eligible for school certificates, mid-day meals, and cash incentives offered under various education related schemes thus ensuing access to higher education and also enabling financial subsidies for education.
- » The Ministry of Education may consider designing and instituting an educational qualification test so that the education qualifications from countries of origin of refugees could be recognized. This will enable them to continue higher education.

### ***Access to Livelihood***

- » The Ministry of Labour may consider issuing temporary, renewable work permits so that the refugees are able to secure opportunities commensurate with their skills as the study found that a majority of the refugee groups have to rely on the informal sector for livelihood despite possessing the skills to join the formal sector.
- » The Ministry of Home Affairs and the Ministry of Co-operation may be encouraged to foster the formation of cooperatives by refugees to make them self-sustainable and also give them agency. This

will circumvent the issues faced by refugees in the informal sector like lack of job security and also protect them from exploitation and abuse.

- » It is recommended that the Ministry of Labour and the Ministry of Home Affairs should develop a qualifications passport or qualification matrix to ensure that the skilled refugees are able to secure opportunities compatible with their skills. This will be extremely useful for certain groups such as the Afghan refugees.
- » The Ministry of Home Affairs and the Ministry of Housing and Urban Affairs may consider regulating affordable houses for refugees. While camps ensure rapid access to services due to state intervention, they are also restrictive in nature. A swift, smooth, and affordable transition should be made from camp-like situations to safe and affordable housing of the refugees' choice.
- » The Ministry of Home Affairs and Ministry of Education may consider sanctioning/advising state governments to start bridge education classes as well as language classes for refugees. The classes should include regional languages as well as English.
- » It is recommended to the Ministry of Home Affairs to remove the requirement of a long term visa valid for a specified number of years for admission into higher education institutes. For instance, Afghan refugees are entitled to a LTV, but it is time taking. Therefore, while the documentation is in process, access to education should not be hindered.

### ***Access to Social Security***

- » The refugee populations must be included in respective social security schemes on the basis of the documents that each group possesses as was done by the Indian government in the case of Tibetans.
- » Urge the administrations to regularly update and train their officers at different levels on the various documents and conditions of refugee communities. This will enable refugees to gain unhindered access to entitlements.

- » NHRC could urge state governments to ensure provision of regulated and affordable rental housing to the refugees. This measure will protect refugees from exploitation and abuse from landlords as was reported by Afghan and African refugees.
- » One Stop Crisis Centres, police, and other stakeholders dealing with protection of women should be sensitised about refugees and the specific issues faced by women refugees. This will enable refugee women to redressal or protection measures when confronted with sexual or domestic violence.
- » State governments may want to consider the provision of cheques to refugee children under schemes such as the Mukhya Mantri Nishulk Uniform Vitran Yojana (Rajasthan) that otherwise require direct bank transfers to students.
- » It is recommended to governments to undertake assessments of areas where refugees choose to settle and measure the incidence and tackle vector borne diseases in these areas. Targeted prevention and awareness should then take place as was done in the Anti-Dengue Campaign by the Delhi government. The involvement of the RWAs in the campaign localized efforts towards the eradication of dengue. Refugee communities' leaders and existing village councils can be leveraged for similar purposes.

Recommendations to the district administration include holding regular health camps or parking mobile vans near informal settlements of refugees especially those based in remote locations.

# HUMAN RIGHTS DEFENDERS



**I**ndia has an active and vibrant civil society, with millions of human rights justice activists striving to recognize, respect, protect, promote, and fulfil human rights, social and ecological justice, and fundamental freedom at the grassroot as well as international levels.

Social movements in India have a rich history of fostering socioeconomic, political, and cultural development, and play a major role in promoting, protecting, and strengthening human rights. Human rights defenders are working to hold the governments to account for their decisions and actions and advocating for policies and welfare programmes that advance human rights, protect the environment, and challenge exclusion.

The Indian Constitution guarantees human rights and freedom, protection of socioeconomic and ecological rights, and respective governance institutions and actors are accountable for making an ecosystem that protects and promotes everyone's rights. Therefore, the Union Government has the primary responsibility to ensure that human rights defenders are able to conduct their work freely and in a safe and enabling environment. It is also the government's duty to combat the tendencies that restrict, stigmatizes, or criminalize the work that human rights defenders are doing. India does not have specific laws or policies to serve the mandate of the Constitution and UN Declarations in this specific regard comprehensively for the protection of human rights defenders.

There is also an urgent need to ensure a legal and institutional framework to protect human rights defenders and CSOs. The government should facilitate the rights of HRDs and members of CSOs consistent with international human rights norms and standards.

***We should have a Law to Protect and Promote Human Rights Defenders***

- » Right to form groups, associations, and organizations: The right to form associations or unions has a very wide and varied scope including all sorts of associations -- political parties, clubs, societies, companies, organizations, entrepreneurships, and trade unions. There is a need



to provide legal specificity and strength to human rights defenders to form groups, associations, and organizations. Therefore, specific legislation should be considered for the association of HRDs.

- › This legislation/rules should set clear, consistent, and simple standards to register or to incorporate a HRD association as a legal entity. HRD associations that meet all specified governmental norms should be fit to register as legal entities. This will be much needed and a critical step for enabling an environment for human rights and justice in society.
- › To avoid hampering the right to freedom of association the government should ensure that current legislations and procedures are applied in an unbiased, transparent, less prolonged, and less burdensome manner.
- › The registration and renewal processes should be prompt, expeditious, and easily accessible. Clear procedures and timelines for government review of applications should be established. Lengthy, burdensome, and overly bureaucratic registration/renewal processes affecting the functioning should be avoided.
- › Effective and prompt remedies against any rejection of application and independent judicial review regarding the decisions of the registration authority are necessary to ensure that the laws governing the registration process are not used as barriers to the right to freedom of association.

» The Right to Privacy

There is an urgent need to protect the Rights to Privacy of HRDs, social activists, and member of civil society organizations for protecting their privacy, including through encryption so that they are free from intrusions, to ensure freedom from intrusion and interference that is arbitrary and unlawful in homes and places of work or in their correspondence (online and offline).

» Freedom from intimidation or reprisal

There is an urgent need to get legally recognized protection for

'Freedom from intimidation or reprisal' for HRDs, social activists, and members of CSOs. Any work or case of justice and development for vulnerable communities has resulted in enmity and threats from dominant persons towards HRDs and CSOs many times. No person should be subjected, individually or in association with others, to any form of intimidation or reprisal on the grounds of or in association with his or her status, activities or work as a human rights defender, social activist, a member of a CSO.

An act of intimidation or reprisal, whether by a public or private actor, against a person, on the grounds of or in association with his or her status, activities, or work as a HRD or a member of a CSO should be an offence and should be prosecuted by the competent authority and subject to appropriate penalties which take into account the gravity of the offence.

***Need for an Institutional Process to Support Human Rights Defenders***

- » Right to solicit, receive, and utilize resources: There is an urgent need to provide legal and institutional support to strengthen the right to solicit, receive, and utilize resources in India for civil society organizations and HRDs.
- › The central and state governments should ensure and facilitate the implementation of related legislations for HRDs and CSOs to access funds, including from foreign sources, for the purpose of defending the human rights of vulnerable communities in India.
- › The legal framework for the right to access funding should be consistent with international human rights norms and standards. The unnecessary regulatory and restrictive practices should be stopped. The government should refrain from restricting the use of funds if HRDs and CSOs are complying with the purposes expressly established in the declaration for promoting and protecting human rights and fundamental freedoms through peaceful means.

- › The state and central governments should urgently prohibit unnecessary and beyond legislative requirements scrutiny by tax authorities and abuse of fiscal procedures.
- » Obligation of public authorities to respect, promote, protect, and fulfil the rights of human rights defenders and members of CSOs.
  - › Public authorities should take all necessary measures to ensure that human rights defenders and CSOs are able to undertake their activities and work in a safe and enabling environment free from restrictions.
  - › Public authorities should take all necessary steps within their power in conformity with national and international obligations and standards to provide assistance to human rights defenders and members of CSOs who have been or may be subject to intimidation or reprisal on the grounds of or in association with his or her status, activities or work as a human rights defender or a member of a CSO.
  - › Public authorities should promote, facilitate, and provide adequate resources for teaching, training, and education about human rights and freedoms, social justice policies, and ecology sustainability and the role of HRDs in all public authorities and to all persons within the jurisdiction or subject to the control of India. Teaching, training, and education programmes should include information about relevant international human rights instruments, and the significance of the legitimate work of human rights defenders.
  - › Public authorities should take all necessary measures to ensure the protection of human rights defenders and members of CSOs against arbitrary or unlawful intrusion and interference in his or her family, home, place of work, possessions, and correspondence (both offline and online).